



**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE  
SPECIAL MEETING**

**MONDAY, APRIL 5, 2021**

**2:30 P.M.**

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Lori Droste

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

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

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL <https://us02web.zoom.us/j/89090619617>. 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 on the screen.

To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and Enter Meeting ID: **890 9061 9617**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Agenda & Rules Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record. City offices are currently closed and cannot accept written communications in person.

# **AGENDA**

**Roll Call**

**Public Comment**

## **Review of Agendas**

- 1. Approval of Minutes: March 15, 2021, March 22, 2021, March 29, 2021**
- 2. Review and Approve Draft Agenda:**
  - a. 4/20/21 – 6:00 p.m. Regular City Council Meeting
- 3. Selection of Item for the Berkeley Considers Online Engagement Portal**
- 4. Adjournments In Memory**

## **Scheduling**

- 5. Council Worksessions Schedule**
- 6. Council Referrals to Agenda Committee for Scheduling**
- 7. Land Use Calendar**

## **Referred Items for Review**

- 8. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies**

## Referred Items for Review

9. **Commission Reorganization for Post-COVID19 Budget Recovery**  
**From: Councilmember Droste (Author), Councilmember Robinson (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)**  
**Referred: June 15, 2020**  
**Due: April 19, 2021**  
**Recommendation:** 1. Reorganize existing commissions with the goal of achieving 20 total commissions; 2. Reorganize existing commissions within various departments to ensure that no single department is responsible for more than five commissions; 3. Reorganize commissions within the Public Works Department to ensure Public Works oversees no more than three commissions; 4. Refer to the City Manager and every policy committee to agendaize at the next meeting available to discuss commissions that are in their purview and make recommendations to the full Council on how to reorganize and address the various policy areas. Commission members should be notified and chairs should be invited to participate. Policy committee members are encouraged to consider the renaming of some commissions in order to ensure that all policy areas are addressed.  
**Financial Implications:** See report  
Contact: Lori Droste, Councilmember, District 8, (510) 981-7180
10. **Systems Realignment Proposal**  
**From: City Manager**  
**Recommendation:** Review and discuss the City Manager's proposal to create improvements to enhance the effectiveness of the City Council legislative and budget processes. Provide feedback for staff to develop a recommendation for full Council consideration.  
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

## Unscheduled Items

None

## Items for Future Agendas

- Discussion of items to be added to future agendas

**Adjournment – Next Meeting Monday, April 12, 2021**

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### **Additional items may be added to the draft agenda per Council Rules of Procedure.**

*Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items*

*Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report*

prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.

If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.

The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.

Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee prior to the meeting.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.



**COMMUNICATION ACCESS INFORMATION:**

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

\* \* \*

I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 1, 2021.



Mark Numainville, City Clerk

**Communications**

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or [policycommittee@cityofberkeley.info](mailto:policycommittee@cityofberkeley.info).

**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE  
SPECIAL MEETING MINUTES**

**MONDAY, MARCH 15, 2021**

**2:30 P.M.**

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Lori Droste

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

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To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and Enter Meeting ID: **873 9113 7500**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized by the Chair.

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**Roll Call:** 2:31 p.m. All present.

**Public Comment** – 10 speakers.

## **Review of Agendas**

**1. Approval of Minutes: March 8, 2021**

**Action:** M/S/C (Wengraf/Hahn) to approve the minutes of 3/8/21.

**Vote:** All Ayes.

**2. Review and Approve Draft Agenda:**

a. 3/30/21 – 6:00 p.m. Regular City Council Meeting

**Action:** M/S/C (Arreguin/Wengraf) to approve the agenda of the 3/30/21 with the changes noted below.

- *Item Added: Support AB 854 (Robinson)*
- *Item 18 Utility Agreement (City Manager) – revised recommendation to change Caltrans to ACTC*
- *Item 20 Funding Trash Cans (Taplin) – Item removed from the agenda by the Author*
- *Item 21 Police Foot/Bike Patrol (Taplin) – Revised item submitted*
- *Item 24 Support AB 20 (Robinson) – Councilmember Hahn added as a co-sponsor*
- *Item 25 Support AB 37 (Robinson) – Councilmember Hahn added as a co-sponsor*
- *Item 28 Fire Extinguishers (Davila) – Moved to March 30 Consent Calendar*
- *Item 30 Letter to Google (Taplin) – Councilmember Hahn added as a co-sponsor; Moved to Consent Calendar*
- *Item 31– Councilmembers Harrison and Hahn added as co-sponsors; Moved to Consent Calendar; “Hearing” changed to “Discussion” throughout*
- *Item 32 Just Transition (Taplin) – Councilmember Hahn added as a co-sponsor; Referred to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee*
- *Item 33 Participatory Planning (Hahn) – Revised item submitted; Scheduled for March 25 special meeting*

Order of Items on Action Calendar

Item 26 Bond Financing

Item 27 Less Lethal Weaponry

Item 29 Rights of Nature

**Vote:** All Ayes.

**3. Selection of Item for the Berkeley Considers Online Engagement Portal**

- None selected

**4. Adjournments In Memory – None**

## Scheduling

5. **Council Worksessions Schedule**
  - Systems Realignment scheduled for May 18, 2021
6. **Council Referrals to Agenda Committee for Scheduling** – received and filed
7. **Land Use Calendar** – received and filed

## Referred Items for Review

### 8a. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies

**Action:** 0 speakers. Discussion held. No action taken.

### 8b. Recommendations and Direction on Policy Committees and Legislative Workflow during COVID-19 Local Emergency

**From: Mayor Arreguin**

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

**Action:** 5 speakers. Councilmember Wengraf added as a co-sponsors. Item held over to the special meeting on March 22, 2021 as the first action item.

### 9. Discussion of Proposed Closed Session Meeting Schedule

**Action:** 2 speakers. Discussion held. May 6 and May 20 added to the schedule.

## Referred Items for Review

10. **Commission Reorganization for Post-COVID19 Budget Recovery**  
**From: Councilmember Droste (Author), Councilmember Robinson (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)**

**Referred: June 15, 2020**

**Due: April 1, 2021**

**Recommendation:** 1. Reorganize existing commissions with the goal of achieving 20 total commissions; 2. Reorganize existing commissions within various departments to ensure that no single department is responsible for more than five commissions; 3. Reorganize commissions within the Public Works Department to ensure Public Works oversees no more than three commissions; 4. Refer to the City Manager and every policy committee to agendaize at the next meeting available to discuss commissions that are in their purview and make recommendations to the full Council on how to reorganize and address the various policy areas. Commission members should be notified and chairs should be invited to participate. Policy committee members are encouraged to consider the renaming of some commissions in order to ensure that all policy areas are addressed.

**Financial Implications:** See report

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

**Action:** 9 speakers. Discussion held. Deadline for commission action extended to April 19, 2021 at the request of the Author.

## Unscheduled Items

11. **Systems Realignment Proposal**  
**From: City Manager**

**Recommendation:** Review and discuss the City Manager's proposal to create improvements to enhance the effectiveness of the City Council legislative and budget processes. Provide feedback for staff to develop a recommendation for full Council consideration.

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

**Action:** No action taken.



## Unscheduled Items

**12. Amendments to the Berkeley Election Reform Act (BERA) to Regulate Officeholder Accounts and Proposed Changes to City Council Office Budget Expenditure and Reimbursement Policies (Resolution 67,992-N.S.)**

**From: Fair Campaign Practices Commission**

**Referred: January 11, 2021**

**Due: June 1, 2021**

**Recommendation:** Form a joint subcommittee of members of the City Council and members of the Fair Campaign Practices and Open Government Commissions to (1) prepare an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to prohibit or regulate officeholder accounts and (2) prepare a change in City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) to have donations to nonprofit organizations made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley rather than from individual Council members.

**Financial Implications:** None

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

**Action:** No action taken.

## Items for Future Agendas

- None

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 5:34 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on March 15, 2021.

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Mark Numainville  
City Clerk

## Communications

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# **BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES**

**MONDAY, MARCH 22, 2021**

**2:30 P.M.**

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Lori Droste

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

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To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and Enter Meeting ID: **870 6095 4994**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Agenda & Rules Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record. City offices are currently closed and cannot accept written communications in person.

**Roll Call:** 2:34 p.m. All present.

**Public Comment** – 2 speakers

## **Referred Items for Review**

### **1. Recommendations on Policy Committees and Legislative Workflow during COVID-19 Local Emergency**

**From: Mayor Arreguin**

**Recommendation:** Request that the City Manager prepare an amendment to Resolution No. 69,331-N.S. "Ratifying the Recommendations Issued by the Director of Emergency Services and the Public Health Officer Regarding Meetings of Berkeley Legislative Bodies in Response to the COVID-19 (Novel Coronavirus) Pandemic" and accompanying amendments to the City Council Rules of Procedure and Order to: 1) Adopt temporary rules limiting Policy Committee and City Council consideration of new significant legislation after the effective date of the resolution (March 30, 2021). "New significant legislation" is defined as any proposed ordinance, resolution or Council item to adopt a new law, program, or policy. Any legislation relating to our city's COVID-19 response, the FY 2022 City Budget process or essential time sensitive business will be allowed to move forward through the Policy Committee process and to Council. This would also include substantive recommendations from Boards and Commissions; 2) Non-substantive and time sensitive items will be allowed to be placed directly on a City Council agenda; 3) New significant legislation will be referred to the appropriate Policy Committee and stay on their unscheduled items list. Timelines for committee action will be tolled during this period; 4) Policy Committees will take up all items already referred and in committee. Policy Committees will be asked to prioritize whether pending items relate to the city's COVID-19 response, the City budget process or essential time sensitive business. If the Policy Committee does not have any outstanding items then the Policy Committee will not be allowed to meet; 5) The Agenda & Rules Committee and Budget & Finance Policy Committee will be allowed to continue to meet to carry out their essential agenda setting and budget policy making roles; 6) Any outstanding items voted out of Policy Committee should conform to the recommendations put forward by the City Manager in the "Systems Realignment Proposal" to include a referral for an analysis of staff and budgetary impacts, and a budget referral so that the costs of implementation can be considered as part of the City's annual budget process. Unless implementation can be achieved in the short-term, the implementation of new ordinances or policies will be deferred until after the state of emergency or resources are identified and allocated; 7) If resources are not allocated in the FY 22 budget process for implementation of the new policy or program, it be referred to the new Systems Realignment process for future review and budget consideration; 8) These temporary rules would expire at the end of the declared local state of emergency regarding the COVID-19 pandemic or until such time the City Council suspends this policy.

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

**Action:** 2 speakers. Councilmembers Wengraf and Hahn added as co-sponsors. The Committee discussed the revision submitted by Councilmember Hahn and made amendments. M/S/C (Arreguin/Hahn) to send the amended version of Councilmember Hahn's submission to the City Manager and request that the City Manager return to the full Council with an item on April 20, 2021 that incorporates the new policy into the City Council Rules of Procedure.

**Vote:** All Ayes.

**2. Systems Realignment Proposal (Contains Supplemental Material)**

**From:** City Manager

**Recommendation:** Review and discuss the City Manager's proposal to create improvements to enhance the effectiveness of the City Council legislative and budget processes. Provide feedback for staff to develop a recommendation for full Council consideration.

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

**Action:** 1 speaker. The Committee discussed the City Manager's proposal and provided suggestions and revisions. The Mayor will compile the Committee changes and submit a revised version of the item for the April 5, 2021 Agenda & Rules Committee meeting.

## Items for Future Agendas

- None

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 3:58 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on March 22, 2021.

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Mark Numainville  
City Clerk

## Communications

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# **BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES**

**MONDAY, MARCH 29, 2021**

**2:00 P.M.**

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Lori Droste

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

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To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and Enter Meeting ID: **883 4818 8573**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized by the Chair.

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**Roll Call:** 2:04 p.m. All present.

1. **Amendments to the Berkeley Election Reform Act (BERA) to Regulate Officeholder Accounts and Proposed Changes to City Council Office Budget Expenditure and Reimbursement Policies (Resolution 67,992-N.S.)**  
*(Item contains supplemental material.)*  
**From:** Fair Campaign Practices Commission  
**Referred:** January 11, 2021  
**Due:** June 1, 2021  
**Recommendation:** Form a joint subcommittee of members of the City Council and members of the Fair Campaign Practices and Open Government Commissions to (1) prepare an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to prohibit or regulate officeholder accounts and (2) prepare a change in City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) to have donations to nonprofit organizations made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley rather than from individual Council members.  
**Financial Implications:** None  
Contact: Sam Harvey, Commission Secretary, (510) 981-6950  
  
**Action:** 1 speaker. M/S/C (Wengraf/Arreguin) to send the item to Council with two proposed alternatives: 1) Councilmember Hahn's proposal to regulate officeholder accounts, and 2) the Fair Campaign Practices Commission proposal to prohibit officeholder accounts; and to include the Commission's analysis of regulating officeholder accounts in the item that goes to the full Council.  
**Vote:** All Ayes.

## Items for Future Agendas

- None

## Adjournment

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

Adjourned at 3:24 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on March 29, 2021.

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Mark Numainville  
City Clerk

### **Communications**

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## DRAFT AGENDA



### BERKELEY CITY COUNCIL MEETING

**Tuesday, April 20, 2021  
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <<INSERT URL HERE>>. 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.*

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

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

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

## Preliminary Matters

### Roll Call:

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

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

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

## Consent Calendar

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

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

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

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

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

## Recess Items

- 1. Addition of Subcontractors to Robert E. Boyer Construction, Inc. Contract No. 32000230**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to add the following subcontractors to Contract No. 32000230 with Robert E. Boyer Construction, Inc. for the construction of the Berkeley Tuolumne Camp Project (“Project”): Morrison Home Improvement, John Losoya Construction, Inc., and Dave Smith Construction, Inc.; and approving the finding that this action is necessary to mitigate the impact of significant labor shortages resulting from the effects COVID-19 on the Project.  
**Financial Implications:** None  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 2. Increase of Authorized Funding: Contact No. 8051 for Police Department Substation, 841 Folger Street/3000 Seventh Street**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to increase the amount of funding authorized under Contract No. 8051 by \$250,000 from \$2,245,726 to \$2,495,726 for rental of the property at 841 Folger Street/3000 Seventh Street.  
**Financial Implications:** Various Funds - \$250,000  
Contact: Jen Louis, Police, (510) 981-5900

## Consent Calendar

- 3. Police Accountability Board – Ordinance Amendment for Leaves of Absence and Alternate Commissioner; Amending BMC Chapter 3.02**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,757-N.S. amending Berkeley Municipal Code Section 3.02.030 to provide for leaves of absence for members of the Police Accountability Board and Berkeley Municipal Code Section 3.02.035 to provide for a designated council-approved alternate to serve when a regular member is on a leave of absence.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, (510) 981-6900

## Consent Calendar

### 4. Measure T1 Loan

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to loan \$1,500,000 from the Capital Improvement Fund to the Measure T1 Fund in FY 2021 to complete Phase 1 projects and appropriate funds to repay this loan and previous loans from the Parks Tax Fund, Measure BB - Local Streets & Roads Fund, and Mental Health Realignment Fund from Phase 2 Measure T1 bond proceeds once they become available.

**Financial Implications:** See report

Contact: Rama Murty, Budget Office, (510) 981-7000

### 5. Minutes for Approval

**From: City Manager**

**Recommendation:** Approve the minutes for the council meetings of March 1, 2021 (closed), March 9, 2021 (regular), March 16, 2021 (closed and special), March 23, 2021 (regular), March 25, 2021 (special), March 29, 2021 (closed) and March 30, 2021 (closed and regular).

**Financial Implications:** None

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

### 6. City Council Rules of Procedure and Order Revisions

**From: City Manager**

**Recommendation:** Adopt a Resolution revising the City Council Rules of Procedure and Order to add temporary rules for the legislative process during the COVID-19 declared emergency; sunset the temporary process to read written comments at meetings; and rescinding any preceding amendatory resolutions.

**Financial Implications:** None

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

### 7. Contract No. 9236 Amendment: Freitas Landscaping and Maintenance for Landscaping Services

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee amend contract number 9236 with Freitas Landscaping and Maintenance for landscaping services at the Berkeley Animal Shelter at Dona Spring Animal Shelter by adding \$25,000 through fiscal year 2024, increasing the total contract to \$74,000 pending budget approval in fiscal years 22-24.

**Financial Implications:** General Fund - \$25,000

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

## Consent Calendar

- 8. Contract No. 105938-1 Amendment: Koefran Industries for Animal Disposal Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to extend and increase the current contract with Koefran Industries to remove and dispose of deceased animals for Berkeley Animal Care Services (BACS). The increase will be an additional \$110,000 through June 30, 2026, for a total contract amount not to exceed \$231,600 and subject to the budget approvals.  
**Financial Implications:** General Fund - \$110,000  
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
- 9. Contract No. 32100053 Amendment: Orsolya Kuti, DVM for services at the at the Dona Spring Animal Shelter**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 3210053 with Orsolya Kuti, DVM adding \$4,800 to provide free spay and neuter surgeries at the Dona Spring Animal Shelter to eligible low/no-income and homeless pet owners who reside in Berkeley, Albany, Emeryville or Piedmont. Authorize the receipt of additional donations up to a total of \$40,000 over the three year period of FY 2021, FY2022 and FY2023, for a total contract amount not to exceed \$220,000.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
- 10. Contract No. 32100022 Amendment: Michael Arcega for San Pablo Park Measure T1 Public Art Commission**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100022 with Michael Arcega for additional artwork elements costing up to \$9,936 for a total contract amount not to exceed \$219,936. This is for the public art commission project located at San Pablo Park and funded by Measure T1.  
**Financial Implications:** Measure T1 Public Art Fund - \$9,936  
**Contact:** Eleanor Hollander, Economic Development, (510) 981-7530
- 11. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 20, 2021**  
**From: City Manager**  
**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.  
**Financial Implications:** \$1,581,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300

## Consent Calendar

- 12. Predevelopment Funding Recommendations: 2024 Ashby Avenue and 1708 Harmon Street**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Reserving predevelopment funding in the amount of: a) \$1,198,960 for Community Housing Development Corporation/St. Paul AME's new construction development of affordable housing at 2024 Ashby Avenue; and b) \$1,056,400 for Community Housing Development Corporation/Ephesians Church of God in Christ (ECOGIC)'s new construction development of affordable housing at 1708 Harmon Street; and 2. Authorizing the City Manager, or her designee, to execute all original or amended documents or agreements to effectuate this action.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 13. Revenue Contract: Alameda County Behavioral Health Care Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Alameda County Behavioral Health Care Services (ACBH) for the provision of mental health services, including Medi-Cal, Medicare, Educationally Related Mental Health Services (ERMHS), and Early Periodic Screening, Diagnosis and Treatment (EPSDT) billing and reimbursement for through June 30, 2021.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 14. Shelter Plus Care Program Renewal Grants**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments resulting from the renewal of the following grants: 1. Two Shelter Plus Care grants from the U.S. Department of Housing and Urban Development (HUD): a) \$4,124,485 for the Supportive Housing Collaborative for the period June 1, 2021 through May 31, 2022; b) \$2,411,026 for the COACH Project grant for the period of January 1, 2022 through December 31, 2022; and 2. One grant from the County of Alameda for \$881,046 to provide tenant-based rental assistance to homeless individuals and families for the period of March 1, 2021 through February 28, 2022.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

## Consent Calendar

15. **Contract No. 32000082 Amendment: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000082 with Mar Con Builders, Inc. for the Live Oak Community Center Seismic Upgrade Project, increasing the contract amount by \$160,562 for a total amount not to exceed of \$6,066,230.  
**Financial Implications:** Parks Tax Fund - \$160,562  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
16. **Contract No. 32000274 Amendment: Suarez and Munoz Construction, Inc. for San Pablo Park Playground and Tennis Court Renovation Project**  
**From: City Manager**  
**Recommendation:** Adopt a resolution authorizing the City Manager to execute an amendment to Contract No. 32000274 with Suarez and Munoz Construction, Inc. for the San Pablo Park Playground and Tennis Court Renovation Project, increasing the amount by \$125,000 for an amended total amount not to exceed \$2,094,056.  
**Financial Implications:** \$125,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
17. **Contract: ERA Construction Inc. for King School Park Play Area Renovation Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the King School Park Play Area Renovation Project, Specification No. 21-11435-C; 2. Rejecting the lowest bid from Kompan California Inc. as non-responsive; 3. Accepting the bid of the lowest responsive and responsible bidder, ERA Construction Inc.; and 4. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with ERA Construction Inc. for the King School Park Play Area Renovation Project at 1700 Hopkins Street, Berkeley, CA 94702, in an amount not to exceed \$650,438, which includes a contract amount of \$542,032 and a 20% contingency in the amount of \$108,406.  
**Financial Implications:** \$650,438  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Consent Calendar

18. **Contract: O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project: University Avenue (West Frontage Road to Marina Boulevard), Marina Boulevard, and Spinnaker Way Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Berkeley Marina Roadway Improvements Project: University Avenue (West Frontage Road to Marina Boulevard), Marina Boulevard, and Spinnaker Way Project (Bid Specification No. 20-11388-C); 2. Accepting the bid of O.C. Jones & Sons, Inc. as the lowest responsive and responsible bidder on the Project; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with O.C. Jones & Sons, Inc., for the Berkeley Marina Roadway Improvements Project: University Avenue (West Frontage Road to Marina Boulevard), Marina Boulevard, and Spinnaker Way Project, in an amount not to exceed \$6,175,186, which includes a contract amount of \$5,369,727 and a 15% contingency in the amount of \$805,459.  
**Financial Implications:** Various Funds - \$6,175,186  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
19. **Grant Application: California Proposition 68 Statewide Parks Program for New Park Development at Selected Santa Fe Right-of-Way Parcels**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to: 1. Submit a grant application in the amount of up to \$8,000,000 to the California Proposition 68 Statewide Parks Program for new park development at selected Santa Fe Right-of-Way parcels; 2. Accept any grants; 3. Execute any resulting grant agreements and any amendments; and 4. Authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
20. **Amending the 1956 Maintenance Agreement with Caltrans and Transfer of Property for I-80 Gilman Interchange Project**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager to:  
1. Enter into and execute an amendment to the 1956 maintenance agreement between City of Berkeley and Caltrans to include planned new I-80/Gilman Interchange facilities; and  
2. Transfer two portions of the City's right of way on Gilman Street to Caltrans under Section 83 of Streets and Highway Code.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300



## Consent Calendar

21. **Recommendation to Incorporate Hate Crimes Against Persons with Homeless Status in Improving Hate Crime Reporting and Response**  
**From: Homeless Commission**  
**Recommendation:** That Council refer to the City Manager to develop a targeted approach, towards persons with homeless status, to improving hate crime reporting and response consistent with the other approaches being developed for other populations under the City of Berkeley's Improving Hate Crimes Reporting and Response legislation passed by Council on November 17, 2020.  
**Financial Implications:** See report  
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400
22. **Measure O Notice of Funding Availability (NOFA) for BUSD-Sponsored Educator Housing**  
**From: Housing Advisory Commission**  
**Recommendation:** Adopt a resolution to refer to the City Manager to release a Notice of Funding Availability (NOFA) for a Berkeley Unified School District (BUSD)-employee housing development sponsored by the BUSD, to be funded from Measure O Bond funds, relying on the City's Housing Trust Fund Guidelines but allowing tenant incomes up to 120% of Area Median Income, and reviewed by the Measure O Bond Oversight Commission (MOBOC).  
**Financial Implications:** See report  
Contact: Jenny Wyant, Commission Secretary, (510) 981-5400

## Council Consent Items

23. **Budget Referral: Remediation Plan for Lawn Bowling Green and North Bowling Green**  
**From: Councilmember Taplin (Author), Mayor Arreguin (Co-Sponsor)**  
**Recommendation:** Refer to the budget process the development of a remediation plan, with further testing and cost estimate, for the Berkeley Lawn Bowling Green at 2270 Acton Street and the North Bowling Green at 1324 Allston Way.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
24. **Support for AB 1401: Parking Reform**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Send a letter to Assemblymember Laura Friedman, State Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 1401, which would eliminate parking requirements for housing and commercial buildings near transit and in low-VMT areas.  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## Council Consent Items

- 25. Support for SB-519: Controlled Substances**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Send a letter of support for Senator Wiener’s Senate Bill 519, which would decriminalize psilocybin, psilocyn, MDMA, DMT, ketamine, mescaline, and ibogaine; expunge criminal records for use and possession of these substances; and establish a commission to provide recommendations to the state legislature on therapeutic uses.  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 26. Letter in Support of AB 816 “State and Local Agencies: Homelessness Plan”**  
**From: Councilmember Bartlett (Author)**  
**Recommendation:** That the Mayor of Berkeley and Members of City Council supports AB 816 “State and Local Agencies: Homelessness Plan” by sending a letter of support to Assemblymember David Chiu, State Senator Nancy Skinner, and Assemblymember Buffy Wicks to express the City of Berkeley’s support for AB 816.  
**Financial Implications:** None  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
- 27. Letter of Opposition to the Federal Aviation Administration’s Proposal to Shift the WNSDR Commercial Airliner Flight Corridor Directly Over Residential Neighborhoods in Berkeley, Richmond, El Cerrito, and Albany**  
**From: Councilmember Bartlett (Author), Councilmember Taplin (Co-Sponsor), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** That the Mayor of Berkeley and Members of the City Council oppose the Federal Aviation Administration’s (FAA) proposal to re-route commercial airline traffic (the WNSDR arrival flight path to Oakland International Airport) directly over residential neighborhoods in Berkeley, Richmond, El Cerrito, and Albany beginning in October 2021. The Council should send letters to Rep. Barbara Lee, Rep. Mark DeSaulnier, Sen. Dianne Feinstein, Sen. Alex Padilla, Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, US Secretary of Transportation Pete Buttigieg, the FAA’s Western Pacific Regional Director, Raquel Girvin, and the Oakland Airport Community Management Noise Forum facilitator, Mike McClintock.  
**Financial Implications:** Staff time  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

## Council Consent Items

28. **Resolution in Support of Senate Bill 271, the Sheriff Democracy and Diversity Act, to Allow for More Diverse and Democratic Sheriff Elections**  
**From: Councilmember Harrison (Author), Councilmember Robinson (Author)**  
**Recommendation:** Adopt a resolution in support of Senate Bill 271, the Sheriff Democracy and Diversity act, to allow for more diverse and democratic Sheriff elections. Send copies of the resolution to Governor Newsom and State Senator Scott Wiener.  
**Financial Implications:** Staff time  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
29. **Support for AB 1199: Homes for Families and Corporate Monopoly Transparency Excise Tax**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Send a letter to Assemblymember Mike Gipson, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 1199, which would create a database of rental properties serving low-income tenants, levy a tax on the rental profits of some people or entities holding many properties, and use the funds to support services for tenants and small landlords.  
**Financial Implications:** Staff time  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
30. **Budget Referral: Solano Avenue Revitalization Plan**  
**From: Councilmember Hahn (Author), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Refer up to \$300,000 to the FY2022-FY2023 Budget Process for the development of a two-part Solano Avenue “Master” Revitalization Plan; Part A for the Upper/Eastern end of Solano Avenue and Part B for mid-corridor blocks within the City of Berkeley, to coordinate with the City of Albany’s mid-corridor Solano Avenue Reconfiguration Plan.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
31. **Support for AB 455: Bay Bridge Transit-Only Lane**  
**From: Councilmember Robinson (Author)**  
**Recommendation:** Send a letter to Assemblymember Rob Bonta, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 455, which would authorize the Bay Area Toll Authority, in consultation with the Department of Transportation, to designate transit-only traffic lanes on the San Francisco-Oakland Bay Bridge.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

## Action Calendar

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

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

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

## Action Calendar – New Business

### **32. Proposal to Allocate Revenues Generated by the Transient Occupancy Tax in the Waterfront Area to the Marina Fund to Avoid Insolvency, Rebuild its Fund Balance and to Stabilize its Finances**

**From: Parks and Waterfront Commission**

**Recommendation:** That Council adopt a resolution adopting a policy that all Transient Occupancy Taxes (TOT hotel tax) generated at the Berkeley Waterfront be allocated to the City's Marina Enterprise Fund. All other property, sales, utility users, and parking taxes; as well as business license and franchise fees, would continue to be allocated to the City's General Fund.

**Financial Implications:** See report

Contact: Roger Miller, Commission Secretary, (510) 981-6700

## Council Action Items

### **33. Requesting the California State Legislature to introduce actions to value human life and to condemn racial injustice and police brutality**

**From: Councilmember Davila (Author)** *(Reviewed by the Health, Life Enrichment, Equity and Community Committee)*

**Recommendation:**

1. Adopt a resolution requesting the California State Legislature to introduce legislation incorporating recommendations from the community to value human life and to condemn racial injustice and police brutality.
2. Send copies of this resolution to State Assemblymember Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

*Policy Committee Recommendation: Forward the item to Council with a negative recommendation given that there are a number of questions as to some of the points of the resolution including the purview of the Legislature, legal questions, and feasibility. The Committee recommends that the Council refer to the Public Safety Committee to consider the state Police Officer's Bill of Rights and possible subsequent action by the City Council. Further, that the office of Councilmember Taplin will look into specific state bills on police reform and public safety issues to determine which bills warrant a letter of support from the City Council.*

**Financial Implications:** See report

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

## Action Calendar – Policy Committee Track Items

- 34. Contract No. 9369 Amendment: Badawi & Associates, Certified Public Accountants for Professional Auditing Services**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9369 with Badawi & Associates to perform annual audits of the city's financial statements and to perform annual compliance audits required by the Single Audit Act of 1984 (as amended), for fiscal years 2021 (FY21) and 2022 (FY22), in the amount of \$171,330 for FY21 and \$171,330 for FY22. Increasing the contract value by \$372,660 which includes a \$30,000 contingency for new regulatory reporting including the Measure T1 Audit. This will increase the contract value from \$1,243,896 to \$1,616,556 for the period May 6, 2020 to June 30, 2023.  
**Financial Implications:** \$372,660  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 35. Referral to the Planning Commission to Establish a Zoning Overlay at the Pacific Steel Casting Property**  
**From: Councilmember Kesarwani (Author)**  
**Recommendation:** Refer to the Planning Commission to create a zoning overlay at the Pacific Steel Casting (PSC) property in West Berkeley—currently zoned Manufacturing (M) and redesignate it as Mixed Use - Light Industrial (MULI) due to the unique issues of public concern associated with this property (described below); specifically, include in the PSC zoning overlay allowances to enable all MULI uses and override any existing constraints in the Berkeley Municipal Code for Zoning (Title 23) on such MULI uses for the PSC property.  
**Financial Implications:** Staff time  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
- 36. Implementation of 15 M.P.H. Speed Limit At All Early-Childhood Education Facilities**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to implement 15 m.p.h. speed zones within 500 feet of all early-childhood education facilities in the City of Berkeley.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## Action Calendar – Policy Committee Track Items

- 37. Local Parks Option for the Percentage for Public Art on Private Projects**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Refer to the Parks, Recreation and Waterfront Commission the establishment of a policy allowing a private developer to pay a public art in-lieu fee to a particular art project in a nearby public open space, in addition to the current two options of providing on-site public art or paying an in-lieu fee to the Private Percent Art Fund. The option should be valued at a percentage of construction costs higher than the in-lieu fee but lower than the share required under the on-site option, to a degree that incentivizes private developers to promote public art at a park that is proximate to the development in question.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 38. Urge the AC Transit Board of Directors to Restore the 80-Ashby/Sixth Street Bus Line**  
**From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Send a letter to the AC Transit Board of Directors urging the restoration of the 80-Ashby/Sixth Street bus line to its pre-pandemic level of service.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 39. Refer to the City Manager to Prioritize Municipal Fleet Modal Shift to Electric Bicycles and Other Forms of Zero-Emissions Mobility Where Feasible**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer to the City Manager to prioritize municipal fleet modal shift to electric bicycles and other forms of zero-emissions mobility, where feasible, as part of ongoing efforts to achieve a zero-emissions fleet by 2030.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

## Action Calendar – Policy Committee Track Items

**40. Personal Liability Protection for Small Businesses Impacted by COVID-19**

**From: Councilmember Hahn (Author)**

**Recommendation:**

1. Adopt an urgency ordinance adding Berkeley Municipal Code (BMC) Chapter 13.113, relating to personal liability in commercial leases during the COVID-19 pandemic; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately, in order to protect the health, safety, and economic wellbeing of the people of Berkeley.

2. Direct the City Manager to conduct outreach to all commercial tenants regarding any protections enacted by the City Council, with a particular focus on businesses that were required to stop serving food or beverages (e.g., restaurants, bars); close to the public (e.g., hair salons, barbershops, tattoo parlors); cease operations (e.g., gyms, fitness centers); or sharply limit operations (e.g., schools, retail shops, nurseries) due to the COVID-19 crisis.

**Financial Implications:** See report

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

## Information Reports

**41. Civic Arts Commission Annual Work Plan 2021**

**From: Civic Arts Commission**

Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

**42. Community Health Commission 2021 Work Plan**

**From: Community Health Commission**

Contact: Roberto Terrones, Commission Secretary, (510) 981-5400

**43. Disaster and Fire Safety Commission Work Plan 2021**

**From: Disaster and Fire Safety Commission**

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

**44. Measure O Bond Oversight Committee Work Plan FY 2021**

**From: Measure O Bond Oversight Committee**

Contact: Jenny Wyant, Commission Secretary, (510) 981-5400

## Public Comment – Items Not Listed on the Agenda

# Adjournment

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

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

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

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be posted on the City's website at <http://www.cityofberkeley.info>.

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

## COMMUNICATION ACCESS INFORMATION:

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



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

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Homeless Commission

CONSENT CALENDAR

April 20, 2021

To: Honorable Mayor and Members of the City Council

From: Homeless Commission

Submitted by: Carole Marasovic, Chairperson, Homeless Commission

Subject: Recommendation to Incorporate Hate Crimes against Persons with Homeless Status in Improving Hate Crime Reporting and Response

RECOMMENDATION

That Council refer to the City Manager to develop a targeted approach, towards persons with homeless status, to improving hate crime reporting and response consistent with the other approaches being developed for other populations under the City of Berkeley's Improving Hate Crimes Reporting and Response legislation passed by Council on November 17, 2020.

SUMMARY

Homeless persons are frequently the victims of hate crimes based on their homeless status. On November 17, 2020, Council passed legislation to refer to the City Manager to develop approaches to improve hate crimes reporting and response. While homeless victims may be, to some degree, covered under other populations identified, the hate crimes committed against them because of their homeless status merit being distinguished in reporting and response. Council's referral to the City Manager also covers developing community education and outreach. The homeless population needs outreach targeted to them.

FISCAL IMPACTS OF RECOMMENDATION

Staff time is involved in developing reporting and response referrals to return to Council. Since hate crime reporting and response approaches have already been directed by Council to the City Manager, this referral can be incorporated into current staff time being used by that referral.

CURRENT SITUATION AND ITS EFFECTS

From 1999-2010, hate crimes based on homeless status were documented throughout the United States with two states identified as having the highest number of hate crimes against the homeless, those states being California and Florida. (Hate Crimes Against the Homeless, January, 2012, a publication of the National Coalition on Homelessness). In addition, it can be presumed that there was underreporting.

Only three states have passed targeted legislation addressing reporting and response to homeless victims of hate crimes, those being Rhode Island, Maine and Florida. Nationally, HR3258, Hate Crimes Against the Homeless Statistics Act of 2011, was introduced in Congress. Action was never taken on that legislation with it dying as a result of the lack of action.

Homeless persons are easily the targets of hate crimes, often derided, and having their property, or themselves, physically attacked, based on their homeless status.

### BACKGROUND

On November 17, 2020, Council passed legislation referring to the City Manager to develop approaches improving reporting and response of hate crimes.

On February 10, 2021, the Homeless Commission voted unanimously as follows:

That Council refer to the City Manager to develop a targeted approach, towards persons with homeless status, to improving hate crime reporting and response consistent with the other approaches being developed for other populations under the City of Berkeley's Improving Hate Crimes Reporting and Response legislation passed by Council on November 17, 2020.

**Action:** M/S/C Behm-Steinberg/Kealoha-Blake move to approve the report.

**Vote:** Ayes: Kealoha-Blake, Shaw, Mulligan, Marasovic, Behm-Steinberg, Andrew.  
Noes: None. *Abstain:* None. *Absent:* None.

### ENVIRONMENTAL SUSTAINABILITY

There are no known identifiable environmental effects.

### RATIONALE FOR RECOMMENDATION

Persons are frequently the victim of hate crimes based on their homeless status. Neither the federal government nor the state government has enacted legislation targeted towards statistical reporting and responding to this specific group.

Since the City of Berkeley has recognized the need to improve reporting and response for hate crimes and has referred to the City Manager approaches to be developed, homeless persons should also be incorporated, with targeted approaches towards them, in reporting and responses.

### ALTERNATIVE ACTIONS CONSIDERED

The alternative is not to identify the specific hate crime reporting and response needs of the unhoused who are victims based on their homeless status.

CITY MANAGER

City manager concurs the content and recommendations of the commission's report.

CONTACT PERSON

Josh Jacobs, Commission Secretary (510) 981-5435.





Measure O Bond Oversight Committee

CONSENT CALENDAR

April 20, 2021

To: Honorable Mayor and Members of the City Council  
 From: Measure O Bond Oversight Committee  
 Submitted by: Igor Tregub, Chairperson, Measure O Bond Oversight Committee  
 Subject: Measure O NOFA for BUSD-Sponsored Educator Housing

RECOMMENDATION

Adopt a Resolution to refer to the City Manager to release a Notice of Funding Availability (NOFA) for a Berkeley Unified School District (BUSD)-employee housing development sponsored by the BUSD, to be funded from Measure O Bond funds, relying on the City's Housing Trust Fund Guidelines but allowing tenant incomes up to 120% of Area Median Income, and reviewed by the Measure O Bond Oversight Commission (MOBOC).

FINANCIAL IMPLICATIONS

The NOFA may lead to the award of Measure O funds to an affordable housing development project. There are approximately \$24.5M projected remaining in the second issuance of Measure O bond funds, currently planned for 2022.

CURRENT SITUATION AND ITS EFFECTS

At its December 10, 2019 meeting, the City Council allocated \$15,432,000 in Measure O bond funds from the second issuance to Resources for Community Development's Maudelle Miller Shirek Community development at 2001 Ashby, and specified the following next steps:

*"After funding the priorities listed above, establish housing for Berkeley Unified School District employees under the Teacher Housing Act of 2016 (Health and Safety Code Section 53570 et seq.) as the first priority for any remaining funding from the next planned issuance of Measure O funds; and the City Council will consider, after review and recommendation from the Measure O Bond Oversight Committee, forward committing funding once the Berkeley Unified School District presents the Measure O Bond Oversight Committee with a proposal with sufficient specificity as to reasonably enable such a forward commitment."*

The proposed BUSD NOFA would accomplish this. Staff recommend limiting the NOFA to project(s) sponsored by BUSD to ensure the proposed project meets BUSD employee needs. Staff also recommended that tenant eligibility be limited to employees making up to 100% of Area Median Income (AMI) to prioritize serving employees with

greater housing affordability needs. Income limits are set by the federal government for Alameda County and based on family size. The current 100% AMI limit is \$91,400 for a single person and \$130,500 for a family of 4. This would require waiving a section of the Housing Trust Fund (HTF) Guidelines that limits incomes and rents to 30% AMI and 60% AMI and below for the majority of the project.

This NOFA could be based on the HTF Guidelines with the exceptions noted above, with project review by the MOBOC.

At its February 1, 2021 meeting, the MOBOC took the following action:

Action: M/S/C (Daniels/Lustig) to recommend to Council to refer to the City Manager to release a Notice of Funding Availability (NOFA) for a BUSD-employee housing development sponsored by the Berkeley Unified School District, to be funded from Measure O Bond funds, relying on the City’s Housing Trust Fund Guidelines but allowing tenant incomes up to 120% of Area Median Income, and reviewed by the Measure O Bond Oversight Commission (MOBOC).

Vote: Ayes: Carr, Costantini, Cutler, Daniels, Lee-Egan, Lustig, Marthinsen, and Tregub. Noes: Calavita. Abstain: None. Absent: None.

The MOBOC chose a 120% AMI over a 100% AMI constraint because of the broader applicability of accredited and certificated staff making 80-120% AMI as a target audience for this housing proposal.

Additional information about the BUSD proposal can be found here:  
<https://www.berkeleyschools.net/wp-content/uploads/2021/01/BUSD-Housing-Report-7-24-20.pdf>.

**BACKGROUND**

Funds would be available for the BUSD project from the second issuance of Measure O funds, currently projected for 2022. The following table shows the projected issuances.

<b>Issuance</b>	<b>Year</b>	<b>Amount</b>	<b>Projects Funded</b>
1	2020	\$38M	Table 2 below
2	2022*	\$40M*	\$15.5M reserved for 2001 Ashby Priority for BUSD project
3	2025*	\$35M*	To be determined
4	2027*	\$22M*	To be determined

\* Currently projected. Actual timing and amounts may change.

### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable direct environmental sustainability impact associated with the adoption of this recommendation. The financing of affordable housing, however, increases the chances of affordable housing being constructed, and, when sited in proximity with transit and amenities, has been found to reduce vehicle miles traveled and greenhouse gas emissions.

### RATIONALE FOR RECOMMENDATION

This recommendation is fully consistent with the language and legislative intent of Measure O, which states:

*“Shall the measure to issue \$135 million in bonds to create and preserve affordable housing for low-income households, working families, and individuals including teachers, seniors, veterans, the homeless, and persons with disabilities; subject to citizen oversight and independent audits, be adopted?”*

The recommendation also responds to the immense need for and interest in BUSD employees as summarized below.

In 2018, BUSD worked with the Center for Cities and Schools through UC Berkeley to develop and implement a staff survey to better understand the demographics, incomes, housing and transportation patterns of their staff and most specifically to determine the level of need for and interest in affordable housing among BUSD staff. The 2018 report also included legal and historic studies. The results of the 2018 survey highlighted the following statistics:

- 74% of renters stated an interest in living in low-rent BUSD sponsored housing
- 78% of renters were experiencing financial pressures due to high housing costs
- 54% have considered leaving due to high housing costs
- 69% of BUSD employees currently live outside of Berkeley

In 2020, as part of the current scope of work, in order to accurately complete the financial modeling, an updated staff survey was crafted and implemented, through the assistance of the Center for Cities and Schools. The 2020 survey focused on collecting updated income data and a more specific understanding of household sizes, which are necessary inputs for evaluating the applicability of key sources of affordable housing financing. The results of the 2020 survey highlighted the following statistics:

- Interest in living in low rent BUSD housing remained high at 73%
- 65% of renters have income at or below 80% of AMI
- 78% of renters have household sizes of 3 persons or smaller<sup>1</sup>

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<sup>1</sup> BUSD Employee Affordable Housing Development Predevelopment Study and Feasibility Analysis of BUSD Sponsored Housing, dated July 24, 2020. <https://www.berkeleyschools.net/wp-content/uploads/2021/01/BUSD-Housing-Report-7-24-20.pdf>.

ALTERNATIVE ACTIONS CONSIDERED

The MOBOC considered continuing discussion of this recommendation until it could evaluate it in the context of additional needs and proposals, such as possible future funding for proposed housing at the Ashby and North Berkeley BART Station Areas. However, given the immense need for this proposal and its readiness to apply for a NOFA issued as part of Tranche 2 of Measure O funding, a majority of the MOBOC voted to advance this recommendation.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON

Jenny Wyant, Acting Commission Secretary, HHCS (510) 981-5228



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

ISSUING A NOTICE OF FUNDING AVAILABILITY FOR AFFORDABLE EDUCATOR HOUSING SPONSORED BY BERKELEY UNIFIED SCHOOL DISTRICT

WHEREAS, on November 6, 2018, Berkeley voters approved Measure O, a \$135 million affordable housing bond measure to support the acquisition, development, and renovation of property for the creation or preservation of affordable housing; and

WHEREAS, the City's bond counsel indicated that approximately \$40 million is available for the second issuance of Measure O Bonds; and

WHEREAS, on December 10, 2019, City Council reserved \$15,432,000 from the second issuance of Measure O Bonds for Maudelle Miller Shirek Community (2001 Ashby), and indicated that a Berkeley Unified School District sponsored educator housing project would get first priority at the remaining funds in that issuance; and

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

WHEREAS, City Council appointed a Measure O Bond Oversight Committee to oversee Measure O funding and confirm that expenditures meet the intent of the measure; and

WHEREAS, City Council adopted HTF guidelines (the "Guidelines") as revised on January 19, 2021, and authorized the City Manager to implement the HTF Program in accordance with the Guidelines; and

WHEREAS, the HTF Guidelines designate the Housing Advisory Commission to make funding recommendations to Council for HTF funds; and

WHEREAS, the City has not adopted Measure O-specific guidelines for administering and reserving the bond funds; and

WHEREAS, the HTF Guidelines currently require developments that receive HTF funding to establish rent limits below the threshold criteria for Moderate Income households that would exclude many households employed by the Berkeley Unified School District.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to issue a Notice of Funding Availability (NOFA) for the balance of the Measure O funds remaining after the Maudelle Miller Shirek Community reservation is fulfilled, estimated at \$24.5M, which will be made available for educator affordable housing sponsored by Berkeley Unified School District.

BE IT FURTHER RESOLVED that the Measure O Bond Oversight Committee will act in any role specified for the Housing Advisory Commission in the HTF Guidelines for the purpose of this Measure O NOFA.

BE IT FURTHER RESOLVED that the NOFA will be issued in accordance with the HTF Guidelines, with Section III.A.1 waived to allow affordability levels up to 120% of the Area Median Income.



CONSENT CALENDAR

DATE: April 20, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin, Mayor Arreguin (co-sponsor)

Subject: Budget Referral: Remediation Plan for Lawn Bowling Green and North Bowling Green

RECOMMENDATION

Refer to the budget process the development of a remediation plan, with further testing and cost estimate, for the Berkeley Lawn Bowling Green at 2270 Acton St and the North Bowling Green at 1324 Allston Way.

BACKGROUND

According to an Analysis of City-Owned Property provided to the City Council in 2017, the North Bowling Green “contains elevated levels of pesticides and metals, and the contaminated soil would need to be excavated or encapsulated prior to active use or development[.]”<sup>1</sup> The parcel is also protected from development by Measure L, but is currently fenced off and vacant.

The North Bowling Green has not been in use as a lawn bowling green since 2008. It is one block from the Strawberry Creek Lodge 150-unit affordable senior complex, Strawberry Creek Park, and the Berkeley Lawn Bowling Club.

A budget referral from 2019<sup>2</sup> erroneously estimated \$150,000 as the lower bound of the full cost of remediation itself, but city staff estimates that the cost will be much higher, pending further testing and remediation that must include both sites.

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<sup>1</sup> [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_General/2019-02-21%2520Land%2520Use%2520Policy%2520Committee%2520Agenda%2520Packet\(1\).pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/2019-02-21%2520Land%2520Use%2520Policy%2520Committee%2520Agenda%2520Packet(1).pdf)

<sup>2</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2019/06\\_June/Documents/2019-06-11\\_Item\\_47\\_Budget\\_Referral\\_\\_\\_Remediation\\_of\\_Lawn\\_Bowling.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/06_June/Documents/2019-06-11_Item_47_Budget_Referral___Remediation_of_Lawn_Bowling.aspx)

### RATIONALE FOR RECOMMENDATION

The city-owned vacant parcel with toxic soil is fenced off and does not confer any benefit to the public. Upon further testing and financial modeling, a remediation plan may present the full cost of toxic soil cleanup. No plan for park space, affordable housing, or any other previously proposed uses can be contemplated before these costs are fully determined. Due to their adjacency to the Corporation Yard and Santa Fe ROW, both bowling green sites would have to be included in the development of a remediation plan.

### ENVIRONMENTAL IMPACTS

Determining costs of environmental remediation for toxic soil.

### FISCAL IMPACTS

In communication with the District 2 office, Parks, Recreation, & Waterfront Department staff has estimated the cost of testing, cost estimates, and development of a remediation plan to be roughly \$90,000-\$110,000.

### CONTACT

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

CONSENT CALENDAR

DATE: 04/20/2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author)

Subject: Support for AB 1401: parking reform

RECOMMENDATION

Send a letter to Assemblymember Laura Friedman, State Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 1401, which would eliminate parking requirements for housing and commercial buildings near transit and in low-VMT areas.

BACKGROUND

On February 19, 2021, Assemblymember Laura Friedman (D-Glendale), Chair of the Assembly's Transportation Committee, introduced Assembly Bill 1401<sup>1</sup> which will eliminate requirements that homes and commercial buildings near transit or in neighborhoods with less car use be built with more parking than is necessary.

In a statement, Assemblymember Friedman said: "It's seems that for years we've been trading housing for parking. We're in the midst of a housing crisis, desperately looking for a solution, and we need to consider all options to reduce the overall cost of housing. There are plenty of communities in our state that have access to high-quality transit, or where cars are underutilized, that need housing far more than they need parking."

A study by TransForm of 80 multi-family residential buildings around the San Francisco Bay Area, found over 28% of parking spaces, or over 1 million square feet, were unused.<sup>2</sup> A similar study published by the Transportation Research Board found that 45% of spaces in 13 shopping centers near Santa Clara County's Valley Transportation

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<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1401](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1401)

<sup>2</sup> Cohen, S. (2015). AB 744's Paradigm Shift: Affordable Homes Instead of Empty Parking Spaces. *TransForm*. Retrieved from <https://www.transformca.org/transform-blog-post/ab-744s-paradigm-shift-affordable-homes-instead-empty-parking-spaces>

Authority Light Rail stations were unused, during both the holiday shopping season and the off-season.<sup>3</sup> A study by the City of San Diego of 21 affordable housing developments found that 39% of the parking, or over 400 spaces at a cost of between \$12 million and \$30 million, were unused.<sup>4</sup> An analysis of 252 California cities found that “each additional parking restriction imposed by cities is associated with a 1.6 percentage point reduction in the share of workers who reside in the city.”<sup>5</sup>

A study of parking reform in Seattle found that developers built 40% fewer parking spaces than previous regulations would have required, saving over \$500 million on hard construction costs, but 70% of new housing projects studied still provided some parking.<sup>6</sup>

California has instituted some incremental reforms to parking mandates. AB 744 (2015) limits local parking requirements to 0.5 spaces per bedroom for housing near transit that uses the state density bonus program or is 100% affordable to lower-income households. Projects that are streamlined under SB 35 (2017) are exempt from parking requirements if the project is near transit or within a historic district, and may not be required to provide more than one space per housing unit in all other areas.

## RATIONALE FOR RECOMMENDATION

On March 19, 2021, Ordinance 7,751-N.S. became effective in Berkeley after being adopted by the City Council, eliminating minimum residential parking requirements across all zoning districts (except in the ES-R district, and except in the Hillside Overlay district on roads less than 26 feet in width) and requiring Transportation Demand Management (TDM) measures for projects with ten or more units. The City Council passed this ordinance in response to the oversupply of parking, the need to reduce Vehicle Miles Traveled (VMT) per capita, and the shortage of housing. California’s housing shortage is a crisis of statewide importance, and these evidence-based reforms should be followed on that scale.

## ENVIRONMENTAL IMPACTS

According to the California Air Resources Board, the state must achieve a 25% reduction in Vehicle Miles Traveled (VMT) per capita, even under the best-case

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<sup>3</sup> Smith, A. (2013). Parking Utilization in Neighborhood Shopping Centers on Transit Routes in San Jose, California: Are Minimum Parking Requirements Too High? *Transportation Research Record: Journal of the Transportation Research Board*. <https://doi.org/10.3141/2359-04>

<sup>4</sup> WilburSmith Associates. (2011). San Diego Affordable Housing Parking Study. *City of San Diego*. Retrieved from <https://www.sandiego.gov/sites/default/files/legacy/planning/programs/transportation/mobility/pdf/111231sdafhfinal.pdf>

<sup>5</sup> Durst, N. J. (2021). Residential Land Use Regulation and the Spatial Mismatch between Housing and Employment Opportunities in California Cities. *Terner Center for Housing Innovation*. Retrieved from <http://californialanduse.org/download/Durst%20Residential%20Land%20Use%20Regulation%202020.pdf>

<sup>6</sup> Gabbe, C. J. et al. (2020). Parking policy: The effects of residential minimum parking requirements in Seattle. *Land Use Policy* (91). Retrieved from <https://www.sciencedirect.com/science/article/abs/pii/S0264837718312870?via%3Dihub>

scenario of Zero-Emission Vehicle (ZEV) adoption.<sup>7</sup> Reducing the excess supply of parking to produce more housing near transit will reduce VMT per capita. This strategy is already outlined in Berkeley's Climate Action Plan, but VMT reduction is a critical statewide policy goal.

#### FISCAL IMPACTS

None.

#### CONTACT

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

#### ATTACHMENTS/SUPPORTING MATERIALS

1. Letter of Support

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<sup>7</sup> California Air Resources Board. (2018). 2018 Progress Report. Retrieved from [https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report\\_SB150\\_112618\\_02\\_Report.pdf](https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf)

The Honorable Laura Friedman  
California State Assembly  
State Capitol  
Sacramento CA 95814

**RE: City of Berkeley's support for Assembly Bill 1401**

Assemblymember Friedman:

The City Council of the City of Berkeley hereby conveys its strong support for your Assembly Bill 1401 to eliminate local minimum parking requirements for both residential and commercial buildings.

On March 19, 2021, a parking reform ordinance (Ordinance 7,751-N.S.) became effective in Berkeley after being adopted by the City Council, eliminating minimum residential parking requirements across all zoning districts (except in the ES-R district, and except in the Hillside Overlay district on roads less than 26 feet in width) and requiring Transportation Demand Management (TDM) measures for projects with ten or more units. The City Council is proud of its effort to reduce transportation emissions in our city by reallocating square footage from underutilized automobile storage for more housing in walkable and transit-rich communities.

Similarly, AB 1401 will prevent the wasteful overproduction of parking spaces, and reduce car dependency and carbon emissions. In doing so, it will also encourage greater transit usage and more housing and businesses near transit, helping to revitalize walkable commercial corridors across the state. We encourage the state legislature to follow in Berkeley's footsteps by passing this important bill.

We thank you for your leadership in addressing climate change, and promoting sustainable transportation and housing affordability with this important legislation.

Signed,

Berkeley City Council

CC:

Senator Nancy Skinner

Assemblymember Buffy Wicks



CONSENT CALENDAR

DATE: April 20, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author)

Subject: Support for SB-519: controlled substances

RECOMMENDATION

Send a letter of support for Sen. Wiener's Senate Bill 519, which would decriminalize psilocybin, psilocyn, MDMA, DMT, ketamine, mescaline, and ibogaine; expunge criminal records for use and possession of these substances; and establish a commission to provide recommendations to the state legislature on therapeutic uses.

BACKGROUND

In 2021, Senator Scott Wiener introduced Senate Bill 519 to decriminalize the possession and personal use of the following substances: psilocybin, psilocyn, 4-methylenedioxymethamphetamine ("MDMA"), Lysergic acid diethylamide ("LSD"), ketamine, Dimethyltryptamine ("DMT"), mescaline (from non-peyote sources) and ibogaine, given these substances can have therapeutic and medicinal benefits. This bill will also expunge any criminal records for people convicted of possession or personal use of these substances. SB 519 will establish a commission that will provide the Legislature with regulatory recommendations that California should adopt to legalize personal and therapeutic use of these specified substances.

Existing law lists psilocyn, psilocybin, mescaline, MDMA, LSD, DMT and ibogaine as Schedule I Drugs. According to the Drug Enforcement Agency (DEA), Schedule I Drugs have "no accepted medical use and high potential for abuse." Ketamine is listed as a Schedule III drug and is Food and Drug Administration (FDA)-approved to treat depression. California law criminalizes the possession, sale, and transfer of Schedule I drugs.

In the 1950s, LSD was studied for its potential benefits in treating alcoholism.<sup>1</sup> Research on the medicinal uses of psychedelics and other controlled substances largely halted after the 1970 signing of the Controlled Substances Act by President Nixon. In later interviews, former Nixon adviser John Ehrlichman explained that Nixon's War on Drugs was explicitly designed for racist and political ends, rather than for public health and safety:

“The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I'm saying? We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.”<sup>2</sup>

In recent years, emerging medical research has revived an interest in therapeutic uses of psychedelics and other controlled substances.<sup>3</sup> Washington, D.C. voters passed Initiative 81 in 2020, which decriminalized personal use and possession of plant-based psychedelics.<sup>4</sup> In the state of Oregon, voters approved two ballot measures decriminalizing non-commercial possession<sup>5</sup> of all scheduled substances, and creating a state-licensed psilocybin-assisted therapy program.<sup>6</sup> In the state of California, two municipalities (Oakland and Santa Cruz) have introduced decriminalization ordinances.

In recent years, the FDA has issued “Breakthrough Therapy” distinctions to MDMA-assisted therapy for PTSD and psilocybin-assisted therapy for treatment-resistant depression, respectively, which expedites the process for approval as treatment for serious or life-threatening conditions.<sup>7</sup>

## RATIONALE FOR RECOMMENDATION

Mental health treatment and ending the War on Drugs are both racial equity issues. According to the U.S. Department of Health and Human Services, Black adults are

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<sup>1</sup> Costandi, M. (2014). A brief history of psychedelic psychiatry. *The Guardian*. Retrieved from <https://www.theguardian.com/science/neurophilosophy/2014/sep/02/psychedelic-psychiatry>

<sup>2</sup> Baum, D. (2014). Legalize it all: How to win the war on drugs. *Harper's Magazine*. Retrieved from <https://harpers.org/archive/2016/04/legalize-it-all/>

<sup>3</sup> Carhart-Harris, R. L., & Goodwin, G. M. (2017). The Therapeutic Potential of Psychedelic Drugs: Past, Present, and Future. *Neuropsychopharmacology : official publication of the American College of Neuropsychopharmacology*, 42(11), 2105–2113. <https://doi.org/10.1038/npp.2017.84>

<sup>4</sup> [https://decrimnaturedc.org/wp-content/uploads/2020/02/Entheogenic\\_Plant\\_and\\_Fungus\\_Policy\\_Act\\_of\\_2020\\_published\\_2\\_18\\_2020.pdf](https://decrimnaturedc.org/wp-content/uploads/2020/02/Entheogenic_Plant_and_Fungus_Policy_Act_of_2020_published_2_18_2020.pdf)

<sup>5</sup> <http://oregonvotes.org/irr/2020/044text.pdf>

<sup>6</sup> <http://oregonvotes.org/irr/2020/034cbt.pdf>

<sup>7</sup> Serkis, S. (2020). Psychology Trends For 2021: Psilocybin, MDMA, and Covid-19 Aftereffects. *Forbes*. Retrieved from <https://www.forbes.com/sites/stephaniesarkis/2020/12/09/psychology-trends-for-2021-psilocybin-mdma-and-covid-19-aftereffects/?sh=a7ab8a95ce03>

more likely to report persistent symptoms of emotional distress, but are least likely to receive adequate care for mental health.<sup>8</sup>

ENVIRONMENTAL IMPACTS

None.

FISCAL IMPACTS

None.

CONTACT

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

ATTACHMENTS/SUPPORTING MATERIALS

1. Letter of Support

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<sup>8</sup> <https://www.minorityhealth.hhs.gov/omh/browse.aspx?lvl=4&lvlid=24>

Honorable Sen. Scott Wiener  
State Capitol, Room 5100  
Sacramento, CA 95818

**RE: Support for SB 519 (Wiener) re: decriminalizing possession and use of  
psychedelic substances**

Senator Wiener:

The City Council of the City of Berkeley hereby registers its support of Senate Bill 519, to decriminalize the possession and personal use of the following substances: psilocybin, psilocyn, MDMA, LSD, ketamine, DMT, mescaline (from non-peyote sources) and ibogaine, as an incremental step to dismantle the white supremacist War on Drugs policies that have harmed Black and brown communities for decades. This legislation will also expunge any criminal records for people convicted of possession and personal use of these substances, and establish a working group to provide recommendations to the Legislature on therapeutic use.

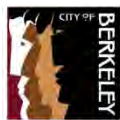
In the 1960s, researchers were conducting promising studies on the effectiveness of psychedelic substances to treat ailments such as depression and PTSD, until the War on Drugs halted this work. Today, we know this racist policy framework does not improve public safety, deter personal use, or help people may be experiencing substance use disorder. Modern research on psychedelics shows promising signs for mental health treatment.

California must stop criminalizing substances that have potentially major medical potential. Thank you for your leadership with this important legislation.

Respectfully,

City Council  
City of Berkeley  
2180 Milvia St  
Berkeley, CA 94704

cc: Senator Nancy Skinner  
Assemblymember Buffy Wicks



# BEN BARTLETT

CITY COUNCILMEMBER, DISTRICT 3

## CONSENT CALENDAR

April 20, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett (Author)

Subject: Letter in support of AB 816 “State and Local Agencies: Homelessness Plan”

### RECOMMENDATION

That the Mayor of Berkeley and Members of City Council supports AB 816 “State and Local Agencies: Homelessness Plan” by sending a letter of support to Assemblymember David Chiu, State Senator Nancy Skinner, and Assemblymember Buffy Wicks to express the City of Berkeley’s support for AB 816.

### BACKGROUND

AB-816 will require a statewide needs and gap analysis to be conducted, identify state programs that provide housing or service to unhoused persons and create a financial model that will assess investment needs for the purpose of moving persons who are experiencing homelessness into permanent housing. Cities throughout the Bay Area contain large homeless populations. We as a regional community need to work collectively with the state to solve our homeless problems. Any neighboring cities homelessness will impact our Berkeley community and nearby Oakland’s homelessness rate has now climbed to 940 per 100,000 people, which is higher than either San Francisco’s rate, at 906, or Berkeley’s rate, at 898<sup>1</sup>. The bill will require the coordinating council to report on the analysis by July 31, 2022. The Department of Community and Housing Development will set a benchmark goal for reducing homelessness by January 1, 2029. Each local agency will be required to submit an actionable county-level plan to meet specified annual benchmarks and the state benchmark goal. Local agencies will be required to submit an annual progress report to the department that details progress, implementation and any amendments to the proposed plan. A Housing and Homelessness Inspector General, within the department will be appointed by the governor and confirmed by the senate who will be able to bring an action against the state, local agency or city that fails to adopt the plan.

### CURRENT SITUATION

The Housing Crisis in California is well established. However, the number of unhoused persons continue to rise with over 150,000 people experiencing homelessness daily<sup>2</sup>. Homelessness in the City of Berkeley and throughout the Bay Area has also been rising at an increasing rate. Berkeley currently has 1,108 homeless residents, of whom 813 were living on the street (as of a

<sup>1</sup> <https://docs.google.com/document/d/1fEmluh-i2RJsU1s9T5SuNdYIAwWNKIJeJiDEepSomGE/edit>

<sup>2</sup> <https://steinberginstitute.org/press-release/assemblymember-chiu-introduces-bill-to-create-a-legal-obligation-to-reduce-homelessness-in-california/>

point-in-time count in January 2019). This represents a 14% increase in two years.<sup>3</sup> California homelessness is significantly higher than other states, according to statistics done by the USICH<sup>4</sup>. During the COVID-19 pandemic, addressing the issue of homelessness becomes even more urgent. California is experiencing two simultaneously occurring public health crises-- COVID-19 and homelessness. Due to a lack of access to shelter, unhoused persons have difficulty practicing effective personal hygiene routines<sup>5</sup>. As a result, unhoused persons are at a significantly higher risk of contracting COVID-19 and spreading it to other community members. To address this threat to public health, the State of California must direct funding and policy efforts towards addressing and ending the issue of homelessness.

#### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

Existing law requires the Governor to create the Homeless Coordinating and Financing Council (referred to as “the coordinating council”) and to appoint up to 19 members of that council, as provided. Existing law specifies the duties of the coordinating council, including creating partnerships among state agencies<sup>6</sup>.

#### RATIONALE FOR RECOMMENDATION

The passage of AB-816 would benefit the City of Berkeley and the community through addressing the homelessness crisis. Homelessness has clearly been a large issue in Berkeley and local officials have taken action for the homeless community most recently during the shelter in place order<sup>7</sup>. By supporting this bill, Berkeley will be able to address homelessness through and with the support and collaboration of the county, neighboring cities, and the state.

#### ENVIRONMENTAL SUSTAINABILITY

No impact.

#### FISCAL IMPACTS

Staff time to review/edit letters and postage.

#### CONTACT PERSON

Councilmember Ben Bartlett:	510-981-7130
Xitlali Parada	510-981-7135
James Chang	510-918-7131

#### ATTACHMENTS AND MATERIALS

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<sup>3</sup> [https://docs.google.com/document/d/1TtUajFluEAeqB\\_A8vkJ03Y4Jw5cpPI-2M1sgggG-Bg/edit#heading=h.3fwt2yc1do](https://docs.google.com/document/d/1TtUajFluEAeqB_A8vkJ03Y4Jw5cpPI-2M1sgggG-Bg/edit#heading=h.3fwt2yc1do)

<sup>4</sup> <https://www.usich.gov/homelessness-statistics/ca/>

<sup>5</sup> <https://community.solutions/understanding-public-health-and-homelessness/>

<sup>6</sup> [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB816](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB816)

<sup>7</sup> <https://www.dailycal.org/2020/04/10/berkeley-homeless-community-struggles-amid-covid-19-city-responds/>

1. Letter to Assemblymember Chiu.

Attachment 1:

XX,XX,20XX

The Honorable Assemblymember Chiu  
State Capitol Office, Room 4112  
P.O. Box 942849  
Sacramento, CA 94249

Re: City of Berkeley's support for AB-816 State and local agencies: homelessness plan.-  
SUPPORT

Dear Assemblymember Chiu:

The Honorable Mayor and Members of the Berkeley City Council are pleased to support Assembly Bill 816 (AB-816). AB-816 will identify and hold accountability towards local entities to address homelessness and create an actionable plan to reduce homelessness by January 1, 2029.

It is vital that California comes together to address homelessness and reduce its numbers. By passing a bill that will closely monitor local and city entities' progress, it is clear that AB-816 will ensure California reduces homelessness and supports a community in need. For these reasons, we strongly support AB-816.

Respectfully,  
The Honorable Mayor and Members of the Berkeley City Council

Jesse Arreguin  
Mayor, City of Berkeley

Members of the Berkeley City Council







# BEN BARTLETT

CITY COUNCILMEMBER, DISTRICT 3

## CONSENT CALENDAR

April 20, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett (Author), Terry Taplin, and Kate Harrison (Co-Sponsors)

Subject: Letter of Opposition to the Federal Aviation Administration's proposal to shift the WNSDR commercial airliner flight corridor directly over residential neighborhoods in Berkeley, Richmond, El Cerrito, and Albany

### RECOMMENDATION

That the Mayor of Berkeley and Members of the City Council oppose the Federal Aviation Administration's (FAA) proposal to re-route commercial airline traffic (the WNSDR arrival flight path to Oakland International Airport) directly over residential neighborhoods in Berkeley, Richmond, El Cerrito, and Albany beginning in October 2021. The Council should send letters to Rep. Barbara Lee, Rep. Mark DeSaulnier, Sen. Dianne Feinstein, Sen. Alex Padilla, Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, US Secretary of Transportation Pete Buttigieg, the FAA's Western Pacific Regional Director, Raquel Girvin, and the Oakland Airport Community Management Noise Forum facilitator, Mike McClintock.

### CURRENT SITUATION

On May 28, 2020 at the FAA Briefing to Oakland Airport Noise Forum – NextGen Technical Subcommittee they announced plans to shift the WNSDR Area Navigation procedure for aircraft arriving into the Oakland International Airport starting October 2021, as part of additional Air Traffic Control modifications to the Northern California Metroplex. Aircraft arriving from the north and east currently fly down the spine of the East Bay Hills. This proposal would shift the path two miles southwest-- directly over Berkeley, Richmond, El Cerrito, Albany, and a larger section of Oakland and Piedmont.<sup>1</sup> In Berkeley, this area encompasses South, West, Central, and North parts of the city. According to the FAA, 163,000 residents will be adversely impacted instead of the current 76,000 residents.<sup>2</sup>

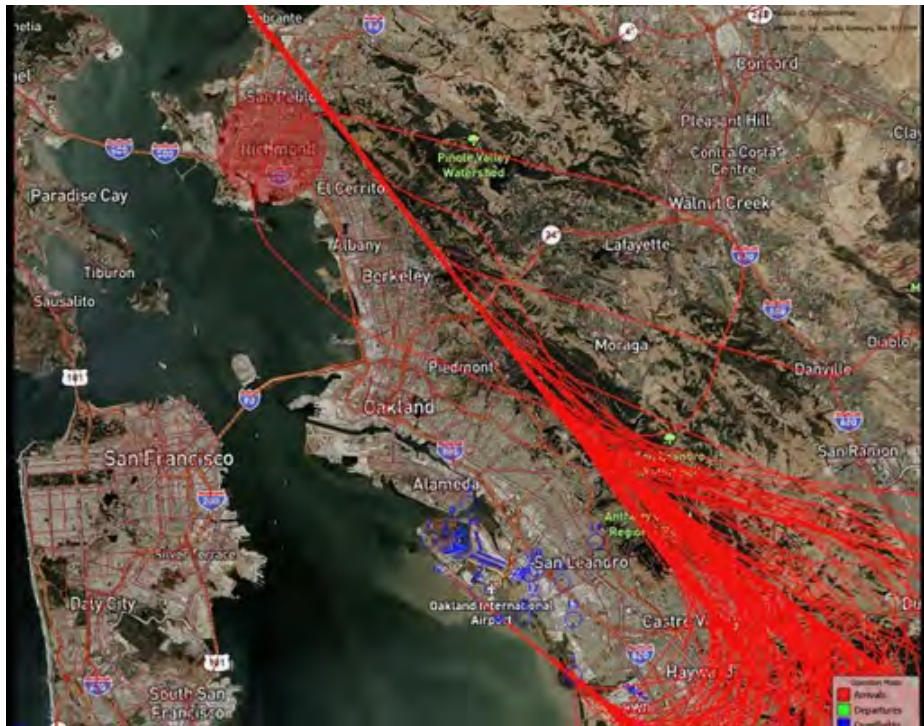
### BACKGROUND

The FAA has cited safety concerns related to the complexity of Bay Area airspace in its proposal to move the flight path. The agency points to the current path of 35+ aircraft per day over the East Bay Hills as being located too close to a departure path, as well as traffic from neighboring airports. The agency has considered and rejected alternative WNSDR paths proposed by the

<sup>1</sup>Federal Aviation Administration: "[FAA Briefing to Oakland Airport Noise Forum-- NextGen Technical Subcommittee](#)," May 28, 2020.

<sup>2</sup>Richmond Pulse: "[Oakland Airport Flight Path Could Go Over Heart of Richmond](#)," July 17, 2020.

Oakland Airport Community Noise Management Forum.



Above is a map showing the current path of departures from Oakland International Airport (OAK), demonstrating the density of the WNSDR flight path.



Above is a map showing the proposed change in the WNSDR flight path running directly through the Center of Berkeley.

Since first presenting its proposal to the public through a quarterly meeting of the Oakland

Airport Noise Forum in July 2020, the FAA has not conducted a meaningful public outreach and engagement process to inform impacted residents, described the type of environmental analysis that will be carried out to analyze the impacts of the modification, or addressed concerns about how the proposed changes will affect communities that have historically suffered the most from environmental injustice, as living near airports has been linked to greater risks of adverse impacts to health.

Numerous studies have shown that people living near airports are exposed to higher health risks.<sup>3</sup> Notable risks include high blood pressure<sup>4</sup> and heart disease<sup>5</sup>, which are just two of the effects of aircraft noise and polluting, high particulate levels in ambient air. The proposed path of the WNSDR corridor goes directly through cities that have historically suffered adverse environmental discrimination with attendant health impacts.

#### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

Currently, the WNSDR flight corridor requires aircraft to fly along the East Bay hills, avoiding the Berkeley flatlands.

#### RATIONALE FOR RECOMMENDATION

The change in the WNSDR path proposed by the FAA would result in aircraft flying through the heart of Berkeley flatlands at a height of 4,000-5,000 feet, if not lower. The resulting noise and emissions pollution would have detrimental health impacts to the Berkeley community.

#### ENVIRONMENTAL SUSTAINABILITY

The FAA has declined to conduct an adequate environmental analysis to determine how the flight path change will impact communities.

#### FISCAL IMPACTS

No fiscal impacts besides staff time.

#### CONTACT PERSON

Councilmember Ben Bartlett:	510-981-7130
James Chang	510-981-7131
Lev Gordan- Feierabend	510-981-7135

#### ATTACHMENTS AND MATERIALS

1. Sample Letter to Elected Officials, FAA, and the Oakland Airport Community Noise Management Forum
2. May 28, 2020 Briefing to the Oakland Airport Noise Forum's NextGen Technical Subcommittee
3. July 16, 2020 *Richmond Standard* Article, "Richmond Speaks Out Against Proposed Flight Path Over City"
4. January 25, 2021 Letter to the FAA from Rep. Mark DeSaulnier and Rep. Barbara Lee

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<sup>3</sup> <https://www.latimes.com/local/la-me-0529-lax-pollution-20140529-story.html>

<sup>4</sup> <https://catalog.camfil.us/living-near-an-airport-could-be-a-matter-of-life-and-death.html>

<sup>5</sup> <https://deohs.washington.edu/hsm-blog/measuring-seatac-air-traffic-pollution>

Attachment 1: Sample Letter

RE: Proposed FAA Flight Path Changes Affecting Berkeley, California

Dear [Name of Official],

On behalf of the City of Berkeley, California, we are writing to voice our opposition to the Federal Aviation Administration's (FAA's) July 2020 proposal to modify the WNDSR Area Navigation procedure. This proposal would shift the path of flights arriving to the Oakland International Airport (OAK) over the Berkeley flatlands and neighboring communities, which have historically suffered adverse environmental effects. The proposed change would exacerbate existing environmental inequities faced by communities of color.

We are opposed to this change for the following reasons:

- **The Berkeley flatlands already shoulder an unequal share of environmental injustices** as a formerly redlined area.
- **Airplanes negatively impact the health of the communities they fly over.** Studies by the University of Washington<sup>6</sup> and University of California Irvine<sup>7</sup> have linked the air and noise pollution resulting from the proximity of planes to serious illnesses like heart disease and high blood pressure.
- **The FAA has not conducted adequate outreach on this issue in our diverse community.** Apart from the Oakland Airport Community Noise Management Forum, the vast majority of Berkeley residents are not aware of the proposal and have not been asked to give their input.
- **The proposed change affects more than twice the number of residents.** According to the FAA, 163,000 residents would be negatively impacted, compared to the current 76,000 residents.<sup>8</sup>
- **The FAA has not provided alternative routes.** If the FAA is serious about planning with impacted communities, and resolving noise and emissions problems, the FAA must offer alternative flight paths for consideration.
- **The proposal runs counter to California AB 617,** the Community Air Protection Program of 2017, which calls for the reduction of pollution in California's most vulnerable communities.

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<sup>6</sup> <https://deohs.washington.edu/hsm-blog/measuring-seatac-air-traffic-pollution>

<sup>7</sup> <https://pubs.acs.org/doi/full/10.1021/es5001566>

<sup>8</sup> <https://richmondpulse.org/2020/07/17/oakland-airport-flight-path-could-go-over-heart-of-richmond/>

In light of what we perceive to be the FAA's failings in these areas, we urge the FAA to immediately:

1. Conduct a meaningful public outreach and engagement process to inform impacted residents.
2. Describe the type of environmental analysis that will be carried out to analyze the impacts of the modification.
3. Address concerns on whether the proposed changes will affect communities that have historically suffered the most from environmental injustice.

We are grateful for your attention to this issue and look forward to your response.

Sincerely,

[Mayor of Berkeley and Members of the City Council]

# FAA Briefing to Oakland Airport Noise Forum – NextGen Technical Subcommittee

Supplemental Information to  
May 28, 2020 Briefing



Federal Aviation  
Administration

# Purpose of this Briefing

- **Provide an update on HUSSH SID IFP Gateway request**
- **Explain the need to modify the current WND SR STAR**
- **Explain the Air Traffic constraints in the area as they relate to the current WND SR STAR and the proposed modifications**



# Purpose of this Briefing

- **To show relationships between:**
  - Current WNDSR2 STAR
  - Proposed change to WNDSR STAR as designed by the FAA Performance Based Navigation Full Working Group
  - Proposed change to WNDSR STAR with input from Oakland Airport
  - OAK Arrival tracks from the northwest, both pre- and post- WNDSR STAR implementation
    - Pre-WNDSR Arrivals limited to those that filed the RAIDR STAR
- **Next steps**





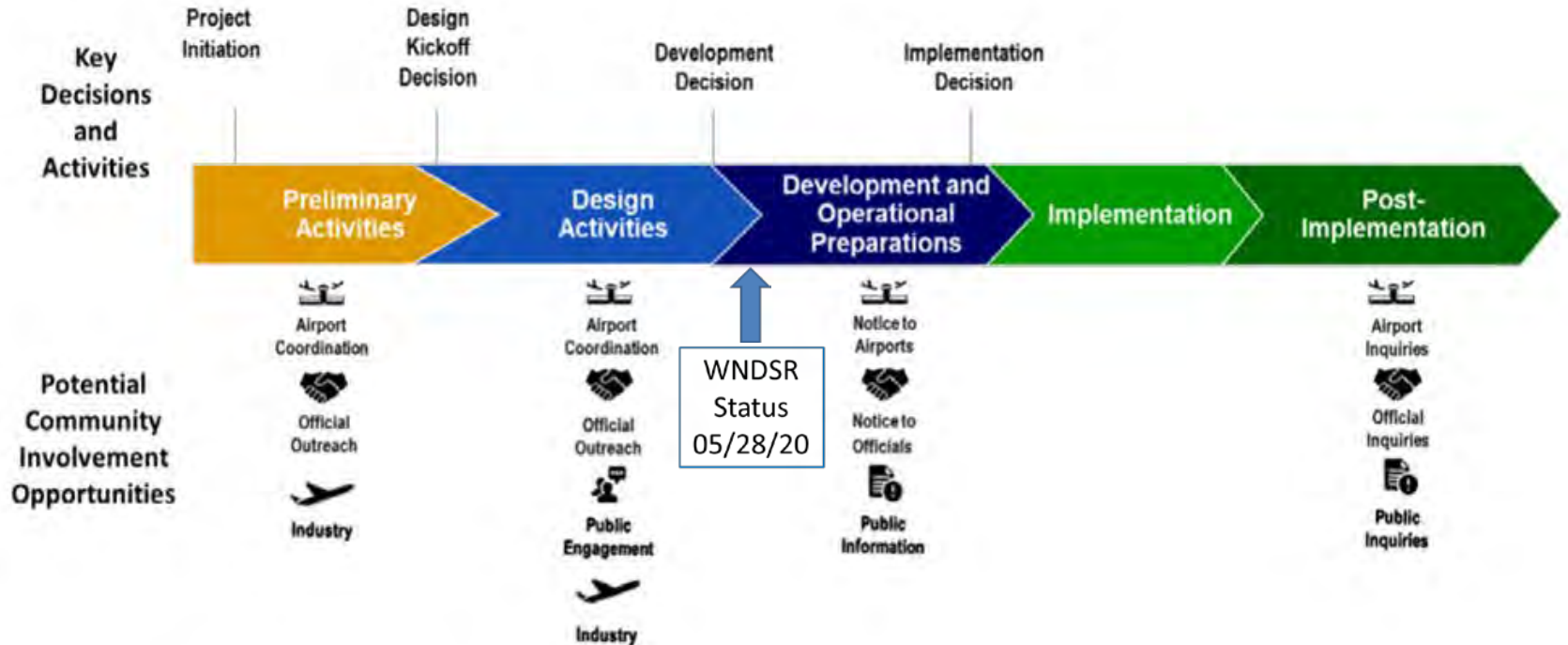
# HUSSH SID IFP Gateway request

- **An Instrument Flight Procedures Gateway request, to amend the initial altitude on the HUSSH SID from OAK, was submitted by the Oakland Airport on 10/16/2019**
- **The request is in the PBN 7100.41 process and is currently awaiting decision by the Flight Procedure Prioritization Team**



# Performance Based Navigation Process Timeline

Public Engagement may include briefings to roundtables, elected local, state, or federal officials and workshops, videos or webinars.

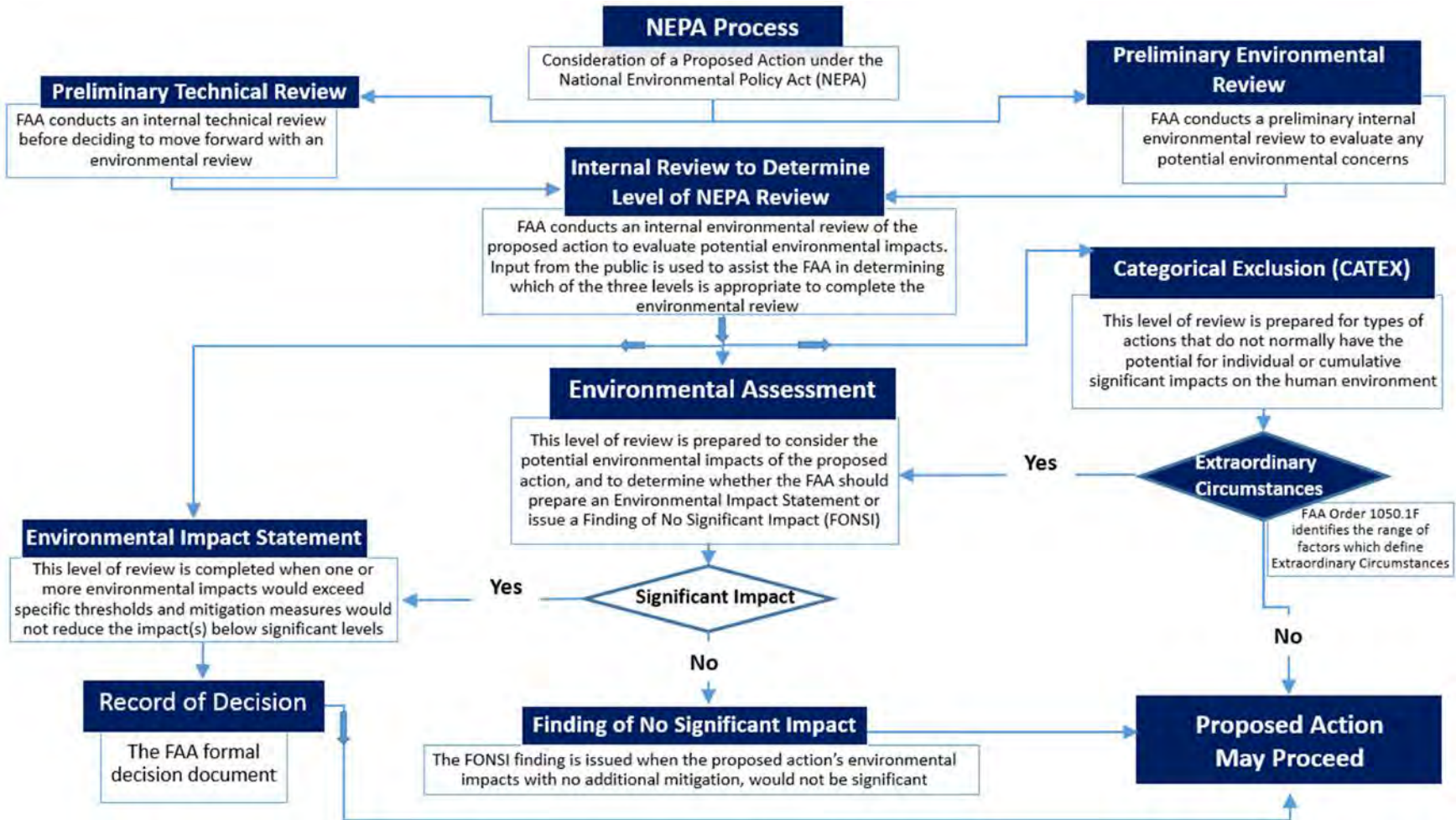


*Note: The need for and level of engagement will vary based on project circumstances*

The environmental review for procedures developed in this process occurs as a final step to the design activities.



# This chart shows the environmental steps the FAA would follow if the agency develops any of the conceptual changes. Non-finalized procedures generally do not start this process until finalized.



# Need for modifying the WND SR STAR

- **Within days of the publication of the WND SR STAR, Oakland ARTCC and NorCal TRACON realized the new WND SR STAR, being shifted to the North/Northeast, did not provide the separation from departures that the previous RAIDR STAR did.**



# Need for modifying the WND SR STAR

- **While very similar, the new WND SR STAR, in conjunction with other procedures implemented at the time, reduced the ability for controllers to more dynamically establish OAK arrivals on the downwind for runway 30**
- **This often keeps departures from SFO and OAK below the arrival stream over the Richmond area**
  - Arrivals may need to level off and increase thrust and/or departures may need to slow climb and remain at a lower altitude



# **Air Traffic Constraints with Respect to the current WNDSTAR STAR**

- **Napa County Airport Departures and Arrivals**
- **Travis Air Force Base Airspace**
- **Some SFO and OAK departures currently pass under arrivals, unable to climb until clear**
- **Higher terrain to the east**
- **SFO and OAK arrivals from the east/southeast**

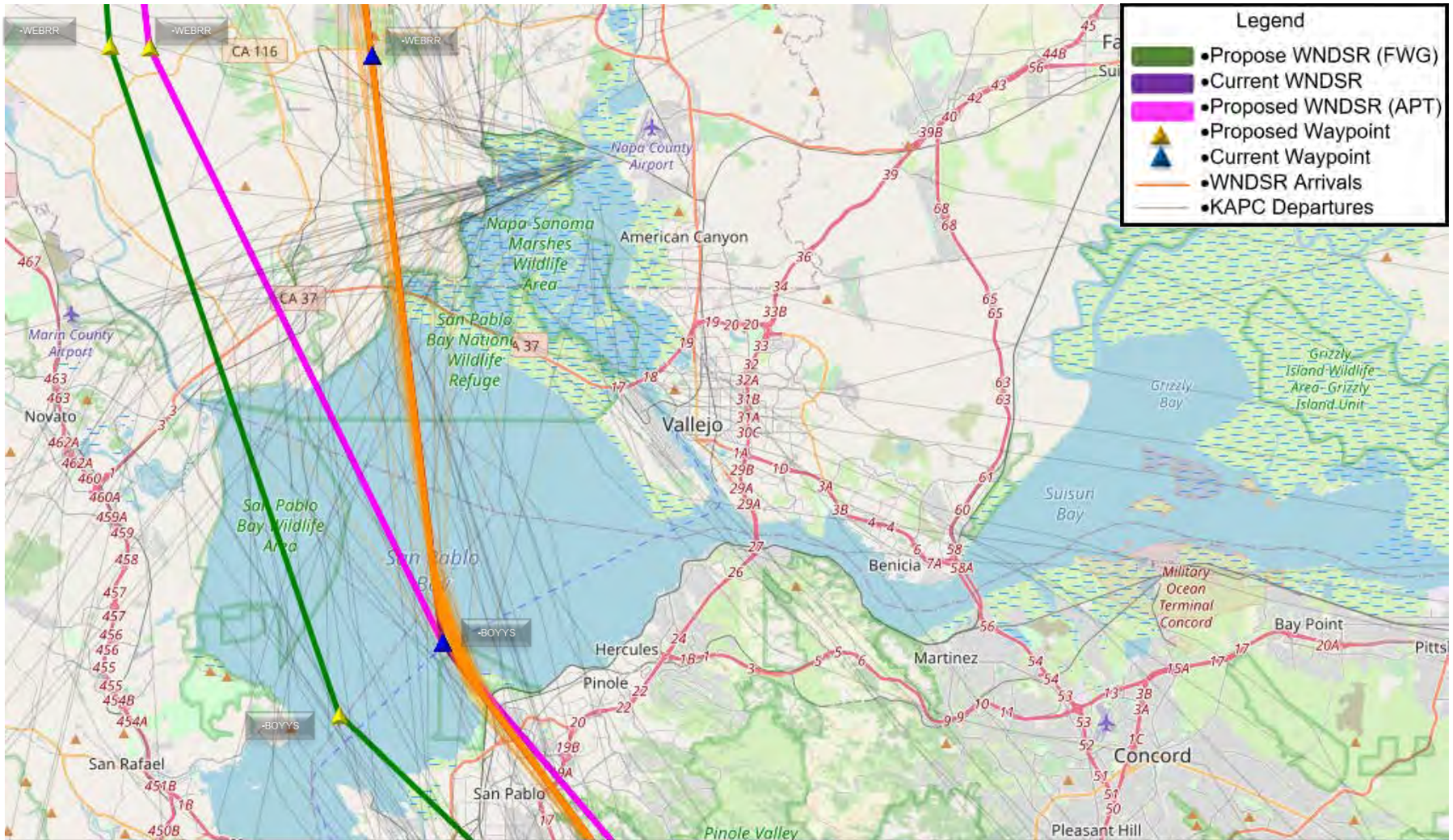


# **Air Traffic Constraints with Respect to the current WND STAR - Napa**

- **Confliction with Napa County Airport (KAPC) traffic between WEBER and BOYYS waypoints**

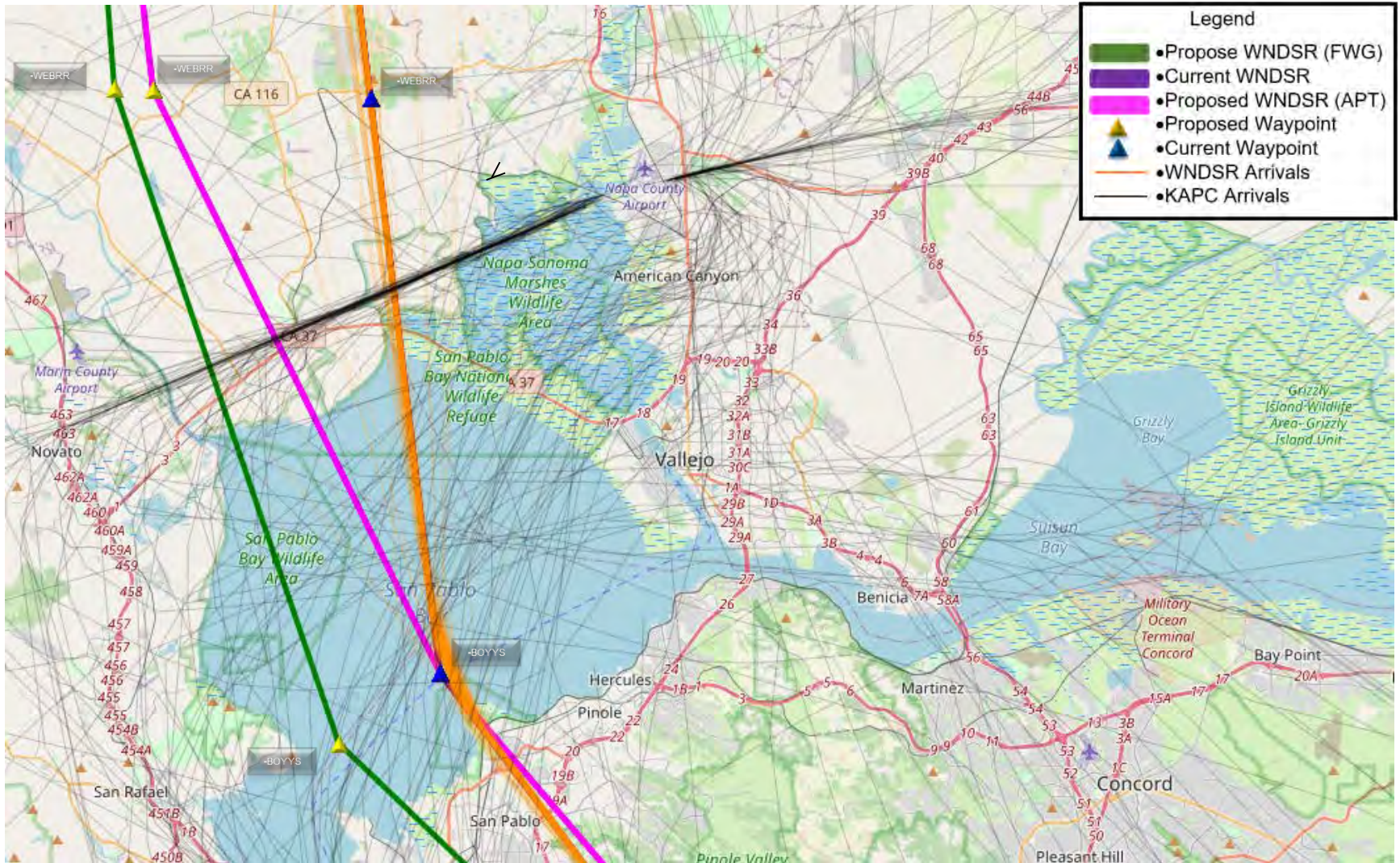


# KAPC Departures

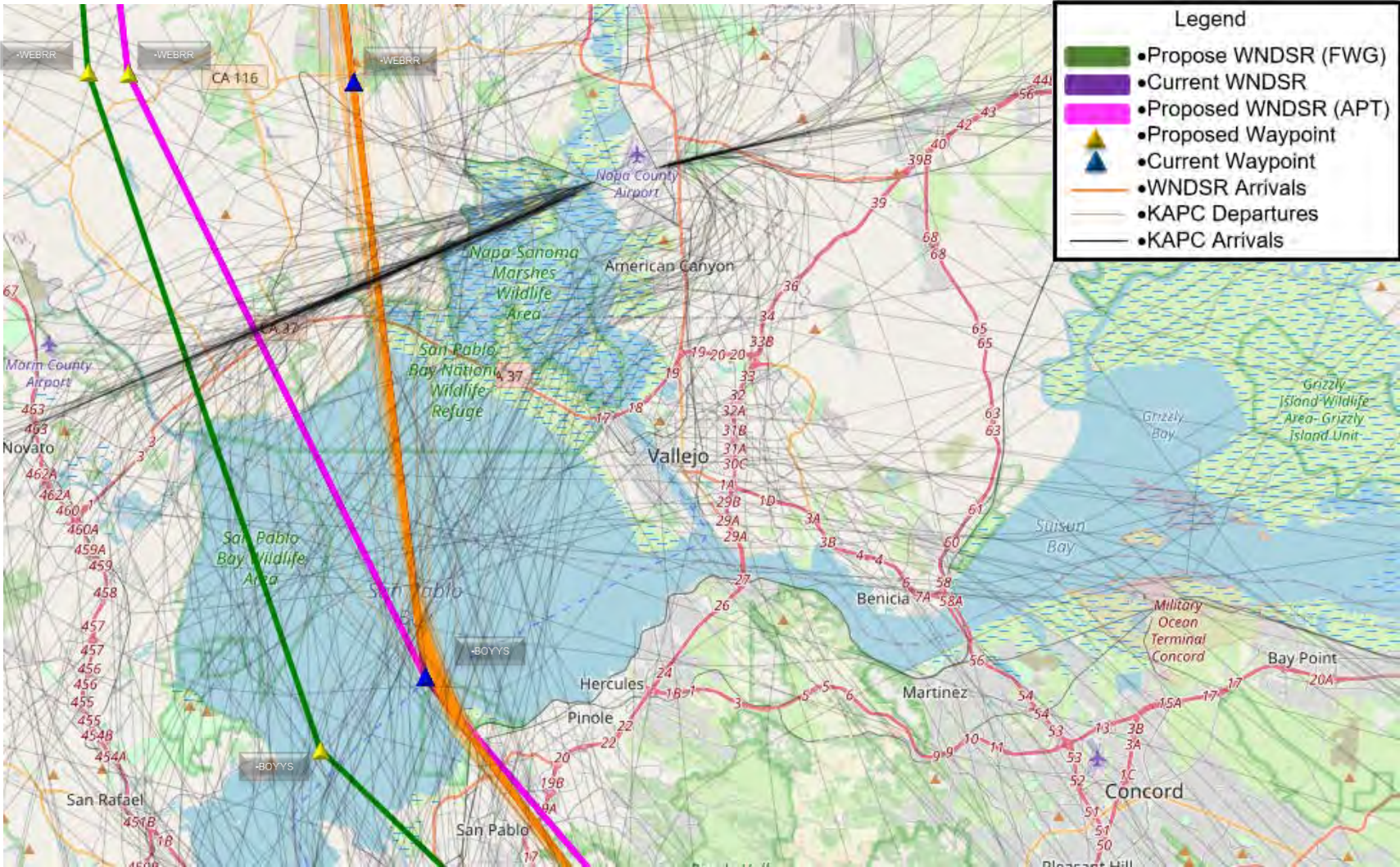




# KAPC Arrivals



# KAPC Departures/Arrivals

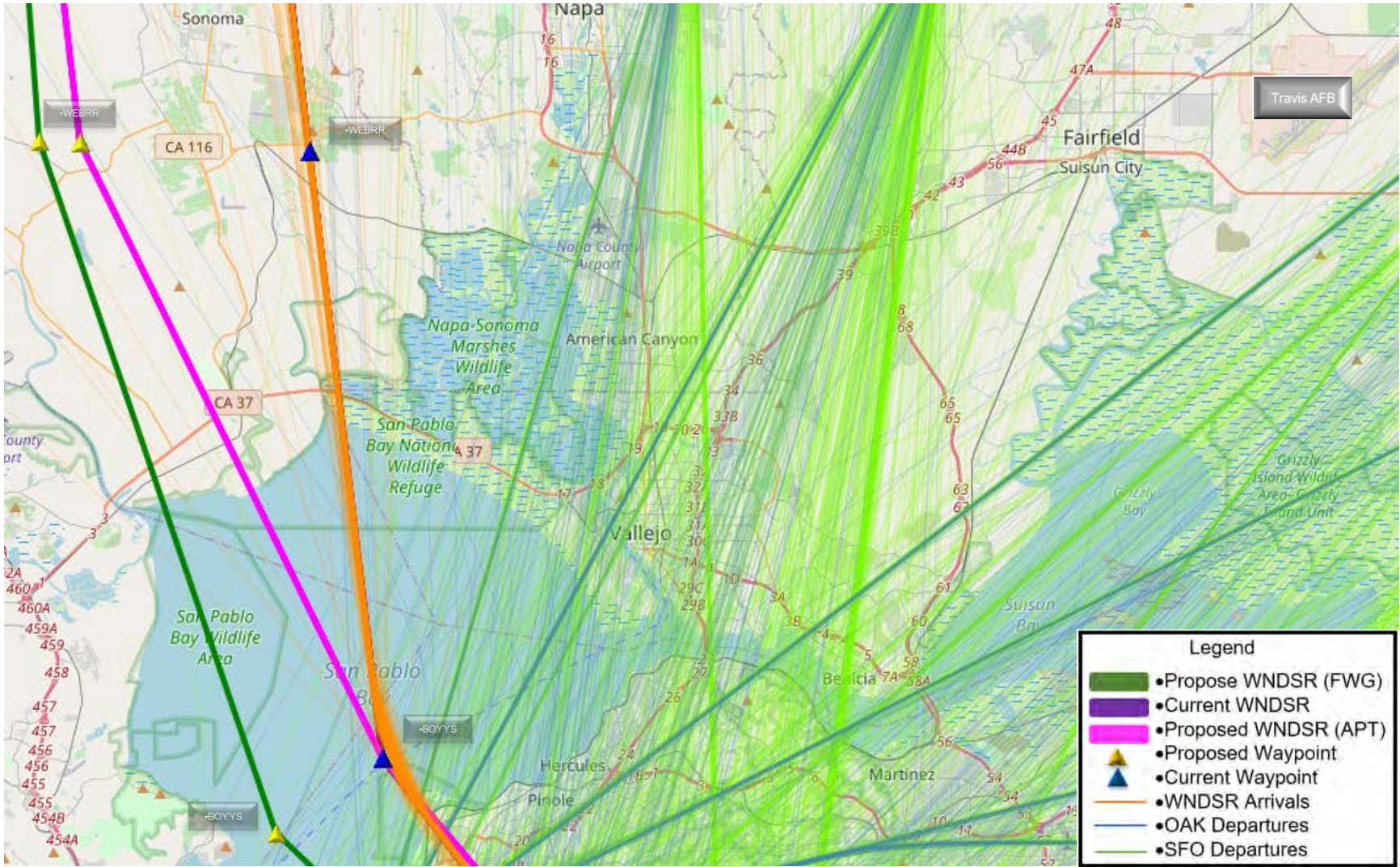


# Air Traffic Constraints with Respect to the current WNDSTAR – Travis Air Force Base

- **Proximity of BOYYS to HOPTA segment to Travis Air Force Base (AFB) airspace**
  - Route cannot be moved further east without encroaching on AFB airspace and potentially requiring individual coordination for each arrival
  - OAK and SFO departures must be at or above 11,000 prior to the Travis AFB airspace



# Travis Air Force Base

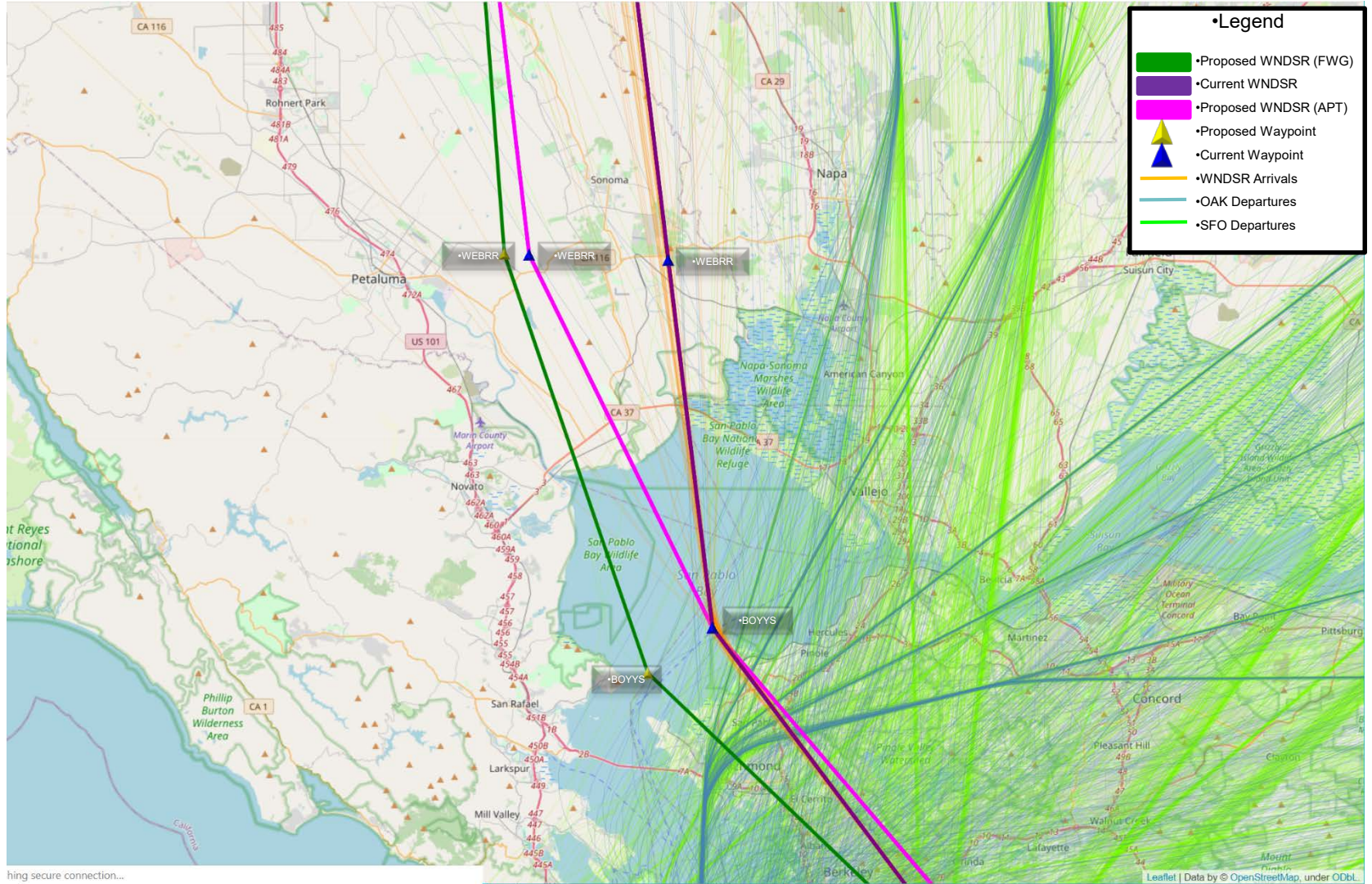


# **Air Traffic Constraints with Respect to the current WNDSR STAR – OAK/SFO Departures**

- **Major crossing point with OAK and SFO departures over the Richmond area**
- **Current design often requires level-offs for departures and/or arrivals**
- **Departures need to continue climbing to reach 11,000 to avoid Travis AFB**
- **Departures currently passing below arrivals are able to climb sooner with BOYYS moved west**



# SFO/OAK Dept toward Napa

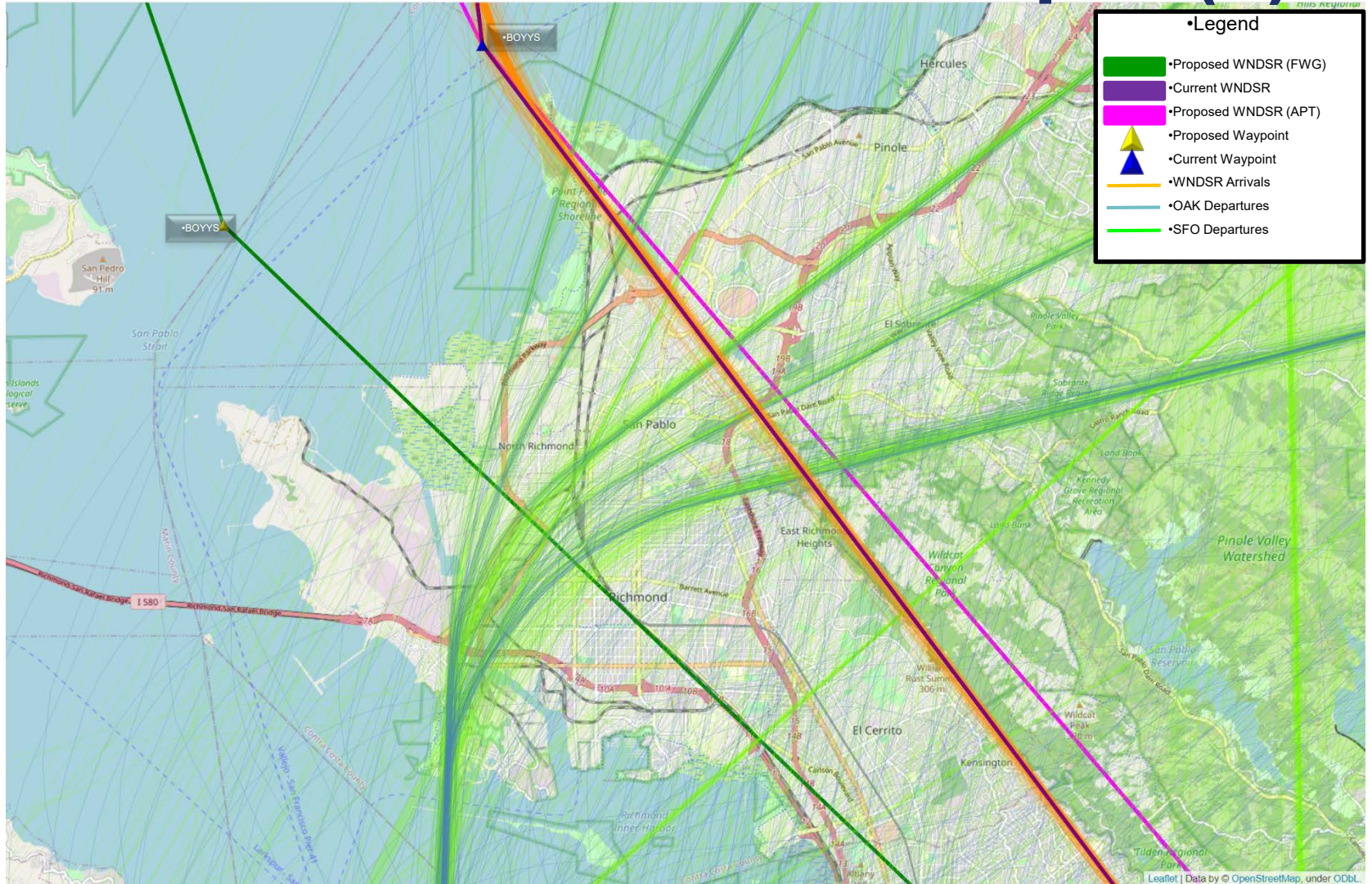


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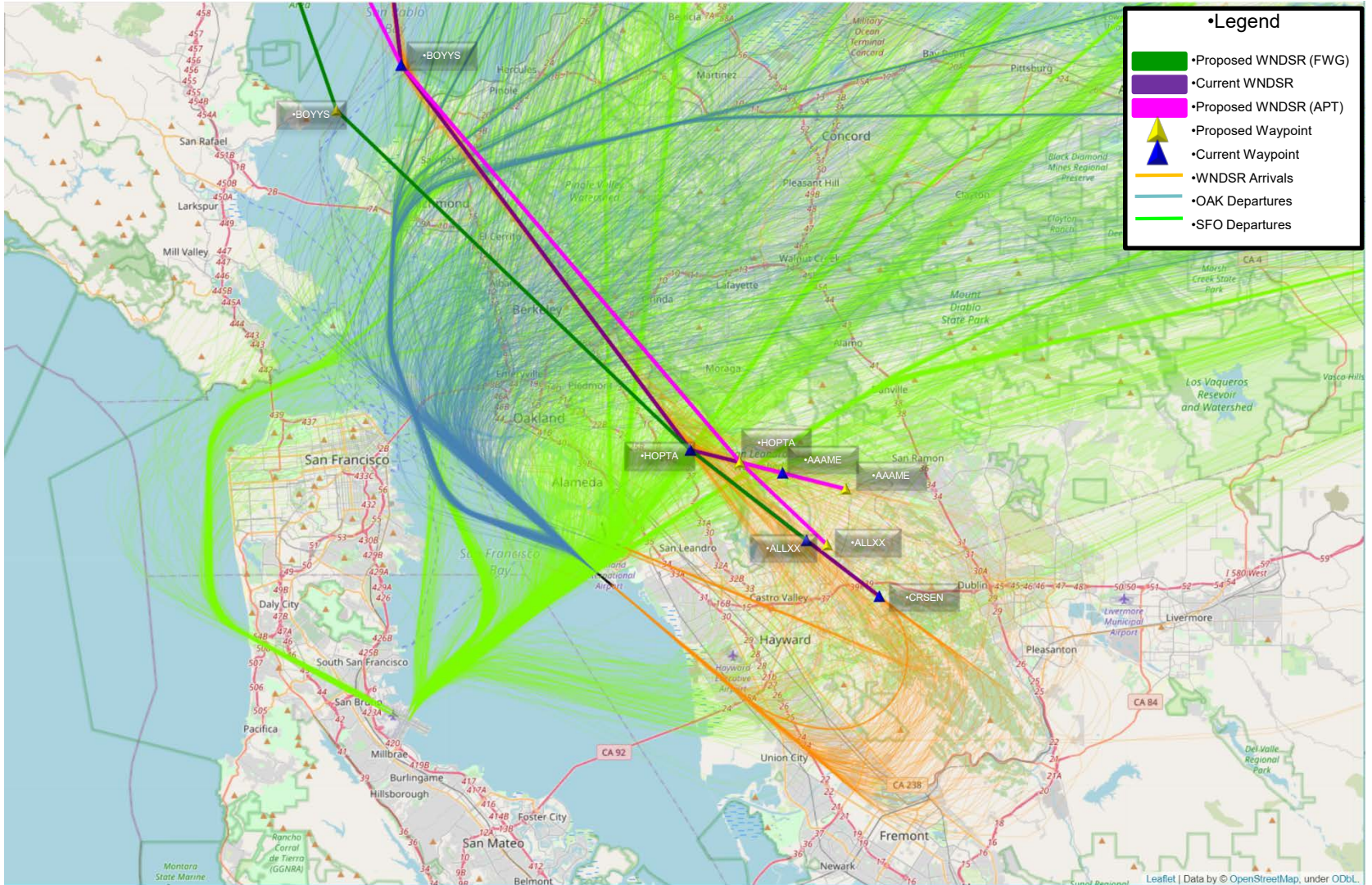
Leaflet | Data by © OpenStreetMap, under ODbL



# WNDSR - SFO & OAK Depts (1)

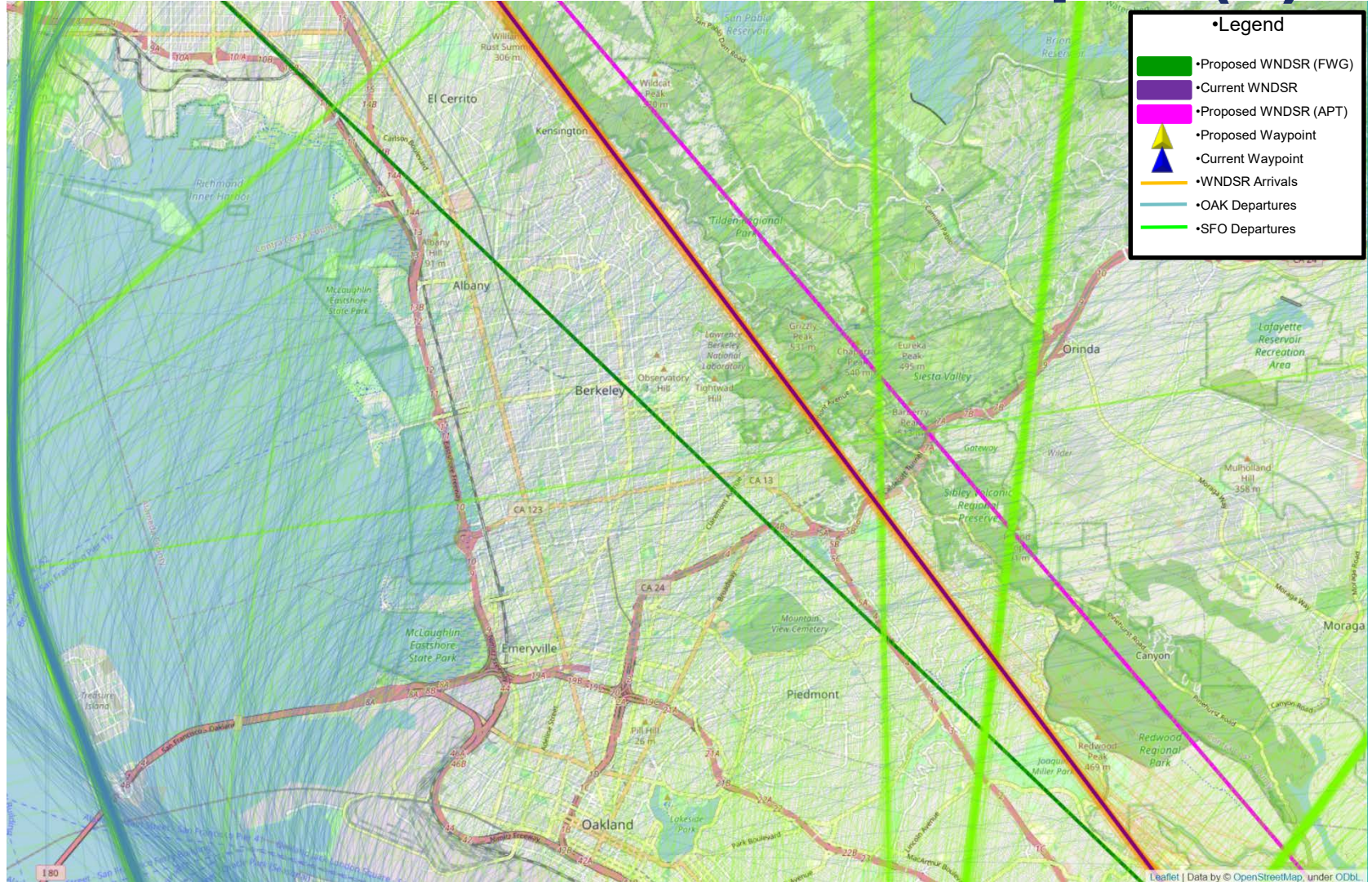


# WNDSR - SFO & OAK Depts (2)





# WNDSR - SFO & OAK Depts (3)



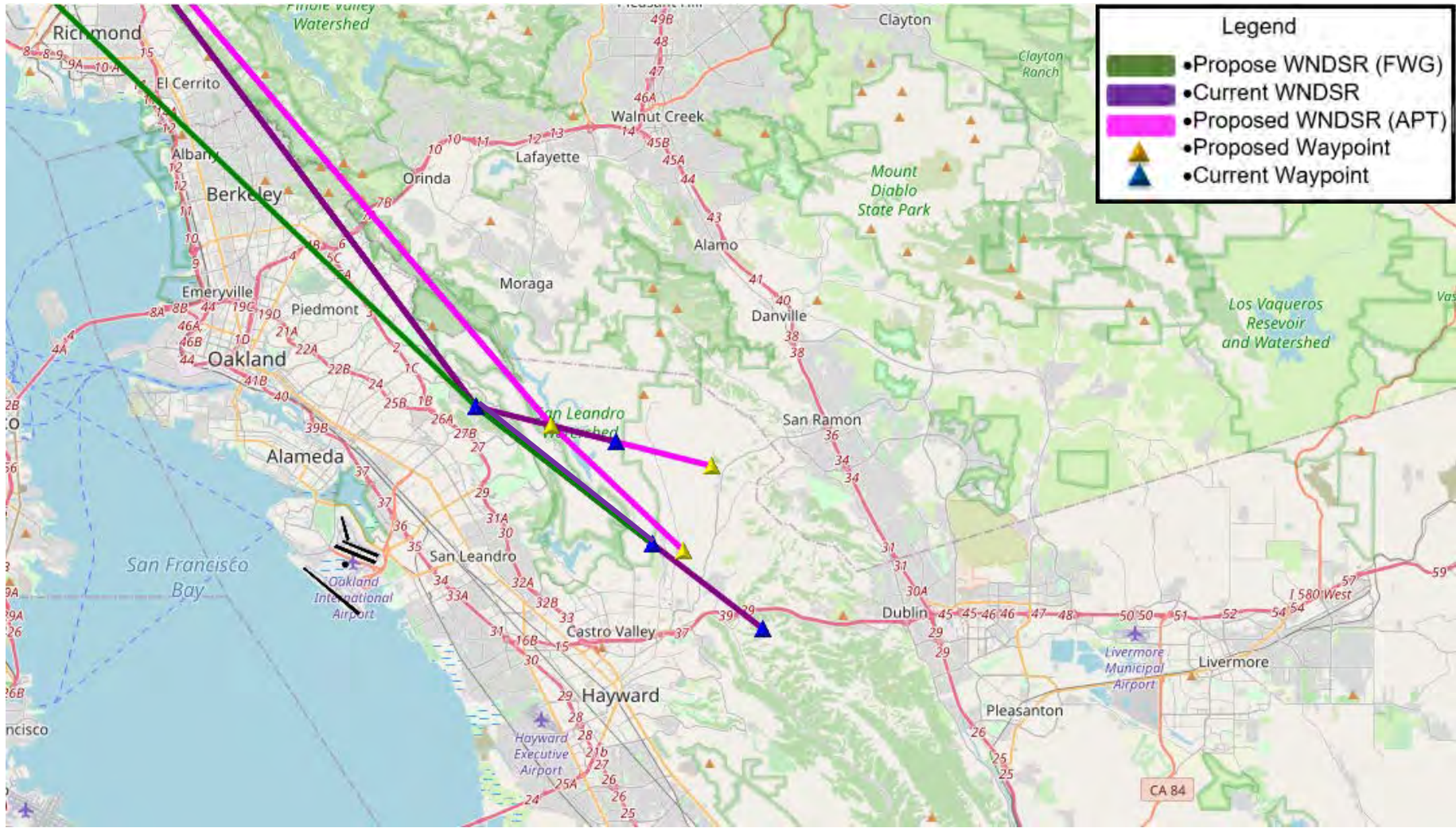
# Air Traffic Constraints with Respect to the current WNDSR STAR – Terrain to the East

- **Terrain**

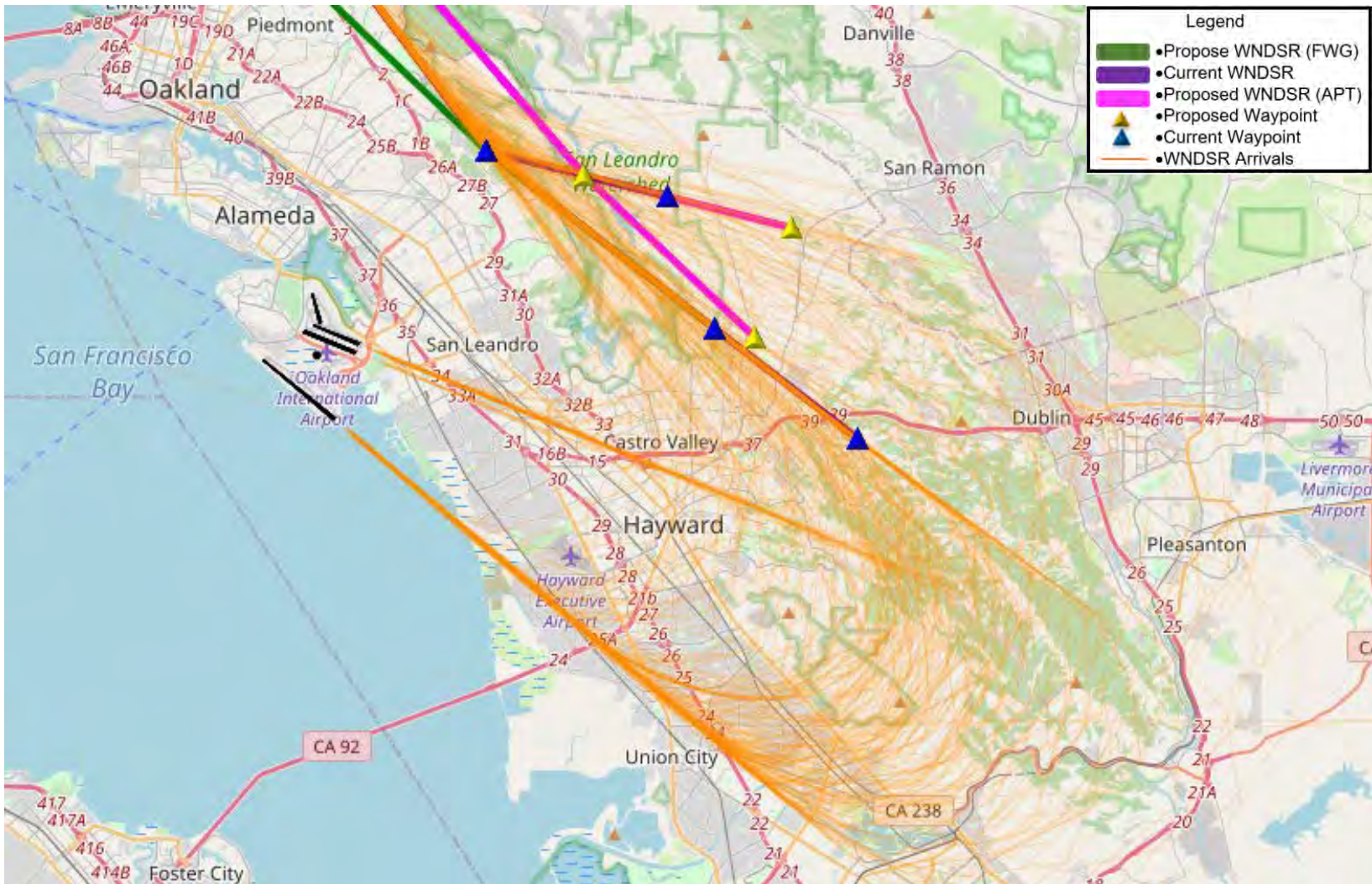
- As the terrain is higher to the east, this also increases the altitude aircraft are required to fly while on the STAR. Given the same location on a downwind in relation to the airport, a higher altitude requires a longer downwind and final approach segment to maintain the same level of approach stability.
- This also creates a conflict with Hayward Executive Airport departures, as it often causes them to be “trapped” between a descending OAK arrival and the rising terrain.



# Constraint of Terrain



# Constraint of Terrain

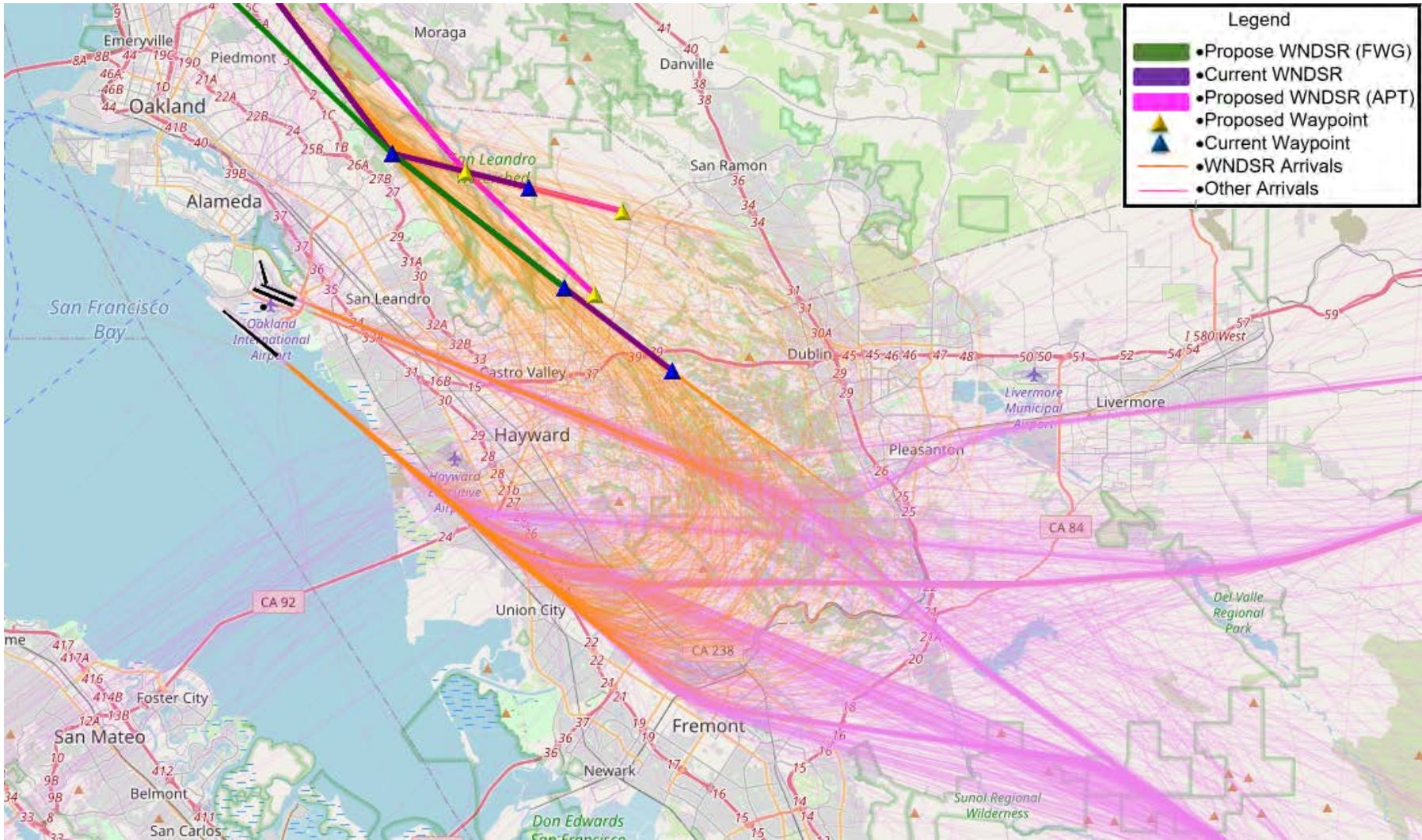


# Air Traffic Constraints with Respect to the current WNDSR STAR – Other Arrivals

- **Sequencing with other arrivals**
  - If moved further east, the change in the intercept angle between the WNDSR and OAKES/EMZOH STARS creates increasing complexity when sequencing arrival aircraft



# SFO & OAK arrivals from E/SE



# Next Steps

- **This briefing was designed to show the latest design for the proposed WND SR STAR amendment, as well as the status of the HUSSH SID amendment request.**
- **While there has been an operational need to modify the WND SR for many years, including several air traffic safety reports, the FAA remains committed to working with the Subcommittee and Forum in addressing aircraft noise based issues in the area.**



# Next Steps

- **The FAA will continue collaboration with the Subcommittee and Forum, even after potential publication of the WNSDR STAR, as briefed.**



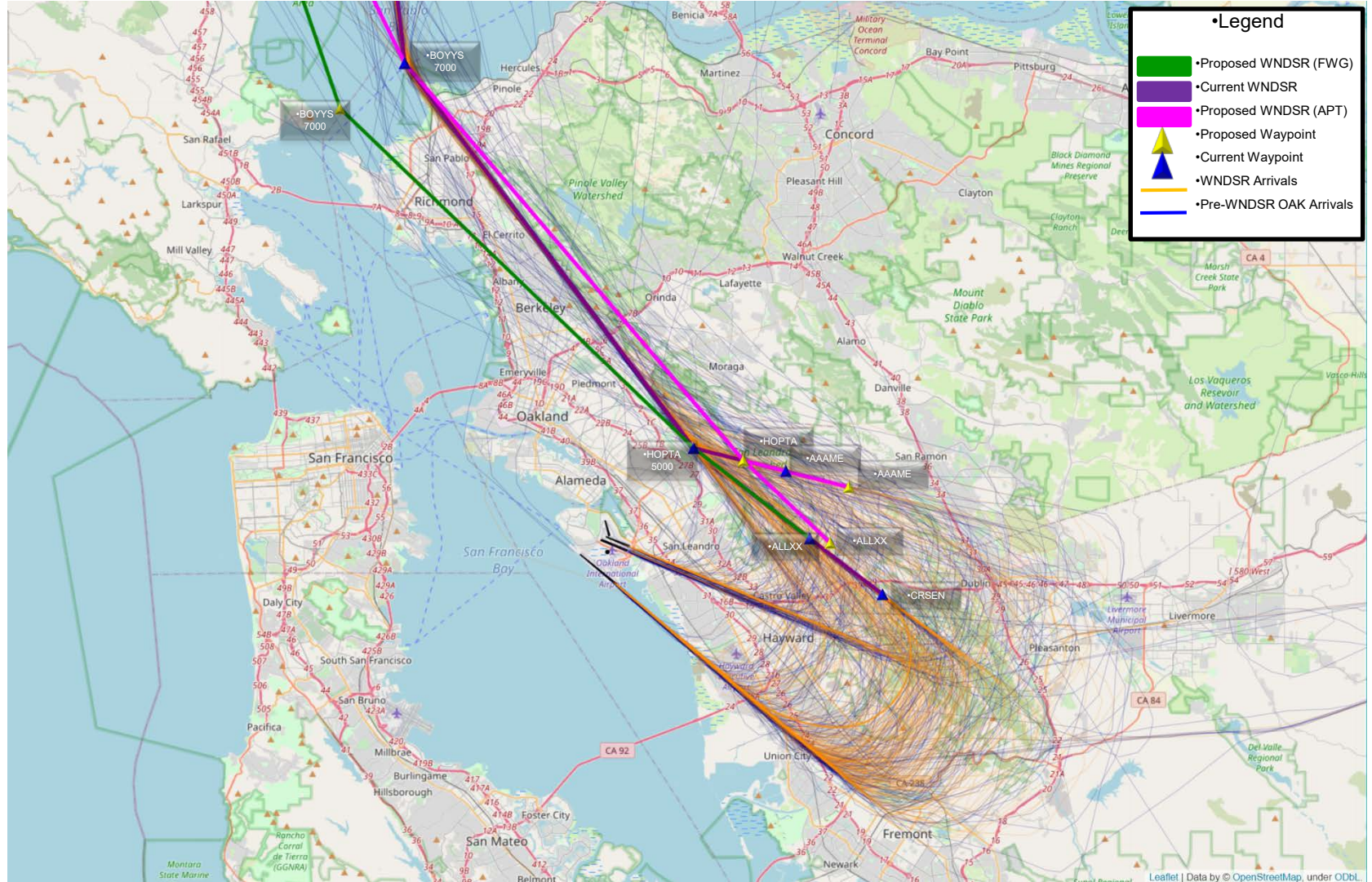


# Data used

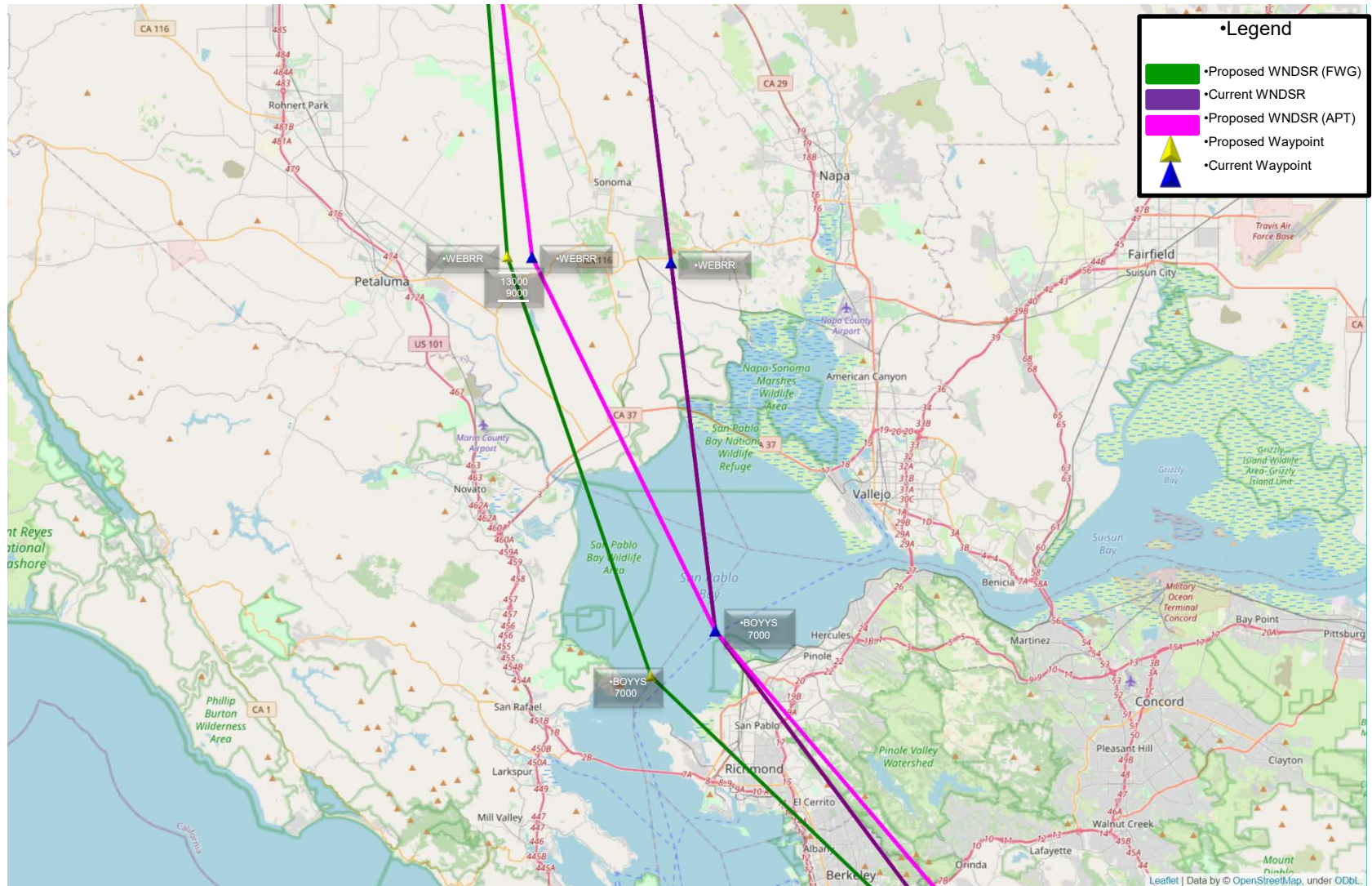
- **Pre-WNDSR OAK Arrivals**
  - May 20, 2015 – August 7, 2015
    - More tracks were used to better represent aircraft arriving via the RAIDR STAR
- **All other track categories**
  - August 1 – 7, 2019



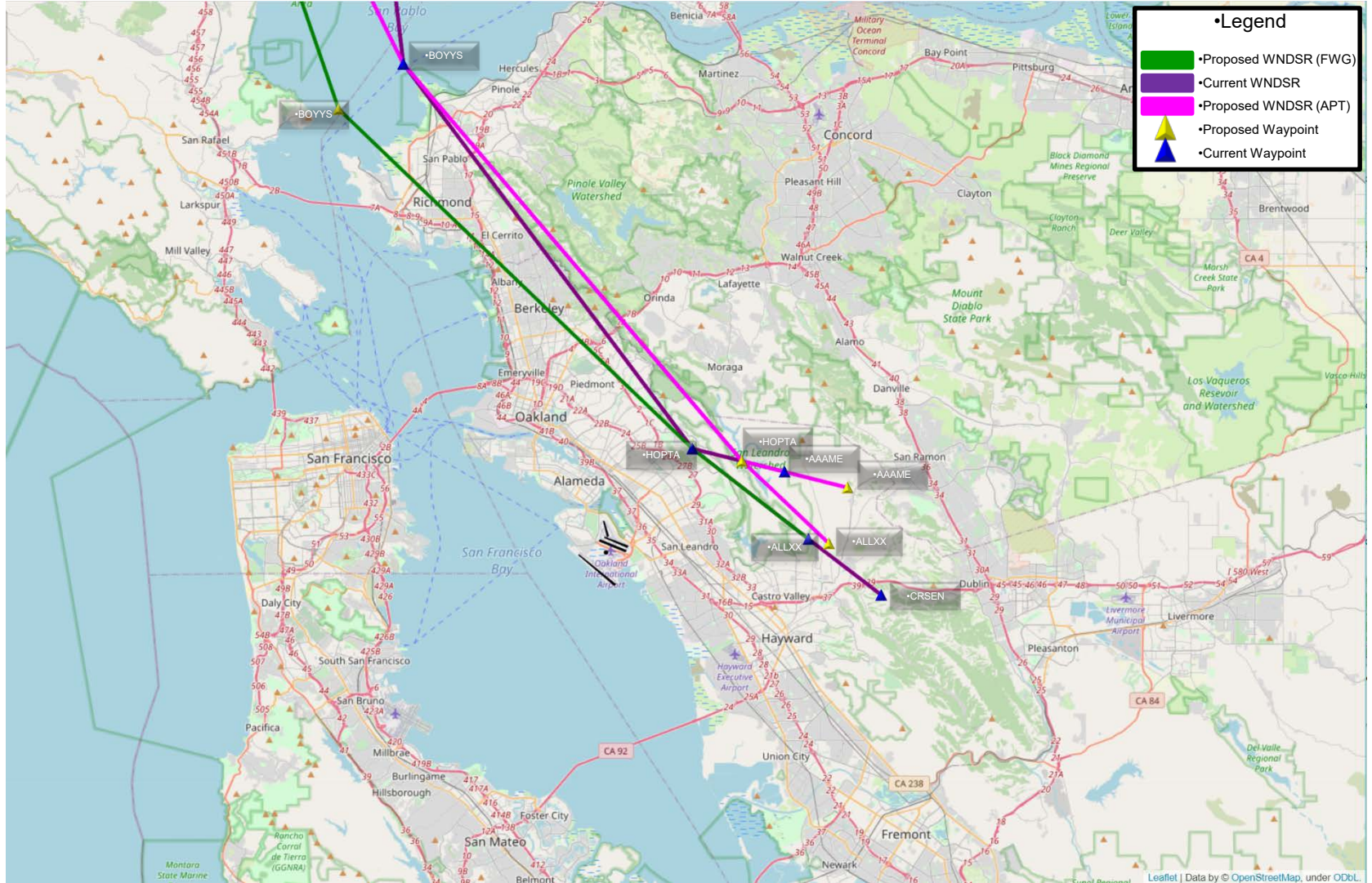
# WNDSR & Pre-WNDSR Arrivals



# WEBRR to BOYYS



# BOYYS to HOPTA, ALLXX



# Richmond speaks out against proposed flight path over city

The Richmond Standard, July 16, 2020



Image credit: Oakland Airport-Community Noise Management Forum

By Mike Kinney

The Richmond community is speaking out over a proposed change in a flight path into Oakland International Airport that will increase air traffic and noise in the city.

The Federal Aviation Administration (FAA) aims to shift an existing flight path that travels over the eastern edge of West Contra Costa cities two miles west to an area with nearly double the population in Richmond, El Cerrito and Berkeley. The change could happen in October 2021; the decision is not yet final, according to the FAA.

**“It seems low-income people and existing disadvantaged communities are going to be impacted the most with these new proposals,”** Richmond Deputy City Manager Shasha Curl said during the Oakland Airport-Community Noise Management Forum meeting Wednesday.

She was joined by Mayor Tom Butt and Contra Costa County Supervisor John Gioia in calling for public outreach and review of the plan.

**“Richmond has not been thoughtfully engaged,”** Curl said.

The proposal to shift the flight path is about safety, according to the FAA. In 2015, the FAA adopted a new WNDSR arrival route to replace the conventional RAIDR procedure. That shifted flight tracks to the north/northeast compared to the previous RAIDR, a spokesperson for the FAA said.

**“Shortly after we published the WNDSR, we realized it did not provide the same separation from Oakland departures that the previous RAIDR arrival route did, and a fix was needed,”** the FAA spokesperson said. **“The FAA began designing a proposed amendment to the WNDSR route in 2017.”**

Shifting flights west would keep aircraft on the arrival route safely separated from Oakland departures, according to the FAA.

Last year, the Oakland Noise Forum requested that the FAA evaluate a smaller shift to the east of the current flight path to take advantage of open space between Berkeley/Piedmont/Montclair and Orinda/Moraga.

**That proposal isn’t feasible, according to the FAA, “due to a number of factors related to the density and complexity of the local airspace.”** Terrain is higher to the east, the agency said.

**“Additionally, shifting the route east would create a conflict with Hayward Executive Airport departures; increase the complexity in sequencing and spacing involving other Oakland arrivals, San Francisco departures and Napa**

County Airport traffic; and would encroach on Travis Air Force Base airspace,” according to the FAA.

**At Wednesday’s Noise Forum**, Richmond leaders and community members asked the FAA to reconsider. Gioia said the flight path proposal should be examined as an equity issue, with an analysis of the air quality and noise pollution impacts.

**Added Richmond Mayor Tom Butt, “This is an environmental justice issue and adding noise pollution to other pollution sources already affecting Richmond is just not right. The flight path could be shifted a half a mile west and follow the Bay and affecting almost no one.”**

The FAA said it has not completed the environmental review for the proposed change, nor made a final decision, and added it would “continue to work through the Oakland Noise Forum on appropriate community engagement for the proposal.”

**Congress of the United States**  
**Washington, DC 20515**

January 25, 2021

The Honorable Steve Dickson  
Administrator  
Federal Aviation Administration  
800 Independence Ave, SW  
Washington, DC 20591

**RE: Proposed NextGen Modifications to the Northern California Metroplex**

Dear Administrator Dickson:

We are writing in regard to the Federal Aviation Administration's (FAA's) intention to make additional Air Traffic Control (ATC) modifications to the Northern California Metroplex, with particular respect to procedures related to the Oakland International Airport (OAK). We understand that the most recently described modifications to the WND SR Area Navigation (RNAV) procedure could impact the path of certain flights arriving to OAK from the north.

The Port of Oakland notified our offices that since the introduction of the NextGen program in the San Francisco Bay Area in 2015, OAK and other airports throughout the region have received a significant increase in noise-related complaints from our constituents, primarily because of the increased concentration of aircraft activity along certain arrival and departure routes.

OAK leadership and stakeholders affiliated with the Oakland Airport/Community Noise Management Forum ("Noise Forum") were recently notified of the FAA's intention to implement a modification to the WND SR Standard Terminal Arrival route into OAK. This proposed procedure would apparently shift flights from their current course along the East Bay hills and move them westward to a course that overflies a denser population situated among certain unincorporated areas of West Contra Costa County and the cities of Richmond, El Cerrito, Albany, and Berkeley, among other impacted areas.

The presentation by FAA representatives and discussions on the proposed changes during the July and October 2020 OAK Noise Forum meetings have generated concerns from our constituents. Primarily, it does not appear that the FAA is conducting a meaningful public outreach and engagement process to inform potentially impacted residents of this proposed change. Additionally, FAA staff have been unable to clearly detail the type of environmental analysis that will be conducted to analyze the impacts of this modification and whether any direct outreach to impacted stakeholders will be initiated as part of that environmental review. In addition, we have concerns about how the proposed changes will affect communities that historically have suffered from environmental injustices – including higher levels of air and noise pollution.



The FAA Reauthorization Act of 2018 directed the FAA to enhance the Agency's community engagement practices related to airplane noise impacts on communities. We respectfully request that you provide us with information on your agency's efforts related to this matter, that they be consistent with both the spirit and the letter of the Reauthorization Act, and that they include a direct line of communication between our constituents and the FAA about this proposed change. Finally, we ask that you keep our offices informed with any further FAA decisions related to this flight route modification.

Thank you for taking the time to consider our thoughts on this matter. We look forward to your response.

Sincerely,



Barbara Lee  
Barbara Lee  
Member of Congress



Mark DeSaulnier  
Mark DeSaulnier  
Member of Congress

cc: Raquel Girvin, FAA Western-Pacific Regional Administrator  
Bryant L. Francis, Director of Aviation, Port of Oakland  
Oakland Airport/Community Noise Management Forum Members





Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
April 20, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmembers Harrison and Robinson  
Subject: Resolution in Support of Senate Bill 271, the Sheriff Democracy and Diversity Act, to Allow for More Diverse and Democratic Sheriff Elections

RECOMMENDATION

Adopt a resolution in support of Senate Bill 271, the Sheriff Democracy and Diversity act, to allow for more diverse and democratic Sheriff elections.

Send copies of the resolution to Governor Newsom and State Senator Scott Wiener.

BACKGROUND

Sheriffs in California are constitutionally elected officials that exercise great authority in their respective County jurisdictions. All 58 counties in California have a Sheriff's department, and 41 counties provide for the Sheriff to assume the role of Coroner. The Sheriff has three primary duties: keep the peace, attend to the courts, and operate the county jail. Generally, the Sheriff has six functional operations: patrol, detention, civil, court services, records, coroner, administrative, and investigative.

Prior to 1988, the California constitution required no special qualifications to run for the office of Sheriff. After former prisoner rights' attorney Michael Hennessey was elected to Sheriff of San Francisco county, the California State Sheriff's Association successfully lobbied for a bill that restricted candidates to those with current and former law enforcement experience, codified at Government Code Section 24004.3. As a result, the pool of candidates grew smaller and many Sheriffs are unopposed when seeking reelection. In 2014, only 19 of the 58 counties in California had a contested race for the office of Sheriff, and in 2021, forty-nine of the sitting Sheriffs are white males, which does not reflect the demographics of the diverse constituents most Sheriffs represent.<sup>1</sup>

San Francisco Sheriff Michael Hennessey enacted many successful reform and anti-recidivism programs and was reelected seven times, becoming widely respected and the longest tenured Sheriff in California history. Meanwhile ongoing protests against police brutality have called for elected officials to "reimagine public safety," by shifting some duties away from armed officers to unarmed civilians and social workers.

<sup>1</sup> <https://theappeal.org/politicalreport/california-overturn-sheriff-requirements/>

Several counties including Los Angeles, Santa Clara, and San Diego have created civilian oversight boards due to reports of horrific conditions in their jails, and misconduct by their Sheriff's department. In *Dibb v. County of San Diego* (1994), the California Supreme Court upheld the authority to create such boards.

However, the restrictions limiting candidates to those with law enforcement experience has resulted in Sheriffs that are generally not well suited to reimagining public safety, as they lack de-escalation training, rehabilitative and restorative justice backgrounds, and mental health crisis intervention training as these are typically not provided by police and sheriff's training academies. Sheriffs in counties with larger populations manage thousands of employees, most of which are unarmed civilian employees. Such employees outnumber armed sworn employees in each of the 58 California counties.

Across California, Sheriffs have enacted policies that run contrary to the values of most Californians, prompting calls for structural reform:

- Sheriffs in California formally opposed the sanctuary protections provided by SB 54 (California Values Act) enacted into law in 2018, and many continue to cooperate with Immigrations and Customs Enforcement (ICE).<sup>2</sup>
- In July 2017, a woman gave birth alone while confined to solitary confinement at Santa Rita Jail, despite screaming for hours for medical attention. Alameda County and Sheriff Ahern are now the subject of a federal civil rights lawsuit.<sup>3</sup>
- After paying \$149 million in just five years due to civil rights violations, sexual assault, excessive force, and killings, and due to resisting oversight and reform efforts, in 2020 the Board of Supervisors for the County of Los Angeles voted to explore removing Sheriff Villanueva and making the office of Sheriff an appointed position.<sup>4</sup>
- In 2017 Alameda County Sheriff Ahern invited The Oath Keepers to participate in his Urban Shield SWAT training and equipment exposition and allowed them to distribute propaganda. Members of The Oath Keepers have since been investigated and/or arrested by the FBI for participating in the January 6, 2021 Capitol Riot.<sup>5</sup>
- Sheriffs have resisted calls to release or socially distance inmates and employees suffering from Covid-19 outbreaks in their respective jails, even as their own staff began to suffer the negative health consequences of the coronavirus, including death<sup>6</sup>. San Diego Sheriff Gore's response to the crisis

<sup>2</sup> <https://www.latimes.com/california/story/2020-10-08/ice-sanctuary-policies-arrest-san-diego>

<sup>3</sup> <https://www.eastbaytimes.com/2018/08/21/woman-who-gave-birth-alone-in-alameda-county-jail-screaming-for-hours-sues-county/>

<sup>4</sup> <https://www.latimes.com/california/story/2020-11-10/supervisors-seek-sheriff-removal-options>

<sup>5</sup> [https://www.washingtonpost.com/national-security/oath-keeper-three-percenter-arrests/2021/01/17/27e726f2-5847-11eb-a08b-f1381ef3d207\\_story.html](https://www.washingtonpost.com/national-security/oath-keeper-three-percenter-arrests/2021/01/17/27e726f2-5847-11eb-a08b-f1381ef3d207_story.html)

<sup>6</sup> <https://www.kpbs.org/news/2020/dec/22/covid-19-cases-surge-san-diego-jails-detention/>

has been to prioritize privatization of the county jail's health care services, which could eliminate 350 county employee positions.<sup>7</sup>

- An independent internal San Diego County review found that a woman was left alone to die, after striking her head in jail. According to records cited by the San Diego Union-Tribune, more than 150 people have died in custody in San Diego County jails since Sheriff Gore took office. The Union-Tribune also reported that San Diego County has the highest jail mortality rate of the state's six most populous counties.<sup>8</sup>
- In January 2021, California Attorney General Becerra launched an investigation into the Los Angeles County Sheriff's department for "pattern and practice" civil rights violations.<sup>9</sup>

Only thirteen states including California require that candidates seeking the office of Sheriff have prior law enforcement experience in order to run. Senator Wiener, along with colleagues Senator Skinner, Assembly Member McCarty, Assembly Member Kalra, Assembly Member Lee, Assembly Member Wicks, and Assembly Member Ting, has introduced Senate Bill 271 ("The Sheriff Diversity and Democracy Act") to return California to its original constitutional language for candidates seeking the office of County Sheriff, which if enacted would no longer require law enforcement experience to seek the office of Sheriff.

It is in the public interest that the Berkeley City Council express its support for the passage and implementation of Senate Bill 271.

#### FISCAL IMPACTS OF RECOMMENDATION

Clerk time is necessary to send letter.

#### ENVIRONMENTAL SUSTAINABILITY

Reforming Sheriff election rules could help strengthen the resilience of communities in the face of climate and environmental disasters.

#### CONTACT PERSON

Kate Harrison, Berkeley City Councilmember, (510) 981-7140

#### ATTACHMENTS

1. Resolution
2. Letter

<sup>7</sup> <https://www.sandiegouniontribune.com/news/watchdog/story/2020-11-16/new-covid-19-outbreak-forces-transfer-of-dozens-of-county-jail-inmates>

<sup>8</sup> <https://www.sandiegouniontribune.com/news/watchdog/story/2021-02-07/woman-left-alone-to-die-after-striking-her-head-while-collapsing-in-jail-independent-review-finds?fbclid=IwAR2XsvDnrtj91GSv1ih1Yd5zN5tGhrgfIWKPdUIMUhyE0r8KUASg9vSmSEQ>

<sup>9</sup> <https://ktla.com/news/local-news/california-ag-launches-civil-rights-investigation-into-l-a-county-sheriffs-department/>



Kate Harrison  
Councilmember District 4

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

RESOLUTION IN SUPPORT OF SENATE BILL 271, THE SHERIFF DEMOCRACY  
AND DIVERSITY ACT, TO ALLOW FOR MORE DIVERSE AND DEMOCRATIC  
SHERIFF ELECTIONS

Whereas, Sheriffs in California are constitutionally elected officials that exercise great authority in their respective County jurisdictions. All 58 counties in California have a Sheriff's department, and 41 counties provide for the Sheriff to assume the role of Coroner. The Sheriff has three primary duties: keep the peace, attend to the courts, and operate the county jail. Generally, the Sheriff has six functional operations: patrol, detention, civil, court services, records, coroner, administrative, and investigative; and

Whereas, prior to 1988, the California constitution required no special qualifications to run for the office of Sheriff. After former prisoner rights' attorney Michael Hennessey was elected to Sheriff of San Francisco county, the California State Sheriff's Association successfully lobbied for a bill that restricted candidates to those with current and former law enforcement experience, codified at Government Code Section 24004.3. As a result, the pool of candidates grew smaller and many Sheriffs are unopposed when seeking reelection. In 2014, only 19 of the 58 counties in California had a contested race for the office of Sheriff, and in 2021, forty-nine of the sitting Sheriffs are white males, which does not reflect the demographics of the diverse constituents most Sheriffs represent<sup>1</sup>; and

Whereas, San Francisco Sheriff Michael Hennessey enacted many successful reform and anti-recidivism programs and was reelected seven times, becoming widely respected and the longest tenured Sheriff in California history; and

Whereas, protests against police brutality have called for elected officials to "reimagine public safety", by shifting some duties away from armed officers to unarmed civilians and social workers; and

Whereas, several counties including Los Angeles, Santa Clara, and San Diego have created civilian oversight boards due to reports of horrific conditions in their jails, and misconduct by their Sheriff's department. In Dibb v. County of San Diego (1994), the California Supreme Court upheld the authority to create such boards; and

Whereas, the restrictions limiting candidates to those with law enforcement experience has resulted in Sheriffs that are generally not well suited to reimagining public safety, as they lack de-escalation training, rehabilitative and restorative justice backgrounds, and

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<sup>1</sup> <https://theappeal.org/politicalreport/california-overturn-sheriff-requirements/>

mental health crisis intervention training as these are typically not provided by police and sheriff's training academies; and

Whereas, Sheriffs in counties with larger populations manage thousands of employees, most of which are unarmed civilian employees. Such employees outnumber armed sworn employees in each of the 58 California counties; and

Whereas, Sheriffs in California formally opposed the sanctuary protections provided by SB 54 (California Values Act) enacted into law in 2018, and many continue to cooperate with Immigrations and Customs Enforcement (ICE)<sup>2</sup>; and

Whereas, in 2017 Alameda County Sheriff Ahern invited The Oath Keepers to participate in his Urban Shield "war games" and allowed them to distribute propaganda. Members of The Oath Keepers have since been investigated and/or arrested by the FBI for participating in the January 6, 2021 Capitol riot challenging the certification of President Joe Biden's election results<sup>3</sup>; and

Whereas, in July 2017, a woman gave birth alone while confined to solitary confinement at Santa Rita Jail, despite screaming for hours for medical attention. Alameda County and Sheriff Ahern are now the subject of a federal civil rights lawsuit<sup>4</sup>; and

Whereas, after paying \$149 million in just five years due to civil rights violations, sexual assault, excessive force, and killings, and due to resisting oversight and reform efforts, in 2020 the Board of Supervisors for the County of Los Angeles voted to explore removing Sheriff Villanueva and making the office of Sheriff an appointed position<sup>5</sup>; and

Whereas, Sheriffs have resisted calls to release or socially distance inmates and employees suffering from Covid-19 outbreaks in their respective jails, even as their own staff began to suffer the negative health consequences of the coronavirus, including death<sup>6</sup>. San Diego Sheriff Gore's response to the crisis has been to prioritize privatization of the county jail's health care services, which could eliminate 350 county employee positions<sup>7</sup>; and

Whereas, an independent internal San Diego County review found that a woman was left alone to die, after striking her head in jail. According to records cited by the San

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<sup>2</sup> <https://www.latimes.com/california/story/2020-10-08/ice-sanctuary-policies-arrest-san-diego>

<sup>3</sup> [https://www.washingtonpost.com/national-security/oath-keeper-three-percenter-arrests/2021/01/17/27e726f2-5847-11eb-a08b-f1381ef3d207\\_story.html](https://www.washingtonpost.com/national-security/oath-keeper-three-percenter-arrests/2021/01/17/27e726f2-5847-11eb-a08b-f1381ef3d207_story.html)

<sup>4</sup> <https://www.eastbaytimes.com/2018/08/21/woman-who-gave-birth-alone-in-alameda-county-jail-screaming-for-hours-sues-county/>

<sup>5</sup> <https://www.latimes.com/california/story/2020-11-10/supervisors-seek-sheriff-removal-options>

<sup>6</sup> <https://www.kpbs.org/news/2020/dec/22/covid-19-cases-surge-san-diego-jails-detention/>

<sup>7</sup> <https://www.sandiegouniontribune.com/news/watchdog/story/2020-11-16/new-covid-19-outbreak-forces-transfer-of-dozens-of-county-jail-inmates>



Diego Union-Tribune, more than 150 people have died in custody in San Diego County jails since Sheriff Gore took office. The Union-Tribune also reported that San Diego County has the highest jail mortality rate of the state's six most populous counties<sup>8</sup>; and

Whereas, in January 2021, California Attorney General Becerra launched an investigation into the Los Angeles County Sheriff's department for "pattern and practice" civil rights violations<sup>9</sup>;

Whereas, only thirteen states including California require that candidates seeking the office of Sheriff have prior law enforcement experience in order to run;

Whereas, Senator Wiener, along with colleagues Senator Skinner, Assembly Member McCarty, Assembly Member Kalra, Assembly Member Lee, Assembly Member Wicks, and Assembly Member Ting, has introduced Senate Bill 271 ("The Sheriff Diversity and Democracy Act") to return California to its original constitutional language for candidates seeking the office of County Sheriff, which if enacted would no longer require law enforcement experience to seek the office of Sheriff.

NOW, THEREFORE BE IT RESOLVED, the City Council of Berkeley expresses its support for Senate Bill 271 (Wiener), and the California legislature to pass and Governor Gavin Newsom to sign into law Senate Bill 271.

BE IT FURTHER RESOLVED, that copies of this Resolution will be sent to Governor Newsom and the Office of California Senator Wiener, along with a copy of the letters referenced below.

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<sup>8</sup> <https://www.sandiegouniontribune.com/news/watchdog/story/2021-02-07/woman-left-alone-to-die-after-striking-her-head-while-collapsing-in-jail-independent-review-finds?fbclid=IwAR2XsvDnrj91GSv1ih1Yd5zN5tGhrfIWKPdUIMUhyE0r8KUASg9vSmSEQ>

<sup>9</sup> <https://ktla.com/news/local-news/california-ag-launches-civil-rights-investigation-into-l-a-county-sheriffs-department/>

The Honorable Gavin Newsom  
Governor, State of California  
1303 10th Street, Suite 1173  
Sacramento, CA 95814

**Re: Support for Senate Bill 271, the Sheriff Democracy and Diversity Act, to Allow for More Diverse and Democratic Sheriff Elections**

Dear Governor Newsom:

The Berkeley City Council would like to convey its urgent support for your support for Senate Bill 271, the Sheriff Democracy and Diversity Act, to allow for more diverse and democratic Sheriff elections.

Only thirteen states including California require that candidates seeking the office of Sheriff have prior law enforcement experience in order to run. SB 271 would return California to its original constitutional language for candidates seeking the office of County Sheriff, which would no longer require law enforcement experience to seek the office of Sheriff.

Ongoing protests against police brutality have called for elected officials to “reimagine public safety,” by shifting some duties away from armed officers to unarmed civilians and social workers.

To date, unnecessary restrictions have reduced the pool of candidates for Sheriff and today most Sheriffs are unopposed when seeking reelection. In 2014, only 19 of the 58 counties in California had a contested race for the office of Sheriff, and in 2021, forty-nine of the sitting Sheriffs are white males, which does not reflect the demographics of the diverse constituents most Sheriffs represent.

Thank you for your leadership and consideration.

Sincerely,

The Berkeley City Council

The Honorable Scott Wiener  
State Capitol  
Room 5100  
Sacramento, CA 95814-4900

**Re: Support for Senate Bill 271, the Sheriff Democracy and Diversity Act, to Allow for More Diverse and Democratic Sheriff Elections**

Dear State Senator Wiener:

The Berkeley City Council would like to convey its urgent support for your support for Senate Bill 271, the Sheriff Democracy and Diversity Act, to allow for more diverse and democratic Sheriff elections.

Thank you for your leadership on this important issue.

Sincerely,

The Berkeley City Council





Kate Harrison  
Councilmember District 4

CONSENT CALENDAR

April 20, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison (Author)

Subject: Support for AB 1199: Homes for Families and Corporate Monopoly Transparency Excise Tax

RECOMMENDATION

Send a letter to Assemblymember Mike Gipson, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 1199, which would create a database of rental properties serving low-income tenants, levy a tax on the rental profits of some people or entities holding many properties, and use the funds to support services for tenants and small landlords.

BACKGROUND

This bill, AB 1199, consists of two main parts. First, it creates a reporting requirement and a database for certain property owners. Specifically, AB 1199 would:

- Require any person or entity, not including qualified non-profit organizations, that owns rental property serving primarily low-income tenants to report annually to the Secretary of State.
- Require the Secretary of State to create a searchable database, updated annually, with the information collected through AB 1199.

The information collected by AB 1199 would include both the identity of the beneficial owner of each property and the number of units at each property that were offered for rent or lease. This portion is similar to the database created by Berkeley's Measure MM, which collects more information about rental properties.

Next, with this information collected, the State would be able to collect a tax and place the receipts in a fund. This is the "Homes for Families and Corporate Monopoly

Transparency Excise Tax Law” section of the bill. Here AB 1199 would:

- Impose an unspecified annual excise tax upon any person, LLC, or LP, owning 10 or more units of rental housing serving low-income residents with some exclusions, including income-restricted affordable housing units.
- Create a Homes for Families Fund that would receive the taxes collected from AB 1199.

The percentage amount of the tax is currently blank in the most recent form of AB 1199. The new “Homes for Families Fund” would be charged with supporting:

- Rental assistance and relief for tenants,
- Tenant legal services,
- Services and programs for persons experiencing homelessness,
- Protection of existing housing,
- Production of new affordable housing,
- Housing counseling services for tenants, and
- Landlords that own fewer than 10 properties and have lost rental income from tenants due to COVID-19

It is in the public interest for the City of Berkeley to support Assembly Bill 1199 because this legislation will provide a database of statewide information that will inform local discussions of the housing market as the City revisits the housing element over the next few years and for discussions of housing policy in the future.

Additionally, this new tax to support various programs to support tenants and small landlords is in line with Berkeley values. Berkeley voters have a long history of supporting tenant protections and low-income housing, including the passing of Measures O and P to levy new taxes in support of the construction of affordable housing and services for those experiencing homelessness as well as the recent passing of Measure MM, which has similar elements to AB 1199 in that it creates a database of rental properties.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental impacts associated with this action.

#### FISCAL IMPACTS OF RECOMMENDATION

Clerk time will be necessary to send the letters.

#### CONTACT PERSON

Councilmember Kate Harrison  
510-981-7140

Attachments:

1: Resolution

2: Letter

3: Bill text: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1199](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1199)

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

RESOLUTION IN SUPPORT OF AB 1199: HOMES FOR FAMILIES AND  
CORPORATE MONOPOLY TRANSPARENCY EXCISE TAX

WHEREAS, Assembly Bill 1199 (Gipson), The Homes for Families and Corporate Monopoly Transparency Excise Tax Law would create a database of rental properties serving low-income tenants, levy a tax on the rental profits of some people or entities holding many properties, and use the funds to support services for tenants and small landlords; and

WHEREAS, the voters of the City of Berkeley have supported similar local efforts to create a database of rental housing for the better understanding of the rental market to inform policy discussions and decisions with reliable data; and

WHEREAS, a better understanding of the housing stock dedicated to serving low-income tenants will only aid in making important state-level policy decisions and conducting research,

WHEREAS, The City of Berkeley is increasingly concerned about the financialization of the housing market and the consolidation of rental properties to fewer and fewer owners, which is often in conflict with an understanding of housing as a human right, and,

WHEREAS, new programs will be needed to support tenants and small landlords long after the COVID State of Emergency is lifted, and

WHEREAS, dedicated funding streams for social support programs support their success;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Berkeley proclaims its support for AB 1199 (Gipson).

BE IT FURTHER RESOLVED, that by the adoption of this Resolution, the City of Berkeley hereby includes in its 2020-2021 State Legislative Program SUPPORT for AB 1199 (Gipson), which would create a database of rental properties serving low-income tenants, levy a tax on the rental profits of some people or entities holding many properties, and use the funds to support services for tenants and small landlords.

BE IT FURTHER AND FINALLY RESOLVED that copies of this Resolution Clerk will be sent to Senator Nancy Skinner, Assemblymember Buffy Wicks, Assemblymember Gipson, whichever other legislative committees will be conducting hearings on the legislation, no later than the deadline for filing position letters to each committee.



April 20, 2021

The Honorable Mike Gipson  
Assemblymember, 64th District  
State Capitol, Room 3173  
Sacramento, CA 95814

**RE: City of Berkeley's Support for Assembly Bill 1199**

Dear Assemblymember Mike Gipson,

The Berkeley City Council would like to convey our full support for Assembly Bill 1199, which would make progress towards understanding the California rental market, creating a useful database for future research, and providing a source of funding to necessary programs for supporting tenants and small landlords.

Berkeley took similar steps when voters supported Measure MM last fall, requiring the registration of many rental units and allowing for a more informed discussion of the rental market while making important local policy decisions. The "Homes for Families Fund" would be another needed source of assistance not only for the many tenants who will continue to face the challenges of COVID long after the emergency is over, but also to the many small landlords who felt similar impacts from the pandemic.

The Berkeley City Council supports AB 1199 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: | Senator Nancy Skinner  
Assemblymember Buffy Wicks



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AB-1199 Homes for Families and Corporate Monopoly Transparency Excise Tax: qualified property: reporting requirements. (2021-2022)

SHARE THIS:



Date Published: 02/18/2021 09:00 PM

### CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

## ASSEMBLY BILL

NO. 1199

Introduced by Assembly Member Gipson

February 18, 2021

An act to add Article 8 (commencing with Section 12280) to Chapter 3 of Part 2 of Division 3 of Title 2 of the Government Code, and to add Part 6.8 (commencing with Section 11951) to Division 2 of the Revenue and Taxation Code, relating to landlords, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1199, as introduced, Gipson. Homes for Families and Corporate Monopoly Transparency Excise Tax: qualified property: reporting requirements.

Existing law requires the Secretary of State to perform various duties relating to business entities.

This bill would require a qualified entity, as defined, that owns qualified property, as defined, to report annually to the Secretary of State specified information regarding the qualified property owned by the qualified entity. The bill would require the Secretary of State to create a searchable database, updated annually, on the Secretary of State's internet website, with the information provided by the qualified entity.

Existing law imposes various taxes, including taxes on the privilege of engaging in certain activities. The Fee Collection Procedures Law, the violation of which is a crime, provides procedures for the collection of certain fees and surcharges.

This bill would impose an annual excise tax upon a qualified taxpayer, as defined, for the privilege of renting or leasing out qualified property, as defined, in this state at an unspecified rate based on the gross receipts of the qualified taxpayer that are derived from rental income. The bill would require the California Department of Tax

and Fee Administration to collect the tax pursuant to the Fee Collection Procedures Law and would require all amounts collected, less refunds and administrative costs, to be deposited in the Homes for Families Fund, which the bill would create. Upon appropriation, the bill would require that moneys in the fund be used for specified purposes relating to rental assistance, homelessness, affordable housing, and housing counseling services.

Because the bill would expand the scope of the Fee Collection Procedures Law, the violation of which is a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Article 8 (commencing with Section 12280) is added to Chapter 3 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

### **Article 8. Reporting Requirements for Qualified Entities**

**12280.** (a) On or before February 1, 2023, and on or before February 1 each year thereafter, a qualified entity that owns qualified property shall report the following information to the Secretary of State in the form and manner as required by the Secretary of State:

(1) The identity of the beneficial owner of each qualified property owned by the qualified entity in the previous calendar year.

(2) The number of units for each qualified property owned by the qualified entity in the previous calendar year that were offered for rent or lease.

(b) The Secretary of State shall create a searchable database, updated annually, on the Secretary of State's internet website, with the information provided by the qualified entity in subdivision (a).

(c) For purposes of this section, both of the following definitions shall apply:

(1) "Qualified entity" means a limited liability company or a limited partnership.

(2) "Qualified property" has the same meaning as that term is defined in Section 11952 of the Revenue and Taxation Code.

**SEC. 2.** Part 6.8 (commencing with Section 11951) is added to Division 2 of the Revenue and Taxation Code, to read:

### **PART 6.8. Homes for Families and Corporate Monopoly Transparency Excise Tax**

**11951.** This part shall be known, and may be cited, as the Homes for Families and Corporate Monopoly Transparency Excise Tax Law.

**11952.** For purposes of this part:

(a) "Affordable housing unit" means a housing unit where rents are legally restricted to reflect no more than 30 percent of the household income for persons and families of low or moderate income.

- (b) "Department" means the California Department of Tax and Fee Administration.
- (c) "Fund" means the Homes for Families Fund created pursuant to Section 11960.
- (d) "Multifamily dwelling" means a residential structure with five or more dwelling units.
- (e) "Persons and families of low or moderate income" has the same meaning as that term is defined in Section 50093 of the Health and Safety Code.
- (f) (1) "Qualified property" means real property that is offered for rent or lease and that is either of the following:
  - (A) A single-family dwelling.
  - (B) A multifamily dwelling.
- (2) "Qualified property" does not include property where 50 percent or more of the units are affordable housing units.
- (g) (1) "Qualified taxpayer" means a person or entity that owns 10 or more qualified properties in this state during the calendar year.
- (2) "Qualified taxpayer" does not include any of the following:
  - (A) An eligible nonprofit corporation based in California whose primary activity is the development and preservation of affordable rental housing.
  - (B) A limited partnership in which the managing general partner is an eligible nonprofit corporation based in California whose primary activity is the development and preservation of affordable housing.
  - (C) A limited liability company in which the managing member is an eligible nonprofit corporation based in California whose primary activity is the development and preservation of affordable rental housing.
  - (D) A community land trust as defined in Section 402.1.
  - (E) A limited-equity housing cooperative as defined in Section 817 of the Civil Code.
  - (F) The state, the Regents of the University of California, a county, city, district, public authority, or public agency, and any other political subdivision or public corporation in the state.
- (h) "Single family dwelling" means a residential structure with less than five dwelling units.

**11955.** (a) An annual excise tax is hereby imposed upon a qualified taxpayer for the privilege of renting or leasing out qualified property in this state at a rate of \_\_\_ percent of the gross receipts of the qualified taxpayer that are derived from rental income.

(b) It is the intent of the Legislature to enact legislation that would increase the rate specified in subdivision (a) if the qualified taxpayer receives a certain number of code violations issued by the building department or health department of a city or county.

**11957.** (a) The department shall administer and collect the excise tax imposed by this part pursuant to the Fee Collection Procedures Law (Part 30 (commencing with Section 55001)). For purposes of this part, references in the Fee Collection Procedures Law to "fee" shall include the tax imposed by this part and references to "feepayer" shall include any person or entity liable for the payment of the tax imposed by this part.

(b) The department may prescribe, adopt, and enforce regulations relating to the administration and enforcement of this part, including, but not limited to, provisions governing collections, reporting, refunds, and appeals.

(c) The department may prescribe, adopt, and enforce emergency regulations relating to the administration

and enforcement of this part. Any emergency regulations prescribed, adopted, or enforced pursuant to this section shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and, for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare.

**11958.** The tax imposed by this part shall not be passed through to tenants by way of higher rents.

**11960.** (a) The Homes for Families Fund is hereby created in the State Treasury.

(b) All taxes, interest, penalties, and other amounts collected pursuant to this part, less refunds and costs of administration, shall be deposited in the fund.

(c) Upon appropriation, moneys in the fund shall be used for the following purposes:

(1) Rental assistance and relief for California tenants.

(2) Support for legal services to prevent evictions, harassment, and violations of law by landlords.

(3) Providing services and programs for persons experiencing homelessness in this state.

(4) Supporting the protection of existing, and the production of new, housing with an affordable housing cost or affordable rent, as defined in Sections 50052.5 and 50053, respectively, of the Health and Safety Code.

(5) Housing counseling services to promote home ownership, job training apprenticeship programs, and support for landlords that own fewer than 10 properties and have lost rental income from tenants due to COVID-19.

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

**SEC. 4.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to discourage landlords from raising rents and displacing tenants, to provide relief to tenants facing evictions, and to provide support for home ownership during a health and economic crisis, it is necessary that this act take effect immediately.



**SOPHIE HAHN**

Berkeley City Council, District 5  
 2180 Milvia Street, 5th Floor  
 Berkeley, CA 94704  
 (510) 981-7150  
 shahn@cityofberkeley.info

CONSENT CALENDAR  
 April 20, 2021

To: Honorable Members of the City Council  
 From: Councilmembers Sophie Hahn (Author) and Kate Harrison (Cosponsor)  
 Subject: Budget Referral: Solano Avenue Revitalization Plan

RECOMMENDATION

Refer up to \$300,000 to the FY2022-FY2023 Budget Process for the development of a two-part Solano Avenue “Master” Revitalization Plan; Part A for the Upper/Eastern end of Solano Avenue and Part B for mid-corridor blocks within the City of Berkeley, to coordinate with the City of Albany’s mid-corridor Solano Avenue Reconfiguration Plan.

BACKGROUND

On May 28, 2019, the Council unanimously referred to the FY 2020-21 Budget Process the development of a two-part revitalization plan for the Solano Avenue corridor (see attached). Funds were allocated by the City Council to begin the planning process.

On February 11, 2020, the City of Berkeley released a Request for Proposals (RFP) for the Solano Avenue Revitalization Plan, inviting qualified firms or individuals to create a vision and implementation plan for the portions of Solano Avenue within Berkeley, with a deadline for submission of proposals in early March 2020 (see attached). Days later, in response to the rapidly spreading COVID-9 virus, the City of Berkeley issued a Shelter in Place order. City staff were reassigned to handle emergency operations, and practically all non-essential City business operations ceased. In light of the emergency and impending fiscal concerns, on June 30, 2020, the Council referred the Solano Avenue Revitalization Plan to the November 2020 AAO process, using dollars that would have been spent there on the study to pay for the continuation of basic services.<sup>1</sup>

Although the Solano Avenue Revitalization Plan has not yet been fully funded, the need for revitalization has only become more urgent. Solano Avenue is a primary shopping district for much of North Berkeley, and as with many commercial corridors throughout the City, Solano Avenue has been hurt by the economic fallout of the COVID-19 pandemic.<sup>2</sup> The City’s temporary shutdowns of much of the retail and restaurant

<sup>1</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/06\\_June/City\\_Council\\_06-30-2020\\_-\\_Regular\\_Meeting\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/06_June/City_Council_06-30-2020_-_Regular_Meeting_Agenda.aspx)

<sup>2</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/03\\_Mar/Documents/2021-03-09\\_Item\\_26\\_Berkeley\\_Economic\\_Dashboards\\_Update.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/03_Mar/Documents/2021-03-09_Item_26_Berkeley_Economic_Dashboards_Update.aspx)

industry to curtail the spread of the coronavirus has resulted in a dramatic decline in revenues for restaurants and cafes, retail shops, and salons along Solano Avenue. At the same time, the highly anticipated opening of Touchstone Climbing at the former Oaks Theater has been delayed. Attracting customers to return to the Solano Avenue corridor is essential for the recovery of small businesses along Solano and has the potential to generate significantly more tax revenues for the City by attracting new businesses and patrons over the long run.

In addition, Solano Avenue is the most important commercial and pedestrian-oriented street shared by Berkeley and Albany, which has already implemented a Complete Streets plan for lower Solano Avenue, and is finalizing plans for a second phase along the mid-Solano corridor, connecting with Berkeley. We will miss an important opportunity to plan in tandem with Albany if Berkeley can not move forward.

For these reasons, I am resubmitting a request to fund the Solano Avenue Revitalization Plan in the current budget cycle.

#### FISCAL IMPACTS

\$300,000 to fund a two-part Solano Avenue “Master” Revitalization Plan.

#### CONTACT INFORMATION

Vice Mayor Sophie Hahn, Council District 5, 510-682-5905 (cell)

#### ATTACHMENTS

1. Budget Referral: Solano Avenue Revitalization Plan, May 28, 2019
2. RFP for Solano Avenue Revitalization Plan, Feb. 11, 2021



**SOPHIE HAHN**

Berkeley City Council, District 5  
 2180 Milvia Street, 5th Floor  
 Berkeley, CA 94704  
 (510) 981-7150  
 shahn@cityofberkeley.info

CONSENT CALENDAR

May 28, 2019

To: Honorable Mayor and Members of the City Council  
 From: Councilmembers Sophie Hahn, Susan Wengraf, Kate Harrison, and  
 Mayor Jesse Arreguin  
 Subject: Budget Referral: Solano Avenue Revitalization Plan

RECOMMENDATION

1. Refer \$300,000 to the FY2020 - FY2021 Budget Process for the development of a two-part Solano Avenue "Master" Revitalization Plan; Part A for the Upper/Eastern end of Solano Avenue and Part B for mid-corridor blocks within the City of Berkeley, to coordinate with the City of Albany's mid-corridor Solano Avenue Reconfiguration Plan.
2. Direct the City Manager to send a letter to the City of Albany expressing Berkeley's desire to collaborate on reconfiguration and revitalization plans for the mid-corridor portion of Solano Avenue, and to initiate plans for coordination.

SUMMARY STATEMENT

Solano Avenue is a primary shopping district for much of North Berkeley, including the Thousand Oaks neighborhood and both the low and high North Berkeley hills. Revitalizing Solano Avenue as a neighborhood-serving, attractive and sustainable Main Street for North Berkeley is a key goal of local residents. Solano also has the potential to generate significantly more tax revenues for the City of Berkeley by attracting new businesses and patrons.

Upper Solano Avenue is extremely wide, with most of the right-of-way devoted to automobiles. This area presents a unique opportunity to create an enhanced sense of place for North Berkeley; to add pedestrian, landscaping and placemaking features that support a vibrant neighborhood Main Street and build community.

Solano Avenue is also the most important commercial and pedestrian-oriented street shared by Berkeley and Albany, knitting the two communities together. For approximately five blocks of mid-Solano, buildings on the North side of the street are in Berkeley, while the street, buildings on the South side of the street and *both* the North and South sidewalks are within Albany. This unusual configuration means that Albany

determines the street and sidewalk conditions for many Berkeley properties and businesses. Ensuring that mid-Solano amenities are similar and/or consistent on both the Albany and Berkeley portions of the street is thus particularly important. As a single continuous corridor, improvements to mid-Solano Avenue should be conceived and designed in a collaborative, coordinated manner.

Albany has already implemented a Complete Streets plan for lower Solano Avenue, from San Pablo Avenue to Masonic Avenue. This public investment in Albany's "downtown" at the western end of the Solano Avenue commercial corridor has triggered a notable revitalization, attracting new patrons and enlivening sidewalks.

Albany is currently discussing proposals for a second phase of their Solano Avenue Reconfiguration Plan, for the "mid-corridor" area, from Masonic Avenue to the Berkeley border. Due to an oversight, Berkeley's City Manager, Mayor and members of the City Council were not apprised of Albany's planning effort at the outset, and their visioning process has progressed without the City of Berkeley's participation.

*In light of the importance of Solano Avenue to all of North Berkeley, of Albany's "head start" on planning for the mid-Solano corridor, and to encourage the necessary collaborative process between our two cities, the need to fund a study for the Berkeley portion of Solano Avenue is urgent.*

This item refers \$300,000 to the FY2020 - FY 2021 Budget Process to begin development of a two-part Solano Avenue "Master" Revitalization Plan for Berkeley; Part A for the Upper/Eastern end of Solano Avenue and Part B for mid-corridor blocks within the City of Berkeley, allowing Berkeley to coordinate mid-Solano plans with Albany. This item also directs the City Manager to send a letter to the Albany City Manager, City Council and Transportation and Safety Commission expressing the City of Berkeley's desire to collaborate on important inter-City elements of Solano Avenue plans.

#### BACKGROUND

Since the 1920s, Solano Avenue has served as a neighborhood-serving shopping district for North Berkeley and a northern gateway for the City of Berkeley. Bordering Albany, Berkeley's Solano Avenue Commercial District is home to about 130 commercial spaces encompassing approximately 190,000 square feet of commercial space. The eastern, Berkeley portion of Solano Avenue (commonly referred to as "Upper Solano") was a key hub for a number of rail lines in the 1930s, and today is an extra-wide street largely devoted to automobiles and buses, with relatively narrow

sidewalks. Upper Solano has a number of restaurants, home goods, clothing, and other unique shops that make it a commercial hub for North Berkeley.

However, both anecdotal and quantitative data suggest that Solano Avenue is an underperforming commercial district for Berkeley. Solano is similar in neighborhood character to the Elmwood District on College Avenue, but The Elmwood earns significantly more tax revenue per block, despite the fact that the two districts are located in areas with similar home prices and populations with similar purchasing power. Despite a modest uptick, tax revenues from Solano Avenue remained relatively flat between 2010 and 2018, especially when compared to the significant increases over that same time period in other Berkeley districts<sup>1</sup>.

In recent years, Solano Avenue has been buffeted by changing demographics, the rise of online retail, and other forces that have impacted the area's longtime shops. For nearly a decade, the prominent Oaks Theater at 1875 Solano was vacant and had difficulty attracting an appropriate tenant.<sup>2</sup> The absence of the theatre, which drew patrons throughout afternoons and evenings, has deprived the area of much needed foot traffic.

In 2018, commercial vacancy rates in the Solano District were at 5.6%. This means that of a total inventory of ground floor commercial space of approximately 191,000 square feet, about 10,696 square feet were vacant. The vacancy rate was nearly a point higher than it was the previous year, and significantly higher than in the years 2012-2015, when the vacancy rate hovered between 3.5% to 4.4%.<sup>3</sup>

Solano Avenue is also undergoing a number of changes, including the impending opening of a Touchstone Climbing Gym at the long-vacant Oaks Theatre space. Touchstone estimates several hundred visitors per day. The opening of the new gym is expected to bring many new patrons to Solano Avenue's shops and restaurants, and will also impact parking and drop off zones.

Many of Touchstone's existing patrons ride bikes to their other locations (including Ironworks Gym in Berkeley), and demand for bike parking and other bicycle amenities on Solano is expected to increase dramatically once the gym opens. Solano Avenue was identified for a future Complete Street Corridor Study in the 2017 Berkeley Bicycle

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<sup>1</sup> Berkeley Office of Economic Development, Commercial District Dashboard, March 2019

<sup>2</sup> Berkeley Office of Economic Development, Economic Development Analysis – Solano Avenue, Feb. 2017.

<sup>3</sup> Berkeley Office of Economic Development, Economic Dashboard, 2018.

Plan, and numerous requests for a Ford Go-Bike station on Solano Avenue have been received since the successful launch of the City's bike sharing program.

Berkeley can strengthen community, enhance commerce and public space, better serve a variety of transit modes and increase tax revenues with the prompt initiation of an aspirational visioning and planning process for Solano Avenue.

In the spring of 2018, the Albany City Council began a public process to develop and approve a Solano Avenue Complete Streets Plan for the "mid-corridor" section of Solano Avenue, from Masonic Avenue to the Berkeley City Limit just east of Ventura Avenue. Goals of the study include strategies to "improve safety for pedestrians and bicyclists; enhance access to transit; promote a cohesive streetscape; [and] support local economic activity"<sup>4</sup>. The study also specifically considers "street lighting, intersection alignments, signal modernization, bike facilities, sidewalk improvements, streetscape landscaping, street parking, bus stops, public art, directional signage, and gateway improvements"<sup>5</sup>. Finally, the study considers a number of aesthetic features and improvements including public art, signage, and intersection and roadway design.

During the February 28, 2019 meeting of Albany's Traffic & Safety Commission, the Commission recommended to the City Council adoption of the draft Solano Avenue Complete Streets Plan<sup>6</sup>, including an alternative community plan with different parking and bike infrastructure recommendations. To date, the Plan as recommended by the Traffic & Safety Commission has not yet been discussed by the full Albany City Council, but it is expected to be heard soon. The plan, if adopted, has no sources of funding for implementation, but will guide future improvements on Solano Avenue in Albany. Despite an uneven start, there is still time for Berkeley to "catch up" and coordinate with Albany to create a cohesive, mutually beneficial mid-Solano plan that reflects the aspirations of both communities.

The community's desire for a revitalized Solano Avenue, coupled with consideration of the need to coordinate with Albany's Solano Avenue planning process presents a unique opportunity for Berkeley to begin its own visioning process for Solano Avenue.

#### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES & LAWS

Policy ED-4 *Neighborhood and Avenue Commercial Districts* of the Economic Development Element of the General Plan sets the goal of providing programs and

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<sup>4</sup> <https://www.solanocompletestreets.org/>

<sup>5</sup> <https://www.solanocompletestreets.org/>

<sup>6</sup> <https://static1.squarespace.com/static/5ac43de02714e5d504879d1a/t/5c6210b26e9a7f2f1c03066d/1549930705894/Solano+Complete+Streets+Public+Review+Draft+2.11.19.pdf>

services to assist neighborhood and avenue commercial districts through actions such as “enhanc[ing] the pedestrian orientation of all shopping districts”.

Specifically, the City Council referred a Solano Avenue Economic Development Study to City Staff on April 25, 2017 to provide baseline information for future strategic planning and business development and initiatives. Several economic reports developed by the Office of Economic Development also demonstrate the potential for improvement to the City’s tax base by working towards a thriving Solano Avenue.

#### ACTIONS/ALTERNATIVES CONSIDERED

The City could defer initiating a comprehensive study for Solano Avenue and take it up at a later time. However, this would preclude any collaboration in the Albany redesign process, and because it is likely that any plan or vision approved in Albany will inform future changes in Berkeley, it is important that Berkeley be involved at the earliest stage possible. Delaying the study would also further prolong improvements to the Solano Avenue commercial district. Given the length of time need to conduct a thorough community process and to complete any construction or infrastructure project that is approved, starting a process now will ultimately yield more timely results.

#### CONSULTATION/OUTREACH OVERVIEW & RESULTS

Councilmember Hahn’s office has discussed the possibility of collaboration with Berkeley with Albany City Councilmembers and the Albany Mayor, and discussed with City Manager Dee Williams-Ridley funding for a Solano Avenue study, outreach protocols and project timing.

#### RATIONALE FOR RECOMMENDATION

The Albany study has been in development for nearly a year, and will soon be reviewed by the Albany City Council. Because Solano Avenue spans both Albany and Berkeley, it is imperative that Berkeley be informed of and engaged with proposed Albany improvements, and that a Berkeley study be undertaken to establish Berkeley’s own objectives and preferences for Solano Avenue.

Transportation infrastructure and other changes to the Albany-side of Solano Avenue will undoubtedly influence any future transportation infrastructure on the Berkeley portion of Solano Avenue. As such, collaboration between Berkeley and Albany on the mid-corridor redesign is key to a sensible and coherent transition between the Albany and Berkeley portions of Solano Avenue.

#### IMPLEMENTATION, ADMINISTRATION & ENFORCEMENT

The two elements of the requested study are intended to produce inspiring plans for the Upper and mid-Solano portions of Solano Avenue in Berkeley. The Avenue should be seen first as a public space and a driver of community and economic strength; a neighborhood destination, not just a place to pass through quickly.

The goal for Upper Solano, from The Alameda to approximately Ensenada Avenue (exact western border to be determined by the study), is to create a strong and aesthetically pleasing sense of place, and to enhance the experience of the public realm. Upper Solano Avenue already serves as a Main Street for much of North Berkeley; the intent is for this area to become a more vibrant, attractive and accessible Main Street; a complete ecosystem with greater amenities for residents of all ages, and for all modes of transit. Improvements should be considered that create spaces for social interaction and define a character for the street, including but not limited to landscaping, seating, street furniture, lighting, public art and other features that invite the community to gather, linger, shop and dine more frequently.

The goal for the Berkeley portion of mid-Solano (from approximately Ensenada to where Albany picks up responsibility for the street and sidewalks) is to continue pedestrian and other amenities at a scale appropriate for the mix and concentration of retail, office and residential uses, and to coordinate with Albany to ensure a cohesive corridor.

The study should include robust community outreach and input and, at a minimum, a community survey, a public realm study, review of transit needs and pedestrian safety and crossings, a parking study, review of street and curb alignments (including possible alternatives to the Colusa Dogleg) and green infrastructure.

#### FISCAL IMPACTS

\$300,000 to fund a two-part Solano Avenue “Master” Revitalization Plan. Funds for implementation of the plan have not yet been identified; this is a preliminary visioning process to create a master plan from which funding needs and resources can be derived. Transit infrastructure and pedestrian accessibility improvements that may result from future implementation are intended to increase City tax revenues from Solano Avenue.

#### ENVIRONMENTAL SUSTAINABILITY

This recommendation is consistent with the City of Berkeley’s environmental sustainability goals by encouraging biking and walking, incorporating green infrastructure, and strengthening community.

#### CONTACT

Sophie Hahn, District 5, (510) 981-7150

ATTACHMENTS

1. Map of Solano Avenue Commercial District, OED Economic Dashboards 2019
2. Photos of streetscape, pedestrian, and traffic treatments on Upper Solano Ave

**Attachment 1**





Attachment 2







Finance Department  
General Services Division

**FOR PROPOSALS (RFP)  
Specification No. 20-11384-C  
FOR  
Solano Avenue Revitalization Plan  
PROPOSALS WILL NOT BE OPENED AND READ PUBLICLY**

Dear Proposer:

The City of Berkeley is soliciting written proposals from qualified firms or individuals **to create a vision and implementation plan for the portions of Solano Avenue within Berkeley**. As a Request for Proposal (RFP) this is not an invitation to bid and although price is very important, other factors will be taken into consideration.

The project scope, content of proposal, and vendor selection process are summarized in the RFP (attached). **Proposals must be received no later than 2:00 pm, on Thursday, March 5, 2020**. All responses must be in a sealed envelope and have “**Solano Avenue Revitalization Plan**” and **Specification No. 20-11384-C** clearly marked on the **outer most mailing envelope**. Please submit one (1) unbound original, four (4) unbound copies, and one (1) electronic copy of the proposal as follows:

**Mail or Hand Deliver To:**  
City of Berkeley  
Finance Department/General Services Division  
2180 Milvia Street, 3rd Floor  
Berkeley, CA 94704

Proposals will not be accepted after the date and time stated above. Incomplete proposal or proposals that do not conform to the requirements specified herein will not be considered. Issuance of the RFP does not obligate the City to award a contract, nor is the City liable for any costs incurred by the proposer in the preparation and submittal of proposals for the subject work. The City retains the right to award all or parts of this contract to several bidders, to not select any bidders, and/or to re-solicit proposals. The act of submitting a proposal is a declaration that the proposer has read the RFP and understands all the requirements and conditions.

**For questions** concerning the anticipated work, or scope of the project, please **contact Melissa McDonough, Senior Management Analyst**, via email at [mcdonough@cityofberkeley.info](mailto:mcdonough@cityofberkeley.info) no later than **February 21**. Answers to questions will **not** be provided by telephone or email. Rather, answers to all questions or any addenda will be **posted** on the City of Berkeley’s site at <http://www.cityofberkeley.info/ContentDisplay.aspx?id=7128>. It is the vendor’s responsibility to check this site. For general questions concerning the submittal process, contact purchasing at 510-981-7320.

Sincerely,

Darryl Sweet  
General Services Manager

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7320 TDD: 510.981.6903 Fax: 510.981.7390  
E-mail: [finance@ci.berkeley.ca.us](mailto:finance@ci.berkeley.ca.us) Website: <http://www.ci.berkeley.ca.us/finance>

**I. BACKGROUND**

Since the 1920s, Solano Avenue has served as a neighborhood-serving shopping district for North Berkeley and a northern gateway for the City of Berkeley. Bordering Albany, Berkeley’s Solano Avenue Commercial District is home to about 130 commercial spaces encompassing approximately 190,000 square feet.

Figure 1 depicts the Study Area, which consists of those portions of Solano Avenue within the City of Berkeley. Refinements to the study area will be determined as part of the project.

Figure 1, Study Area.



Albany has recently completed a Complete Streets Plan for portions of Solano Avenue, from San Pablo Avenue to Masonic Avenue, and is hoping to extend the project to include those portions of Solano Avenue, from Masonic Avenue to the City of Berkeley. There are approximately five blocks of Solano Avenue in which buildings on the north side of the street are in Berkeley, while the street, buildings on the south side of the street and both the north and south sidewalks are within Albany. This configuration means that Albany determines the street and sidewalk conditions for many Berkeley properties and businesses. In this portion of Solano Avenue, it is important ensure that amenities are similar and/or consistent on both the Albany and Berkeley portions of the street.

The eastern, Berkeley portion of Solano Avenue (commonly referred to as “Upper Solano” and generally understood as the portion of Solano Avenue from The Alameda to Ensenada Avenue) presents a unique opportunity to create an enhanced sense of place for North Berkeley; to add pedestrian, landscaping and placemaking features that support a vibrant neighborhood Main Street and build community. This portion of Solano Avenue was a key hub for a number of rail lines in the 1930s, and today is an extra-wide street largely devoted to automobiles and buses, with relatively narrow sidewalks. Upper Solano has a number of restaurants, home goods, clothing, and other unique shops that make it a commercial hub for North Berkeley. In 2020, the City anticipates the opening of a climbing gym at the long vacant Oaks Theatre space (1875 Solano Avenue). The opening of the new gym is expected to bring many new patrons to Solano Avenue. For a more focused look at economic performance in Berkeley’s neighborhood commercial districts, visit <https://www.cityofberkeley.info/oed/reports/>.

The City of Berkeley (the “City”) is soliciting submissions from qualified firms, teams, or individuals to provide professional consultant services necessary to develop a community vision, along with design and revitalization concepts for the portion of Solano Avenue in the City that will provide a foundation for a thriving economy and a place where the community gathers. The final work product will be actionable, with an implementation plan that should include the key milestones, a financing plan, and identify key partners that the City will need to realize the vision for Solano Avenue.

### ***Goals of the Solano Avenue Revitalization Plan***

The overall goal of this project is to conduct an inclusive and transparent community process, identify and engage meaningfully with all stakeholders, identify design interventions, and provide an actionable vision and achievable revitalization plan for Berkeley’s Solano Avenue that strengthens community, enhances commerce and public space, and better serves a variety of transit modes.

The goals for this study are to:

- Create a strong identity and an aesthetically distinct sense of place,
- Enhance the experience of the public realm,
- Invigorate commerce and become a more vibrant, attractive and accessible Main Street with amenities for all ages and transit modes,
- Offer improvements that create spaces for social interaction and define a character for the street including but not limited to landscaping, seating, street furniture, lighting, public art and other features that invite the community to gather, linger, shop and dine more frequently,
- Propose pedestrian and other amenities at a scale appropriate to the mix and concentration of retail, office, and residential uses, and
- Coordinate, as necessary, with the City of Albany<sup>1</sup>.

### ***Additional Considerations***

A successful revitalization plan project will include robust outreach, incorporate sustainability into its recommendations, and devise revitalization strategies well-tailored to the community’s needs. The vision for Solano Avenue should be summarized in an implementation plan that at minimum, includes the following:

- Distillation of community input,
- Public realm study,
- Review of transit needs and pedestrian safety at key crossings,
- Parking study,
- Review of street and curb alignments,
- Recommended zoning code revisions (if any),
- Economic development initiatives,
- Ranked menu of green infrastructure recommendations/options, and
- Financing plan.

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<sup>1</sup> In 2019, the City of Albany adopted a Complete Streets and Corridor Revitalization Plan for portions of Solano Avenue in their jurisdiction. The City of Albany’s Complete Streets and Corridor Revitalization Plan and related documents are at <https://www.solanocompletestreets.org/>.

Proposers should demonstrate that community outreach and engagement will be accessible and address any barriers to achieving equitable outreach and engagement.

## II. SCOPE OF SERVICES

### *Project Tasks*

The project will consist of tasks that may include, but are not limited to those outlined below.

#### I. Project Initiation

- A. Attend kick-off meeting to review project goals, scope, and study area.
- B. Refine scope, if necessary.

#### II. Research

- A. Document review (e.g., collect and review existing plans and data).
- B. Conduct site visit.
- C. Draft *Existing Conditions Report* (including maps).

#### III. Outreach

- A. Develop *Outreach Plan*.
- B. Create and disseminate outreach materials.
- C. Hold outreach events (e.g., meetings, interviews, focus groups, design charrettes, workshops, etc.).
- D. Draft summary of community ideas from outreach events.

#### IV. Plan Development

- A. Develop up to three (3) design and revitalization concepts informed by community ideas.
- B. Develop *Draft Plan*, including identifying financial tools and resources for implementation.

#### V. Plan Revision

- A. Present *Draft Plan* to stakeholders, relevant City Commissions and Boards (i.e., Solano Avenue Business Improvement District), soliciting feedback.
- B. Revise *Draft Plan* based on feedback.

#### VI. Final Plan

- A. Present *Final Plan* to City Council.

### *Project Term*

The project work is anticipated to begin in summer 2020 and should be completed by summer 2021.

## III. SUBMISSION REQUIREMENTS

All proposals shall include the following information, organized as separate sections of the proposal. The proposal should be concise and to the point.

### 1. Contractor Identification:

Provide the name of the firm, the firm's principal place of business, the name and telephone number of the contact person and company tax identification number.

### 2. Firm Experience:

Provide a listing of relevant projects completed by the project team within the past five (5) years involving community outreach, design and/or revitalization work with municipalities, public sector, or business districts. For each listing please include a brief description of each project, the location, and the project start and completion date.

3. Staff Experience:

Provide a listing of each key staff person in the firm who will be assigned to the project and background information demonstrating their capabilities and qualifications to perform the assigned task. For each individual, provide current professional registrations, related experience, educational background, and years of experience with the team.

4. Client References:

Provide a minimum of *three (3)* client references. References should be California cities or other large public sector entities. Provide the designated person's name, title, organization, address, telephone number, and the project(s) that were completed under that client's direction.

5. Project Understanding

Briefly indicate your understanding of the definition of the project, its goals, and any associated potential opportunities. List any challenges that you anticipate, and explain how you will overcome those challenges.

6. Project Approach

Describe how you will approach this project as described in sections I and II above. Explain the specific tasks you will implement, the research you will undertake, outreach you plan to conduct and the deliverables you will provide to the City of Berkeley. Include a timeline/project plan assuming a June 2, 2020 start date and a June 30, 2021 end date. Highlight milestones, resource requirements, and necessary inputs not addressed herein.

7. Project Organization

Provide a chart showing the names and assignment of all key personnel, including an estimate of each individual's time commitment to the project. The chart should include proposed lines of communication with City staff. Any proposed sub-consultants should be clearly identified on the chart.

8. Price Proposal:

The proposal shall include pricing for all services by task. Pricing shall be all inclusive unless indicated otherwise on a separate pricing sheet. The Proposal shall itemize all services, including hourly rates for all professional, technical and support personnel, and all other charges related to completion of the work shall be itemized.

9. Contract Terminations:

**If your organization has had a contract terminated in the last five (5) years, describe such incident.** Termination for default is defined as notice to stop performance due to the vendor's non-performance or poor performance and the issue of performance was either (a) not litigated due to inaction on the part of the vendor, or (b) litigated and such litigation determined that the vendor was in default.

Submit full details of the terms for default including the other party's name, address, and phone number. Present the vendor's position on the matter. The City will evaluate the facts and may, at its sole discretion, reject the proposal on the grounds of the past experience.

If the firm has not experienced any such termination for default or early termination in the past five (5) years, so indicate.

**IV. SELECTION CRITERIA**

The following criteria will be considered, although not exclusively, in determining which firm is hired.

1. Qualifications and References - including relevant experience of project team. (35%)
2. Project Understanding. (20%)
3. Demonstrated Efficient and Effective Project Approach (40%)
4. Overall Quality of the Response - including completeness, clarity, and organization. (5%)

A selection panel will be convened to evaluate proposals and select a firm.

After a review of the proposals from the short listed respondents, the City may ask the proposers to make an oral presentation to answer any questions the City may have and to clarify their proposal. The City will then rank the proposals and will attempt to negotiate satisfactory contracts with them. If the City is unable to reach agreement with the selected respondents, the City will repeat the negotiation process with the next highest respondent, and so on, if necessary.

**V. PAYMENT**

Invoices: Invoices must be fully itemized, and provide sufficient information for approving payment and audit. Invoices must be accompanied by receipt for services in order for payment to be processed. Mail invoices to the Project Manager and reference the contract number.

City of Berkeley  
Accounts Payable  
PO Box 700  
Berkeley, CA 94701

Payments: The City will make payment to the vendor within 30- days of receipt of a correct and complete invoice.

**VI. CITY REQUIREMENTS**

**A. Non-Discrimination Requirements:**

Ordinance No. 5876-N.S. codified in B.M.C. Chapter 13.26 states that, for contracts worth more than \$3,000 bids for supplies or bids or proposals for services shall include a completed Workforce Composition Form. Businesses with fewer than five employees are exempt from submitting this form. (See B.M.C. 13.26.030)

Under B.M.C. section 13.26.060, the City may require any bidder or vendor it believes may have discriminated to submit a Non-Discrimination Program. The Contract Compliance Officer will make this determination. This applies to all contracts and all consultants (contractors). Berkeley Municipal



Code section 13.26.070 requires that all contracts with the City contain a non-discrimination clause, in which the contractor agrees not to discriminate and allows the City access to records necessary to monitor compliance. This section also applies to all contracts and all consultants. **Bidders must submit the attached Non-Discrimination Disclosure Form with their proposal**

**B. Nuclear Free Berkeley Disclosure Form:**

Berkeley Municipal Code section 12.90.070 prohibits the City from granting contracts to companies that knowingly engage in work for nuclear weapons. This contracting prohibition may be waived if the City Council determines that no reasonable alternative exists to doing business with a company that engages in nuclear weapons work. If your company engages in work for nuclear weapons, explain on the Disclosure Form the nature of such work. **Bidders must submit the attached Nuclear Free Disclosure Form with their proposal.**

**C. Oppressive States:**

The City of Berkeley prohibits granting of contracts to firms that knowingly provide personal services to specified Countries. This contracting prohibition may be waived if the City Council determines that no reasonable alternative exists to doing business with a company that is covered by City Council Resolution No. 59,853-N.S. If your company or any subsidiary is covered, explain on the Disclosure Form the nature of such work. **Bidders must submit the attached Oppressive States Disclosure Form with their proposal.**

**D. Sanctuary City Contracting Ordinance:**

Chapter 13.105 of the Berkeley Municipal Code prohibits the City from granting and or retaining contracts with any person or entity that provides Data Broker or Extreme Vetting services to the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security (“ICE”). **Bidders must submit the attached Sanctuary City Compliance Statement with their proposal.**

**E. Conflict of Interest:**

In the sole judgment of the City, any and all proposals are subject to disqualification on the basis of a conflict of interest. The City may not contract with a vendor if the vendor or an employee, officer or director of the proposer's firm, or any immediate family member of the preceding, has served as an elected official, employee, board or commission member of the City who influences the making of the contract or has a direct or indirect interest in the contract.

Furthermore, the City may not contract with any vendor whose income, investment, or real property interest may be affected by the contract. The City, at its sole option, may disqualify any proposal on the basis of such a conflict of interest. **Please identify any person associated with the firm that has a potential conflict of interest.**

**F. Berkeley Living Wage Ordinance:**

Chapter 13.27 of the Berkeley Municipal Code requires that contractors offer all eligible employees with City mandated minimum compensation during the term of any contract that may be awarded by the City. If the Contractor is not currently subject to the Living Wage Ordinance, cumulative contracts with the City within a one-year period may subject Contractor to the requirements under B.M.C. Chapter 13.27. A certification of compliance with this ordinance will be required upon execution of a contract. The current Living Wage rate can be found here:

[https://www.cityofberkeley.info/Finance/Home/Vendors\\_Living\\_Wage\\_Ordinance.aspx](https://www.cityofberkeley.info/Finance/Home/Vendors_Living_Wage_Ordinance.aspx). The Living Wage rate is adjusted automatically effective June 30<sup>th</sup> of each year commensurate with the corresponding increase in the Consumer Price Index published in April of each year. If the Living Wage rate is adjusted during the term of your agreement, you must pay the new adjusted rate to all eligible employees, regardless of what the rate was when the contract was executed.

**G. Berkeley Equal Benefits Ordinance:**

Chapter 13.29 of the Berkeley Municipal Code requires that contractors offer domestic partners the same access to benefits that are available to spouses. A certification of compliance with this ordinance will be required upon execution of a contract.

**H. Statement of Economic Interest:**

The City's Conflict of Interest Code designates "consultants" as a category of persons who must complete Form 700, Statement of Economic Interest, at the beginning of the contract period and again at the termination of the contract. The selected contractor will be required to complete the Form 700 before work may begin.

**VII. OTHER REQUIREMENTS**

**A. Insurance**

The selected contractor will be required to maintain general liability insurance in the minimum amount of \$2,000,000, automobile liability insurance in the minimum amount of \$1,000,000 and a professional liability insurance policy in the amount of \$2,000,000 to cover any claims arising out of the performance of the contract. The general liability and automobile insurance must name the City, its officers, agents, volunteers and employees as additional insureds.

**B. Worker's Compensation Insurance:**

A selected contractor who employs any person shall maintain workers' compensation insurance in accordance with state requirements. Sole proprietors with no employees are not required to carry Worker's Compensation Insurance.

**C. Business License**

Virtually every contractor that does business with the City must obtain a City business license as mandated by B.M.C. Ch. 9.04. The business license requirement applies whether or not the contractor has an office within the City limits. However, a "casual" or "isolated" business transaction (B.M.C. section 9.04.010) does not subject the contractor to the license tax. Warehousing businesses and charitable organizations are the only entities specifically exempted in the code from the license requirement (see B.M.C. sections, 9.04.295 and 9.04.300). Non-profit organizations are granted partial exemptions (see B.M.C. section 9.04.305). Persons who, by reason of physical infirmity, unavoidable misfortune, or unavoidable poverty, may be granted an exemption of one annual free license at the discretion of the Director of Finance. (see B.M.C. sections 9.04.290).

Vendor must apply for a City business license and show proof of application to Purchasing Manager within seven days of being selected as intended contractor.

The Customer Service Division of the Finance Department located at 1947 Center Street, Berkeley, CA 94704, issues business licenses. Contractors should contact this division for questions and/or information on obtaining a City business license, in person, or by calling 510-981-7200.

**D. Recycled Paper**

**All reports to the City shall be on recycled paper that contains at least 50% recycled product** when such paper is available at a cost of not greater than ten percent more than the cost of virgin paper, and when such paper is available at the time it is required. If recycled paper is not available the Contractor shall use white paper. Written reports or studies shall be ***printed on both sides of the page*** whenever practical.

**E. State Prevailing Wage:**

Certain labor categories under this project may be subject to prevailing wages as identified in the State of California Labor Code commencing in Section 1770 et. seq. These labor categories, when employed for any “work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work,” constitute a “Public Work” within the definition of Section 1720(a)(1) of the California Labor Code requiring payment of prevailing wages.

Wage information is available through the California Division of Industrial Relations web site at: [http://www.dir.ca.gov/OPRL/statistics\\_and\\_databases.html](http://www.dir.ca.gov/OPRL/statistics_and_databases.html)

**VIII. SCHEDULE (dates are subject to change)**

- |  |                        |
|--|------------------------|
| <input type="checkbox"/> Issue RFP to Potential Bidders:           | February 11, 2020      |
| <input type="checkbox"/> Questions Due                             | February 21, 2020      |
| <input type="checkbox"/> Proposals Due from Potential Bidders      | March 5, 2020          |
| <input type="checkbox"/> Interviews (if needed)                    | Week of March 23, 2020 |
| <input type="checkbox"/> Complete Selection Process                | April 10, 2020         |
| <input type="checkbox"/> Council Approval of Contract (over \$50k) | May 26, 2020           |
| <input type="checkbox"/> Award of Contract                         | May 27, 2020           |
| <input type="checkbox"/> Sign and Process Contract                 | June 8, 2020           |
| <input type="checkbox"/> Notice to Proceed                         | June 9, 2020           |

Thank you for your interest in working with the City of Berkeley for this service. We look forward to receiving your proposal.

**Attachments:**

- |   |              |
|---|--------------|
| • Check List of Required items for Submittal    | Attachment A |
| • Non-Discrimination/Workforce Composition Form | Attachment B |
| • Nuclear Free Disclosure Form                  | Attachment C |
| • Oppressive States Form                        | Attachment D |
| • Sanctuary City Compliance Statement           | Attachment E |
| • Living Wage Form                              | Attachment F |
| • Equal Benefits Certification of Compliance    | Attachment G |

- Right to Audit Form
- Insurance Endorsement
- Professional Consulting Agreement

Attachment H  
Attachment I  
Attachment J

**ATTACHMENT A**

**CHECKLIST**

- Proposal describing service (one (1) unbound original and four (4) unbound copies, and one (1) electric copy of the proposal)
- Contractor Identification and Company Information
- Client References
- Costs proposal by task, type of service & personnel
- The following forms, completed and **signed in blue ink** (attached):
  - Non-Discrimination/Workforce Composition Form Attachment B
  - Nuclear Free Disclosure Form Attachment C
  - Oppressive States Form Attachment D
  - Sanctuary City Compliance Statement Attachment E
  - Living Wage Form (*may be optional*) Attachment F
  - Equal Benefits Ordinance Certification of Compliance (EBO-1) Attachment G

**ADDITIONAL SUBMITTALS REQUIRED FROM SELECTED VENDOR AFTER COUNCIL APPROVAL TO AWARD CONTRACT.**

- Provide **original-signed in blue ink** Evidence of Insurance
  - Auto
  - Liability
  - Worker’s Compensation
- Right to Audit Form Attachment H
- Commercial General & Automobile Liability Endorsement Form Attachment I
- Berkeley Business License

**For informational purposes only: Sample of Personal Services Contract can be found on the City’s website on the current bid and proposal page at the top of the page.**

**NON-DISCRIMINATION/WORKFORCE COMPOSITION FORM FOR NON-CONSTRUCTION CONTRACTS**

To assist the City of Berkeley in implementing its Non-Discrimination policy, it is requested that you furnish information regarding your personnel as requested below and return it to the City Department handling your contract:

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Business Lic. #: \_\_\_\_\_

Occupational Category: _____ (See reverse side for explanation of terms)	Total Employees		White Employees		Black Employees		Asian Employees		Hispanic Employees		Other Employees	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Official/Administrators												
Professionals												
Technicians												
Protective Service Workers												
Para-Professionals												
Office/Clerical												
Skilled Craft Workers												
Service/Maintenance												
Other (specify)												
Totals:												

Is your business MBE/WBE/DBE certified? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, by what agency? \_\_\_\_\_

If yes, please specify: Male: \_\_\_\_\_ Female: \_\_\_\_\_ Indicate ethnic identifications: \_\_\_\_\_

Do you have a Non-Discrimination policy? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Verified by: \_\_\_\_\_ Date: \_\_\_\_\_

City of Berkeley Contract Compliance Officer

**Attachment B** (page 1)

## Occupational Categories

**Officials and Administrators** - Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy superintendents, unit supervisors and kindred workers.

**Professionals** - Occupations that require specialized and theoretical knowledge that is usually acquired through college training or through work experience and other training that provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dietitians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, and kindred workers.

**Technicians** - Occupations that require a combination of basic scientific or technical knowledge and manual skill that can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers and operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences) and kindred workers.

**Protective Service Workers** - Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police officers, fire fighters, guards, sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, and kindred workers.

**Para-Professionals** - Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of a staff development and promotion under a "New Transporters" concept. Includes: library assistants, research assistants, medical aides, child support workers, police auxiliary, welfare service aides, recreation assistants, homemaker aides, home health aides, and kindred workers.

**Office and Clerical** - Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, office machine operators, clerk-typists, stenographers, court transcribers, hearings reporters, statistical clerks, dispatchers, license distributors, payroll clerks, and kindred workers.

**Skilled Craft Workers** - Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairpersons, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, and kindred workers.

**Service/Maintenance** - Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial personnel, gardeners and groundskeepers, refuse collectors, and construction laborers.

**Attachment B** (page 2)

**CITY OF BERKELEY**  
**Nuclear Free Zone Disclosure Form**

I (we) certify that:

1. I am (we are) fully cognizant of any and all contracts held, products made or otherwise handled by this business entity, and of any such that are anticipated to be entered into, produced or handled for the duration of its contract(s) with the City of Berkeley. (To this end, more than one individual may sign this disclosure form, if a description of which type of contracts each individual is cognizant is attached.)
2. I (we) understand that Section 12.90.070 of the Nuclear Free Berkeley Act (Berkeley Municipal Code Ch. 12.90; Ordinance No. 5784-N.S.) prohibits the City of Berkeley from contracting with any person or business that knowingly engages in work for nuclear weapons.
3. I (we) understand the meaning of the following terms as set forth in Berkeley Municipal Code Section 12.90.130:

"Work for nuclear weapons" is any work the purpose of which is the development, testing, production, maintenance or storage of nuclear weapons or the components of nuclear weapons; or any secret or classified research or evaluation of nuclear weapons; or any operation, management or administration of such work.

"Nuclear weapon" is any device, the intended explosion of which results from the energy released by reactions involving atomic nuclei, either fission or fusion or both. This definition of nuclear weapons includes the means of transporting, guiding, propelling or triggering the weapon if and only if such means is destroyed or rendered useless in the normal propelling, triggering, or detonation of the weapon.

"Component of a nuclear weapon" is any device, radioactive or non-radioactive, the primary intended function of which is to contribute to the operation of a nuclear weapon (or be a part of a nuclear weapon).

4. Neither this business entity nor its parent nor any of its subsidiaries engages in work for nuclear weapons or anticipates entering into such work for the duration of its contract(s) with the City of Berkeley.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Printed Name:

\_\_\_\_\_ Title: \_\_\_\_\_

Signature:

\_\_\_\_\_ Date: \_\_\_\_\_

Business Entity:

\_\_\_\_\_

Contract Description/Specification No: **Solano Avenue Revitalization Plan/ 20-11384-C**



**Attachment C**

**CITY OF BERKELEY**  
**Oppressive States Compliance Statement**

The undersigned, an authorized agent of \_\_\_\_\_ (hereafter "Vendor"), has had an opportunity to review the requirements of Berkeley City Council Resolution No. 59,853-N.S. (hereafter "Resolution"). Vendor understands and agrees that the City may choose with whom it will maintain business relations and may refrain from contracting with those Business Entities which maintain business relationships with morally repugnant regimes. Vendor understands the meaning of the following terms used in the Resolution:

"Business Entity" means "any individual, firm, partnership, corporation, association or any other commercial organization, including parent-entities and wholly-owned subsidiaries" (to the extent that their operations are related to the purpose of the contract with the City).

"Oppressive State" means: **Tibet Autonomous Region and the Provinces of Aho, Kham and U-Tsang**

"Personal Services" means "the performance of any work or labor and shall also include acting as an independent contractor or providing any consulting advice or assistance, or otherwise acting as an agent pursuant to a contractual relationship."

Contractor understands that it is not eligible to receive or retain a City contract if at the time the contract is executed, or at any time during the term of the contract it provides Personal Services to:

- a. The governing regime in any Oppressive State.
- b. Any business or corporation organized under the authority of the governing regime of any Oppressive State.
- c. Any person for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

Vendor further understands and agrees that Vendor's failure to comply with the Resolution shall constitute a default of the contract and the City Manager may terminate the contract and bar Vendor from bidding on future contracts with the City for five (5) years from the effective date of the contract termination.

The undersigned is familiar with, or has made a reasonable effort to become familiar with, Vendor's business structure and the geographic extent of its operations. By executing the Statement, Vendor certifies that it complies with the requirements of the Resolution and that if any time during the term of the contract it ceases to comply, Vendor will promptly notify the City Manager in writing.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Business Entity: \_\_\_\_\_

Contract Description/Specification No:  
**Solano Avenue Revitalization Plan/ 20-11384-C**

I am unable to execute this Statement; however, Vendor is exempt under Section VII of the Resolution. I have attached a separate statement explaining the reason(s) Vendor cannot comply and the basis for any requested exemption.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Attachment D**

**CITY OF BERKELEY**  
**Sanctuary City Compliance Statement**

The undersigned, an authorized agent of (hereafter "Contractor"), has had an opportunity to review the requirements of Berkeley Code Chapter 13.105 (hereafter "Sanctuary City Contracting Ordinance" or "SCCO"). Contractor understands and agrees that the City may choose with whom it will maintain business relations and may refrain from contracting with any person or entity that provides Data Broker or Extreme Vetting services to the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security ("ICE"). Contractor understands the meaning of the following terms used in the SCCO:

- a. "Data Broker" means either of the following:
  - i. The collection of information, including personal information about consumers, from a wide variety of sources for the purposes of reselling such information to their customers, which include both private-sector business and government agencies;
  - ii. The aggregation of data that was collected for another purpose from that for which it is ultimately used.
- b. "Extreme Vetting" means data mining, threat modeling, predictive risk analysis, or other similar services." Extreme Vetting does not include:
  - i. The City's computer-network health and performance tools;
  - ii. Cybersecurity capabilities, technologies and systems used by the City of Berkeley Department of Information Technology to predict, monitor for, prevent, and protect technology infrastructure and systems owned and operated by the City of Berkeley from potential cybersecurity events and cyber-forensic based investigations and prosecutions of illegal computer based activity.

Contractor understands that it is not eligible to receive or retain a City contract if at the time the Contract is executed, or at any time during the term of the Contract, it provides Data Broker or Extreme Vetting services to ICE.

Contractor further understands and agrees that Contractor's failure to comply with the SCCO shall constitute a material default of the Contract and the City Manager may terminate the Contract and bar Contractor from bidding on future contracts with the City for five (5) years from the effective date of the contract termination.

By executing this Statement, Contractor certifies that it complies with the requirements of the SCCO and that if any time during the term of the Contract it ceases to comply, Contractor will promptly notify the City Manager in writing. Any person or entity who knowingly or willingly supplies false information in violation of the SCCO shall be guilty of a misdemeanor and up to a \$1,000 fine.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_, California.

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Business Entity: \_\_\_\_\_

City of Berkeley

Solano Avenue Revitalization Plan

Contract Description/Specification No:

**Solano Avenue Revitalization Plan/ 20-11384-C**

Specification No. 20-11384-C

Page 19 of 44

Release Date 2/11/20

SCCO CompStmt (10/2019)

**Attachment E**

**CITY OF BERKELEY**  
**Living Wage Certification for Providers of Services**

**TO BE COMPLETED BY ALL PERSONS OR ENTITIES ENGAGING IN A CONTRACT FOR PERSONAL SERVICES WITH THE CITY OF BERKELEY.**

The Berkeley Municipal Code Chapter 13.27, Berkeley's Living Wage Ordinance (LWO), provides that contractors who engage in a specified amount of business with the City (except where specifically exempted) under contracts which furnish services to or for the City in any twelve (12) month period of time shall comply with all provisions of this Ordinance. The LWO requires a City contractor to provide City mandated minimum compensation to all eligible employees, as defined in the Ordinance. In order to determine whether this contract is subject to the terms of the LWO, please respond to the questions below. Please note that the LWO applies to those contracts where the contractor has achieved a cumulative dollar contracting amount with the City. Therefore, even if the LWO is inapplicable to this contract, subsequent contracts may be subject to compliance with the LWO. Furthermore, the contract may become subject to the LWO if the status of the Contractor's employees change (i.e. additional employees are hired) so that Contractor falls within the scope of the Ordinance.

**Section I.**

**1. IF YOU ARE A FOR-PROFIT BUSINESS, PLEASE ANSWER THE FOLLOWING QUESTIONS**

a. During the previous twelve (12) months, have you entered into contracts, including the present contract, bid, or proposal, with the City of Berkeley for a cumulative amount of \$25,000.00 or more?

YES \_\_\_\_\_ NO \_\_\_\_\_

If **no**, this contract is NOT subject to the requirements of the LWO, and you may continue to Section II. If **yes**, please continue to question **1(b)**.

b. Do you have six (6) or more employees, including part-time and stipend workers?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you have answered, "YES" to questions 1(a) and 1(b) this contract IS subject to the LWO. If you responded "NO" to 1(b) this contract IS NOT subject to the LWO. **Please continue to Section II.**

**2. IF YOU ARE A NON-PROFIT BUSINESS, AS DEFINED BY SECTION 501(C) OF THE INTERNAL REVENUE CODE OF 1954, PLEASE ANSWER THE FOLLOWING QUESTIONS.**

a. During the previous twelve (12) months, have you entered into contracts, including the present contract, bid or proposal, with the City of Berkeley for a cumulative amount of \$100,000.00 or more?

YES \_\_\_\_\_ NO \_\_\_\_\_

If no, this Contract is NOT subject to the requirements of the LWO, and you may continue to Section II. If yes, please continue to question 2(b).

b. Do you have six (6) or more employees, including part-time and stipend workers?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you have answered, "YES" to questions 2(a) and 2(b) this contract IS subject to the LWO. If you responded "NO" to 2(b) this contract IS NOT subject to the LWO. **Please continue to Section II.**

**Section II**

**Please read, complete, and sign the following:**

THIS CONTRACT IS SUBJECT TO THE LIVING WAGE ORDINANCE.

THIS CONTRACT IS NOT SUBJECT TO THE LIVING WAGE ORDINANCE.

**Attachment F** (page 1)

The undersigned, on behalf of himself or herself individually and on behalf of his or her business or organization, hereby certifies that he or she is fully aware of Berkeley's Living Wage Ordinance, and the applicability of the Living Wage Ordinance, and the applicability of the subject contract, as determined herein. The undersigned further agrees to be bound by all of the terms of the Living Wage Ordinance, as mandated in the Berkeley Municipal Code, Chapter 13.27. If, at any time during the term of the contract, the answers to the questions posed herein change so that Contractor would be subject to the LWO, Contractor will promptly notify the City Manager in writing. Contractor further understands and agrees that the failure to comply with the LWO, this certification, or the terms of the Contract as it applies to the LWO, shall constitute a default of the Contract and the City Manager may terminate the contract and bar Contractor from future contracts with the City for five (5) years from the effective date of the Contract termination. If the contractor is a for-profit business and the LWO is applicable to this contract, the contractor must pay a living wage to all employees who spend 25% or more of their compensated time engaged in work directly related to the contract with the City. If the contractor is a non-profit business and the LWO is applicable to this contract, the contractor must pay a living wage to all employees who spend 50% or more of their compensated time engaged in work directly related to the contract with the City.

These statements are made under penalty of perjury under the laws of the state of California.

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Business Entity: \_\_\_\_\_

Contract Description/Specification No:  
**Solano Avenue Revitalization Plan/ 20-11384-C**

**Section III**

---

- **\*\* FOR ADMINISTRATIVE USE ONLY -- PLEASE PRINT CLEARLY \*\*\***

I have reviewed this Living Wage Certification form, in addition to verifying Contractor's total dollar amount contract commitments with the City in the past twelve (12) months, and determined that this Contract IS / IS NOT (circle one) subject to Berkeley's Living Wage Ordinance.

\_\_\_\_\_  
Department Name

\_\_\_\_\_  
Department Representative

**Attachment F (page 2)**



City of Berkeley  
To be completed by  
Contractor/Vendor

ation Plan

Specification No. 20-11384-C

Page 23 of 44  
Release Date 2/11/20



**Form EBO-1  
CITY OF BERKELEY**

**CERTIFICATION OF COMPLIANCE WITH EQUAL BENEFITS ORDINANCE**

If you are a **contractor**, return this form to the originating department/project manager. If you are a **vendor** (supplier of goods), return this form to the Purchasing Division of the Finance Dept.

**SECTION 1. CONTRACTOR/VENDOR INFORMATION**

Name:		Vendor No.:	
Address:	City:	State:	ZIP:
Contact Person:		Telephone:	
E-mail Address:		Fax No.:	

**SECTION 2. COMPLIANCE QUESTIONS**

- A. The EBO is inapplicable to this contract because the contractor/vendor has no employees.  
 Yes  No (If "Yes," proceed to Section 5; if "No", continue to the next question.)
- B. Does your company provide (or make available at the employees' expense) any employee benefits?  
 Yes  No  
If "Yes," continue to Question C.  
If "No," proceed to Section 5. (The EBO is not applicable to you.)
- C. Does your company provide (or make available at the employees' expense) any benefits to the spouse of an employee? .....  Yes  No
- D. Does your company provide (or make available at the employees' expense) any benefits to the domestic partner of an employee? .....  Yes  No

**If you answered "No" to both Questions C and D, proceed to Section 5. (The EBO is not applicable to this contract.) If you answered "Yes" to both Questions C and D, please continue to Question E.**

**If you answered "Yes" to Question C and "No" to Question D, please continue to Section 3.**

- E. Are the benefits that are available to the spouse of an employee identical to the benefits that are available to the domestic partner of the employee? .....  Yes  No

**If you answered "Yes," proceed to Section 4. (You are in compliance with the EBO.)**

**If you answered "No," continue to Section 3.**

**SECTION 3. PROVISIONAL COMPLIANCE**

- A. Contractor/vendor is not in compliance with the EBO now but will comply by the following date:
  - By the first effective date after the first open enrollment process following the contract start date, not to exceed two years, if the Contractor submits evidence of taking reasonable measures to comply with the EBO; or
  - At such time that administrative steps can be taken to incorporate nondiscrimination in benefits in the Contractor's infrastructure, not to exceed three months; or
  - Upon expiration of the contractor's current collective bargaining agreement(s).

**Attachment G (page 1)**



B. If you have taken all reasonable measures to comply with the EBO but are unable to do so, do you agree to provide employees with a cash equivalent?\* .....  Yes  No

\* The cash equivalent is the amount of money your company pays for spousal benefits that are unavailable for domestic partners.

**SECTION 4. REQUIRED DOCUMENTATION**

At time of issuance of purchase order or contract award, you may be required by the City to provide documentation (copy of employee handbook, eligibility statement from your plans, insurance provider statements, etc.) to verify that you do not discriminate in the provision of benefits.

**SECTION 5. CERTIFICATION**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am authorized to bind this entity contractually. By signing this certification, I further agree to comply with all additional obligations of the Equal Benefits Ordinance that are set forth in the Berkeley Municipal Code and in the terms of the contract or purchase order with the City.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, at \_\_\_\_\_,  
\_\_\_\_\_  
(City) (State)

\_\_\_\_\_  
Name (please print)

Signature

\_\_\_\_\_  
Title

Federal ID or Social Security Number

<b><u>FOR CITY OF BERKELEY USE ONLY</u></b>			
<input type="checkbox"/> Non-Compliant (The City may not do business with this contractor/vendor)			
<input type="checkbox"/> One-Person Contractor/Vendor	<input type="checkbox"/> Full Compliance	<input type="checkbox"/> Reasonable Measures	
<input type="checkbox"/> Provisional Compliance	Category,	Full Compliance	by Date:
Staff Name( <i>Sign and Print</i> ):	_____		Date: _____

**Attachment G** (page 2)

**CITY OF BERKELEY**  
**Right to Audit Form**

The contractor agrees that pursuant to Section 61 of the Berkeley City Charter, the City Auditor’s office may conduct an audit of Contractor’s financial, performance and compliance records maintained in connection with the operations and services performed under this contract.

In the event of such audit, Contractor agrees to provide the Auditor with reasonable access to Contractor’s employees and make all such financial, performance and compliance records available to the Auditor’s office. City agrees to provide Contractor an opportunity to discuss and respond to/any findings before a final audit report is filed.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name & Title: \_\_\_\_\_

Company: \_\_\_\_\_

Contract Description/Specification No:  
**Solano Avenue Revitalization Plan/ 20-11384-C**

Please direct questions regarding this form to the Auditor's Office, at (510) 981-6750.

**Attachment H**

**CITY OF BERKELEY**  
**Commercial General and Automobile Liability Endorsement**

The attached Certificates of Insurance are hereby certified to be a part of the following policies having the following expiration dates:

Policy No.	Company Providing Policy	Expir. Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The scope of the insurance afforded by the policies designated in the attached certificates is not less than that which is afforded by the Insurance Service Organization's or other "Standard Provisions" forms in use by the insurance company in the territory in which coverage is afforded.

Such Policies provide for or are hereby amended to provide for the following:

1. The named insured is \_\_\_\_\_.
2. CITY OF BERKELEY ("City") is hereby included as an additional insured with respect to liability arising out of the hazards or operations under or in connection with the following agreement:  
\_\_\_\_\_.

The insurance provided applies as though separate policies are in effect for both the named insured and City, but does not increase the limits of liability set forth in said policies.

3. The limits of liability under the policies are not less than those shown on the certificate to which this endorsement is attached.
4. Cancellation or material reduction of this coverage will not be effective until thirty (30) days following written notice to \_\_\_\_\_, Department of \_\_\_\_\_, Berkeley, CA.
5. This insurance is primary and insurer is not entitled to any contribution from insurance in effect for City.

The term "City" includes successors and assigns of City and the officers, employees, agents and volunteers.

\_\_\_\_\_  
Insurance Company

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of Underwriter's  
Authorized Representative

City of Berkeley

Solano Avenue Revitalization Plan

Contract Description/Specification No:

**Solano Avenue Revitalization Plan/ 20-11384-C**

**Attachment I**

Specification No. 20-11384-C

Page 29 of 44

Release Date 2/11/20

**AGREEMENT FOR CONSULTING SERVICES**

This is an Agreement between the City of Berkeley, a Charter City organized and existing under the laws of the State of California ("City"), and \_\_\_\_\_ ("Consultant"), a California [corporation, partnership, joint venture], doing business at \_\_\_\_\_ who agree as follows:

**RECITALS**

WHEREAS, this Agreement sets forth the terms and conditions under which City shall obtain and Consultant will provide the services identified in Appendix "A" attached hereto;

Now, THEREFORE, City and Consultant agree as follows:

**1. DEFINITIONS**

1.1 Where any word or phrase defined below, or a pronoun in place thereof, is used in any part of this Agreement, it shall have the meaning herein set forth.

1.1.1 Agreement: This Agreement together with all attachments and appendices and other documents incorporated herein by reference.

1.1.2 Project: Total design of \_\_\_\_\_ of which the Work performed under this Agreement may be whole or part.

1.1.3 Project Manager: Person or persons designated by City and authorized to act on City's behalf with respect to this Agreement.

1.1.4 Work: The work described in Appendix A "Scope of Services", and made a part of this Agreement.

**2. TERM OF THIS AGREEMENT**

2.1 This Agreement shall begin on \_\_\_\_\_ and end on \_\_\_\_\_. The City Manager of the City or his/her designee may extend the term of this Agreement by giving written notice.

**3. SERVICES CONSULTANT AGREES TO PERFORM**

Consultant agrees to perform the services provided for in Appendix "A", as authorized from time to time by City in writing, in the manner provided in this Agreement. Time is of the essence in the performance of this Agreement.

**4. COMPENSATION**

4.1 Compensation shall be due Consultant according to the Compensation Schedule established in Appendix "B", "Compensation for Services," in a total amount not to exceed \$ \_\_\_\_\_. Consultant shall invoice its time at its ordinary billing rates.



- 4.2 City will not withhold the entire payment if a questioned amount is involved, but will issue payment in the amount of the total invoice less any questioned amount. Payment for questioned amount(s) will be made upon City's receipt of any requested documentation verifying the questioned amount(s) and City's determination that the questioned amount(s) is reimbursable under the terms of this Agreement.
- 4.3 Invoices furnished by Consultant under this Agreement must be in a form acceptable to City. All amounts paid by City to Consultant shall be subject to audit by City. Payment shall be made by City to Consultant at the address stated in Appendix "A".

## 5. QUALIFIED PERSONNEL; NO SUBCONSULTING

- 5.1 Work under this Agreement shall be performed only by competent personnel under the supervision of and in the employment of Consultant. Consultant will conform with City's reasonable requests regarding assignment of personnel, but all personnel, including those assigned at City's request, shall be supervised by Consultant.
- 5.2 Consultant agrees that any personnel referred to in Appendix "A" will continue their assignments on the Project during the entire term of this Agreement, as described in Appendix "A."
- 5.3 Consultant is prohibited from subcontracting this Agreement or any part of it unless such subcontracting is approved by City in writing. Neither party shall, on the basis of this Agreement, contract on behalf of or in the name of the other party. An agreement made in violation of this provision shall confer no rights on any party and shall be null and void.

## 6. REPRESENTATIONS

- 6.1 Consultant represents that it is qualified to perform the Work and that it possesses the necessary licenses and/or permits required to perform the Work or will obtain such licenses and/or permits prior to time such licenses and/or permits are required.
- 6.2 Consultant represents that the Work shall be performed in a professional manner and shall conform to the standards of practice observed on similar, successfully completed projects by specialists in the Work to be provided. Consultant agrees that, if the Work is not so performed, in addition to all of its obligations under this Agreement and at law, Consultant shall reperform or replace unsatisfactory Work at no additional expense to City.
- 6.3 The granting of any progress payment by City, or the receipt thereof by Consultant, or any inspection, review, approval or oral statement by any representative of City, or State certification, shall in no way waive or limit the certification obligations in this Paragraph or lessen the liability of Consultant to reperform or replace unsatisfactory Work, including but not limited to cases where the unsatisfactory character of such work may not have been apparent or detected at the time of such payment, inspection, review or approval.
- 6.4 Nothing in this Paragraph shall constitute a waiver or limitation of any right or remedy, whether in equity or at law, which City or Consultant may have under this Agreement or any applicable law. All rights and remedies of City, whether under this Agreement or other applicable law, shall be cumulative.

## 7. INDEMNIFICATION BY CONSULTANT

7.1 To the fullest extent permitted by law (including, without limitation, California Civil Code Sections 2782 and 2782.8), Consultant shall defend (with legal counsel reasonably acceptable to City), indemnify and hold harmless the City and its officers, agents, departments, officials, representatives and employees (collectively “**Indemnitees**”) from and against any and all claims, loss, cost, damage, injury (including, without limitation, injury to or death of an employee of Consultant or its Subconsultants), expense and liability of every kind, nature and description that arise out of, pertain to or relate to the negligence, recklessness, or willful misconduct of Consultant, any Subconsultant, anyone directly or indirectly employed by them, or anyone that they control (collectively “**Liabilities**”). Such obligations to defend, hold harmless and indemnify any Indemnitee shall not apply to the extent that such Liabilities are caused in whole or in part by the sole negligence, active negligence, or willful misconduct of such Indemnitee, but shall apply to all other Liabilities. With respect to third party claims against the Consultant, the Consultant waives any and all rights of any type of express or implied indemnity against the Indemnitees other than for Liabilities that are caused in whole or in part by the sole negligence, active negligence or willful misconduct of such Indemnitee.

## 8. LIABILITY OF CITY

8.1 Notwithstanding any other provision of this Agreement, in no event shall City be liable, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement or the services performed in connection with this Agreement.

## 9. INDEPENDENT CONTRACTOR; PAYMENT OF TAXES AND OTHER EXPENSES

9.1 Consultant shall be deemed at all times to be an independent contractor and shall be wholly responsible for the manner in which Consultant performs the services required of Consultant by the terms of this Agreement. Consultant shall be liable for its acts and omissions, and those of its employees and its agents. Nothing contained herein shall be construed as creating an employment, agency or partnership relationship between City and Consultant.

9.2 Terms in this Agreement referring to direction from City shall be construed as providing for direction as to policy and the result of Consultant's Work only and not as to the means or methods by which such a result is obtained.

9.3 Except as expressly provided in this Agreement, nothing in this Agreement shall operate to confer rights or benefits on persons or entities not party to this Agreement.

9.4 Payment of any taxes, including California Sales and use Taxes, levied upon this Agreement, the transaction, or the services or goods delivered pursuant hereto, shall be the obligation of Consultant.

## 10. INSURANCE

10.1 Prior to the execution of this Agreement, Consultant shall furnish to City satisfactory proof that Consultant has taken out for the entire period covered by this Agreement, as further defined below, the following insurance in a form satisfactory to City and with an insurance carrier satisfactory to City, authorized to do business in California and rated by A. M. Best & Company A minus or better, financial category size seven (7) or better, which will protect those described below from claims described below which arise or are alleged to have arisen

out of or result from the services of Consultant for which Consultant may be legally liable, whether performed by Consultant, or by those employed directly or indirectly by it, or by anyone for whose acts Consultant may be liable:

- 10.1.1 Commercial general liability insurance, written on an "occurrence" basis, which shall provide coverage for bodily injury, death and property damage resulting from operations, products liability, blasting, explosion, collapse of buildings or structures, damage to underground structures and utilities, liability for slander, false arrest and invasion of privacy arising out of construction management operations, blanket contractual liability, broad form endorsement, a construction management endorsement, products and completed operations, personal and advertising liability, with per location limits of not less than \$2,000,000 general aggregate and \$2,000,000 each occurrence, subject to a deductible of not more than \$25,000 payable by Consultant.
  - 10.1.2 Business automobile liability insurance with limits not less than \$1,000,000 each occurrence including coverage for owned, non-owned and hired vehicles, subject to a deductible of not more than \$10,000 payable by Consultant.
  - 10.1.3 Full workers' compensation insurance for all persons whom Consultant may employ in carrying out Work contemplated under Contract, in accordance with Act of Legislature of State of California, known as "Workers' Compensation Insurance and Safety Act", approved May 26, 1913, and all Acts amendatory or supplemental thereto. Workers' compensation policy shall include Employer Liability Insurance with limits not less than \$1,000,000 each accident.
  - 10.1.4 Professional Liability Insurance, specific to this Project only, with limits not less than \$2,000,000 each claim with respect to negligent acts, errors or omissions in connection with professional services to be provided under this Agreement, and any deductible not to exceed \$50,000 each claim, with no exclusion for claims of one insured against another insured.
- 10.2 Insurance policies shall contain an endorsement containing the following terms:
- 10.2.1 City, and its directors, officers, partners, representatives, employees, consultants, subconsultants and agents, shall be named as additional insureds, but only with respect to liability arising out of the activities of the named insured, and there shall be a waiver of subrogation as to each named and additional insured.
  - 10.2.2 The policies shall apply separately to each insured against whom claim is made or suit is brought except with respect to the limits of the company's liability.
  - 10.2.3 Written notice of cancellation, non-renewal or of any material change in the policies shall be mailed to City thirty (30) days in advance of the effective date thereof.
  - 10.2.4 Insurance shall be primary insurance and no other insurance or self insured retention carried or held by any named or additional insureds other than the Consultant shall be called upon to contribute to a loss covered by insurance for the named insured.

- 10.3 Certificates of Insurance and Endorsements shall have clearly typed thereon the title of the Contract, shall clearly describe the coverage and shall contain a provision requiring the giving of written notice described above in subparagraph 10.2.3.
- 10.4 At the time of making an application for an extension of time, Consultant shall submit evidence that insurance policies will be in effect during requested additional period of time.
- 10.5 Nothing herein contained shall be construed as limiting in any way the extent to which Consultant or any of its permitted subcontractors or subconsultants may be held responsible for payment of damages resulting from their operations.
- 10.6 If Consultant fails to maintain any required insurance, City may take out such insurance, and deduct and retain amount of premium from any sums due Consultant under this Agreement.
- 10.7 Consultant shall forward all insurance documents to, \_\_\_\_\_, Office of Capital Projects, 1947 Center Street, First Floor, Berkeley, CA 94704.

## 11. SUSPENSION OF WORK

City may, without cause, order Consultant, in writing, to suspend, delay or interrupt Work pursuant to this Agreement, in whole or in part, for such periods of time as City may determine, in its sole discretion. Suspension shall be effected by delivery to Consultant of a written notice of suspension specifying the extent to which performance of the Work under this Agreement is suspended, and the date upon which the suspension becomes effective, which shall be no less than seven (7) calendar days from the date the notice of suspension is delivered. Suspension of Work shall be treated as an excusable delay.

## 12. TERMINATION OF AGREEMENT FOR CAUSE

- 12.1 If at any time City believes Consultant may not be adequately performing its obligations under this Agreement or may fail to complete the Work as required by this Agreement, City may request from Consultant written assurances of performance and a written plan to correct observed deficiencies in Consultant's performance if written notice of the same is provided by City. Failure to provide written assurances constitutes grounds to declare a default under this Agreement.
- 12.2 Consultant shall be in default of this Agreement and City may, in addition to any other legal or equitable remedies available to City, terminate Consultant's right to proceed under the Agreement, for cause, should Consultant commit a breach of this Agreement and not cure such breach within ten (10) calendar days of the date of notice from City to Consultant demanding such cure; or, if such failure is curable but not curable within such ten (10) day period, within such period of time as is reasonably necessary to accomplish such cure. (In order for Consultant to avail itself of this time period in excess of 10 calendar days, Consultant must provide City within the 10 day period a written plan acceptable to City to cure said breach, and then diligently commence and continue such cure according to the written plan.)
- 12.3 In the event a termination for cause is determined to have been made wrongfully or without cause, then the termination shall be treated as a termination for convenience, and Consultant shall have no greater rights than it would have had if a termination for convenience had been effected in the first instance. No other loss, cost, damage, expense or liability may be claimed, requested or recovered.

13. TERMINATION OF AGREEMENT FOR CONVENIENCE

13.1 City may terminate performance of the Work under the Agreement in accordance with this Paragraph in whole, or from time to time in part, whenever City shall determine that termination is in the best interest of City. Termination shall be effected by delivery to Consultant of notice of termination specifying the extent to which performance of the Work under the Agreement is terminated, and the date upon which termination becomes effective, which shall be no less than twenty-one (21) calendar days from the date the notice of termination is delivered. Consultant shall then be entitled to recover its costs expended up to that point plus a reasonable profit, but no other loss, cost, damage, expense or liability may be claimed, requested or recovered.

13.2 Except as provided in this Agreement, in no event shall City be liable for costs incurred by or on behalf of Consultant after the effective date of a notice of termination.

13.3 Termination under this provision shall not be construed as a waiver of any right or remedy otherwise available to City.

14. PROPRIETARY OR CONFIDENTIAL INFORMATION OF CITY

Consultant understands and agrees that, in the performance of the services under this Agreement or in the contemplation thereof, Consultant may have access to private or confidential information that may be owned or controlled by City and that such information may contain proprietary or confidential details, the disclosure of which to third parties may be damaging to City. Consultant agrees that all information disclosed by City to Consultant shall be held in confidence and used only in performance of the Agreement. Consultant shall exercise the same standard of care to protect such information as a reasonably prudent consultant would use to protect its own proprietary data.

15. NOTICES TO THE PARTIES

All notices to be given by the parties hereto shall be in writing and effective when served by depositing same in the United States Post Office, postage prepaid and addressed as follows:

To City:

To Consultant:

## 16. OWNERSHIP OF RESULTS/WORKS FOR HIRE

- 16.1 When this Agreement is terminated, Consultant agrees to return to City all documents, drawings, photographs and other written or graphic material, however produced, that it received from City, its contractors or agents, in connection with the performance of its services under this Agreement. All materials shall be returned in the same condition as received.
- 16.2 Any interest of Consultant or its subcontractors or subconsultants, in studies, reports, memoranda, computational sheets or other documents prepared by Consultant or its subcontractors or subconsultants in connection with services to be performed under this Agreement shall become the property of City. Consultant may, however, retain one copy for its files.
- 16.3 Any and all work, artwork, copy, posters, billboards, photographs, videotapes, audiotapes, systems designs, software, reports, designs, specifications, drawings, diagrams, surveys, source codes or any original works of authorship created by Consultant or its subcontractors or subconsultants in connection with services performed under this Agreement shall be works for hire as defined under Title 17 of the United States Code, and all copyrights in such works are the property of City. In the event that it is ever determined that any such works created by Consultant or its subcontractors or subconsultants under this Agreement are not works for hire under U.S. law, Consultant hereby assigns all copyrights to such works to City. With the prior written approval of City's Project Manager, Consultant may retain and use copies of such works for reference and as documentation of its experience and capabilities.

## 17. AUDIT AND INSPECTION OF RECORDS

- 17.1 Consultant shall maintain all drawings, specifications, calculations, cost estimates, quantity takeoffs, statements of costs and completion dates, schedules and all correspondence, internal memoranda, papers, writings, and documents of any sort prepared by or furnished to Consultant during the course of performing the Work and providing services with respect to the Project, for a period of at least three (3) years following final completion and acceptance of the Project, except that all such items pertaining to hazardous materials shall be maintained for at least thirty (30) years. All such records shall be available to City upon request at reasonable times and places. Monthly records of Consultant's personnel costs, consultant costs, and reimbursable expenses shall be kept on a generally recognized accounting basis, and shall be available to City upon request at reasonable times and places. Consultant shall not destroy any Project records until after advising City and allowing City to accept and store the records.
- 17.2 Consultant agrees to maintain and make available to City during business hours accurate books and accounting records relative to its activities under this Agreement. Consultant shall permit City to audit, examine and make copies, excerpts and transcripts from such books and records, and to make audits of all invoices, materials, payrolls, records or personnel and other data related to all other matters covered by this Agreement, whether funded in whole or in part under this Agreement. Consultant shall maintain such data and records in an accessible location and condition for a period of not less than five years after final payment under this Agreement or until after final audit has been resolved, whichever is later. The State of California or any federal agency having an interest in the subject of this Agreement shall have the same rights conferred upon City by this Paragraph.

- 17.3 The rights and obligations established pursuant to this Paragraph shall be specifically enforceable and survive termination of this Agreement.

## 18. DISPUTES

- 18.1 Should any question arise as to the meaning and intent of this Agreement, the question shall, prior to any other action or resort to any other legal remedy, be referred to the City's Project Manager and a principal of the Consultant who shall decide the true meaning and intent of the Agreement. Such referral may be initiated by written request from either party and a meeting between the City's Project Manager and principal of the Consultant shall take place within five days of the request.
- 18.2 Consultant shall continue its Work throughout the course of any and all disputes, and Consultant's failure to continue work during any and all disputes shall be considered a material breach of this Agreement, provided City continues to make payment to Consultant for undisputed work completed by Consultant. Consultant further agrees that should Consultant stop work due to a dispute or disputes, any and all claims, whether in law or in equity Consultant may have against City, their officers, agents, representatives, and employees, whether such claims are pending, anticipated or otherwise, shall be deemed to have been waived and forever barred.

## 19. AGREEMENT MADE IN CALIFORNIA/VENUE

- 19.1 This Agreement shall be deemed to have been executed in Alameda County. The formation, interpretation and performance of this Agreement shall be governed by the laws of the State of California, excluding its conflict of laws rules. Venue for all litigation relative to the formation, interpretation and performance of this Agreement shall be in Alameda County, California.
- 19.2 This Agreement shall be executed in duplicate. One duplicate original shall be retained by City and one duplicate original shall be given to Consultant.

## 20. CONFORMITY WITH LAW AND SAFETY

- 20.1 Consultant shall observe and comply with all applicable laws, ordinances, codes and regulations of governmental agencies, including federal, state, municipal and local governing bodies having jurisdiction over any or all of the scope of services, including all provisions of the Occupational Safety and Health Act of 1979 as amended, all California Occupational Safety and Health Regulations, the California Building Code, the American with Disabilities Act, any copyright, patent or trademark law and all other applicable federal, state, municipal and local safety regulations. All services performed by Consultant must be in accordance with these laws, ordinances, codes and regulations. Consultant's failure to comply with any laws, ordinances, codes or regulations applicable to the performance of the work hereunder shall constitute a breach of contract.
- 20.2 If a death, serious personal injury or substantial property damage occurs in connection with the performance of this Contract, Consultant shall immediately notify the City's Risk Manager by telephone. If any accident occurs in connection with this Contract, Consultant shall promptly submit a written report to City, in such form as the City may require. This report shall include the following information: 1) name and address of the injured or deceased person(s); 2) name and address of Consultant's subcontractor or subconsultant, if any; 3) name

and address of Consultant's liability insurance carrier; and 4) a detailed description of the accident, including whether any of City's equipment, tools or materials were involved.

- 20.3 If a release of hazardous materials or hazardous waste that cannot be controlled occurs in connection with the performance of this Contract, Consultant shall immediately notify the Berkeley Police Department and the City's Health Protection office.
- 20.4 Consultant shall not store hazardous materials or hazardous waste within the City of Berkeley without a proper permit from the City.

## 21. MATERIAL SAFETY DATA SHEETS

- 21.1 To comply with the City's Hazardous Communication Program, Consultant agrees to submit Material Safety Data Sheets (MSDS) for all "hazardous substances" Consultant intends to use in the performance of work under this Contract in any City facility. "Hazardous substances" are defined as those substances so designated by the Director of Industrial Relations pursuant to the Hazardous Substances Information and Training Act (Labor Code sec. 6360 *et seq.*). The MSDS for all products must be submitted to the City before commencing work. The MSDS for a particular product must be reviewed and approved by the City's Risk Manager before Consultant may use that product.



21.2 City will inform Consultant about hazardous substances to which it may be exposed while on the job site and protective measures that can be taken to reduce the possibility of exposure.

## 22. NON-DISCRIMINATION

Consultant hereby agrees to comply with the provisions of Berkeley Municipal Code ("B.M.C.") Chapter 13.26 as amended from time to time. In the performance of this Contract, Consultant agrees as follows:

22.1 Consultant shall not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age (over 40), sex, pregnancy, marital status, disability, sexual orientation or AIDS.

22.2 Consultant shall permit the City access to records of employment, employment advertisements, application forms, EEO-1 forms, affirmative action plans and any other documents which, in the opinion of the City, are necessary to monitor compliance with this non-discrimination provision. In addition, Consultant shall fill-out, in a timely fashion, forms supplied by the City to monitor this non-discrimination provision.

## 23. CONFLICT OF INTEREST PROHIBITED

23.1 In accordance with Government Code section 1090, Berkeley City Charter section 36 and B.M.C. Chapter 3.64, neither Consultant nor any employee, officer, director, partner or member of Consultant, or immediate family member of any of the preceding, shall have served as an elected officer, an employee, or a City board, committee or commission member, who has directly or indirectly influenced the making of this Contract.

23.2 In accordance with Government Code section 1090 and the Political Reform Act, Government Code section 87100 *et seq.*, no person who is a director, officer, partner, trustee, employee or consultant of the Consultant, or immediate family member of any of the preceding, shall make or participate in a decision made by the City or a City board, commission or committee, if it is reasonably foreseeable that the decision will have a material effect on any source of income, investment or interest in real property of that person or Consultant.

23.3 Interpretation of this section shall be governed by the definitions and provisions used in the Political Reform Act, Government Code section 87100 *et seq.*, its implementing regulations, manuals and codes, Government Code section 1090, Berkeley City Charter section 36 and B.M.C. Chapter 3.64.

## 24. NUCLEAR FREE BERKELEY

Consultant agrees to comply with B.M.C. Chapter 12.90, the Nuclear Free Berkeley Act, as amended from time to time.

## 25. OPPRESSIVE STATES CONTRACTING PROHIBITION

25.1 In accordance with Resolution No. 59,853-N.S., Consultant certifies that it has no contractual relations with, and agrees during the term of this Contract to forego contractual relations to provide personal services to, the following entities:

- (1) The governing regime in any Oppressive State.
- (2) Any business or corporation organized under the authority of the governing regime of any Oppressive State.
- (3) Any individual, firm, partnership, corporation, association, or any other commercial organization, including parent-entities and wholly-owned subsidiaries (to the extent that their operations are related to the purpose of its contract with the City), for the express purpose of

assisting in business operations or trading with any public or private entity located in any Oppressive State.

25.2 Appendix A to Resolution No. 59,853-N.S. designates the following as Oppressive States for the purposes of this contract: Tibet Autonomous Region and the provinces of Abo, Kham, and Ü-Tsang.

25.3 Consultant's failure to comply with this section shall constitute a default of this Contract and City may terminate this Contract pursuant to Section 12. In the event that the City terminates Consultant due to a default under this provision, City may deem Consultant a non-responsible bidder for five (5) years from the date this Contract is terminated.

## 26. RECYCLED PAPER FOR WRITTEN REPORTS

If Consultant is required by this Contract to prepare a written report or study, Consultant shall use recycled paper for said report or study when such paper is available at a cost of not more than ten percent more than the cost of virgin paper, and when such paper is available at the time it is needed. For the purposes of this Contract, recycled paper is paper that contains at least 50% recycled product. If recycled paper is not available, Consultant shall use white paper. Written reports or studies prepared under this Contract shall be printed on both sides of the paper whenever practical.

## 27. BERKELEY LIVING WAGE ORDINANCE

27.1. Consultant hereby agrees to comply with the provisions of the Berkeley Living Wage Ordinance, B.M.C. Chapter 13.27. If Consultant is currently subject to the Berkeley Living Wage Ordinance, as indicated by the Living Wage Certification form, attached hereto, Consultant will be required to provide all eligible employees with City mandated minimum compensation during the term of this Contract, as defined in B.M.C. Chapter 13.27, as well as comply with the terms enumerated herein. Consultant expressly acknowledges that, even if Consultant is not currently subject to the Living Wage Ordinance, cumulative contracts with City may subject Consultant to the requirements under B.M.C. Chapter 13.27 in subsequent contracts.

27.2. If Consultant is currently subject to the Berkeley Living Wage Ordinance, Consultant shall be required to maintain monthly records of those employees providing service under the Contract. These records shall include the total number of hours worked, the number of hours spent providing service under this Contract, the hourly rate paid, and the amount paid by Consultant for health benefits, if any, for each of its employees providing services under the Contract. Consultant agrees to supply City with any records it deems necessary to determine compliance with this provision. These records are expressly subject to the auditing terms described in Section 17.

27.3. If Consultant is currently subject to the Berkeley Living Wage Ordinance, Consultant shall include the requirements thereof, as defined in B.M.C. Chapter 13.27, in any and all subcontracts in which Consultant engages to execute its responsibilities under this Contract. All subcontractor or subconsultant employees who spend 25% or more of their compensated time engaged in work directly related to this Contract shall be entitled to a living wage, as described in B.M.C. Chapter 13.27 and herein.

27.4. If Consultant fails to comply with the requirements of this Section, the City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

27.5. Consultant's failure to comply with this Section shall constitute a material breach of the Contract, upon which City may terminate this Contract pursuant to Section 12. In the event that City terminates Consultant due to a default under this provision, City may deem Consultant a non-responsible bidder for not more than five (5) years from the date this Contract is terminated.

In addition, at City's sole discretion, Consultant may be responsible for liquidated damage in the amount of \$50 per employee per day for each and every instance of an underpayment to an employee. It is mutually understood and agreed that Consultant's failure to pay any of its eligible employees at least the applicable living wage rate will result in damages being sustained by the City; that the nature and amount of the damages will be extremely difficult and impractical to fix; that the liquidated damage set forth herein is the nearest and most exact measure of damage for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty of forfeiture for Consultant's breach. City may deduct any assessed liquidated damages from any payments otherwise due Consultant.

## 28. BERKELEY EQUAL BENEFITS ORDINANCE

28.1. Consultant hereby agrees to comply with the provisions of the Berkeley Equal Benefits Ordinance, B.M.C. Chapter 13.29. If Consultant is currently subject to the Berkeley Equal Benefits Ordinance, as indicated by the Equal Benefits Certification form, attached hereto, Consultant will be required to provide all eligible employees with City mandated equal benefits, as defined in B.M.C. Chapter 13.29, during the term of this contract, as well as comply with the terms enumerated herein.

28.2. If Consultant is currently or becomes subject to the Berkeley Equal Benefits Ordinance, Consultant agrees to provide the City with all records the City deems necessary to determine compliance with this provision. These records are expressly subject to the auditing terms described in Section 17 of this contract.

28.3. If Consultant fails to comply with the requirements of this Section, City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

28.4. Consultant's failure to comply with this Section shall constitute a material breach of the Contract, upon which City may terminate this contract pursuant to Sections 12. In the event the City terminates this contract due to a default by Consultant under this provision, the City may deem Consultant a non-responsible bidder for not more than five (5) years from the date this Contract is terminated.

In addition, at City's sole discretion, Consultant may be responsible for liquidated damages in the amount of \$50.00 per employee per day for each and every instance of violation of this Section. It is mutually understood and agreed that Consultant's failure to provide its employees with equal benefits will result in damages being sustained by City; that the nature and amount of these damages will be extremely difficult and impractical to fix; that the liquidated damages set forth herein is the nearest and most exact measure of damages for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty or forfeiture for Consultant's breach. City may deduct any assessed liquidated damages from any payments otherwise due Consultant.

## 29. PREVAILING WAGES

Certain labor categories under this contract may be subject to prevailing wages as identified in the State of California Labor Code commencing with Sections 1720 et. seq. and 1770 et. seq. These labor categories, when employed for any "work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work," constitute a "Public Work" within the definition of Section 1720(a)(1) of the California Labor Code requiring payment of prevailing wages. In performing its obligations under this contract, Consultant is solely responsible to determine which, if any, of the work is governed by a labor category pursuant to California Labor Code sections 1720 et. seq. and 1770 et. seq. and pay the pertinent prevailing wage. Consultant shall defend, indemnify and hold harmless City concerning any liability arising out of Labor Code section 1720 et. seq. and 1770 et. seq.

30. SETOFF AGAINST DEBTS

Consultant agrees that City may deduct from any payments due to Consultant under this Contract any monies that consultant owes City under any ordinance, contract or resolution for any unpaid taxes, fees, licenses, unpaid checks or other amounts.

31. CONSULTANTS TO SUBMIT STATEMENTS OF ECONOMIC INTEREST

The City's Conflict of Interest Code, Resolution No. 60,788-N.S., as amended, requires consultants who make a governmental decision or act in a staff capacity as defined in 2 Cal. Code of Regs. § 18700, as amended from time to time, to disclose conflicts of interest by filing a Statement of Economic Interest (Form 700). Consultants agree to file such statements with the City Clerk at the beginning of the contract period and upon termination of the Consultant's service.

32. CITY BUSINESS LICENSE, PAYMENT OF TAXES, TAX I.D. NUMBER

Consultant has obtained a City business license as required by B.M.C. Chapter 9.04, and its license number is written below; or, Consultant is exempt from the provisions of B.M.C. Chapter 9.04 and has written below the specific B.M.C. section under which it is exempt. Consultant shall pay all state and federal income taxes and any other taxes due. **Consultant certifies under penalty of perjury that the taxpayer identification number written below is correct.**

33. MISCELLANEOUS

33.1 The Agreement, and any written modification to the Agreement, shall represent the entire and integrated Agreement between the parties hereto regarding the subject matter of this Agreement and shall constitute the exclusive statement of the terms of the parties' Agreement. The Agreement, and any written modification to the Agreement, shall supersede any and all prior negotiations, representations or agreements, either written or oral, express or implied, that relate in any way to the subject matter of this Agreement or written modification, and the parties represent and agree that they are entering into this Agreement and any subsequent written modification in sole reliance upon the information set forth in the Agreement or written modification and the parties are not and will not rely on any other information.

33.2 Either party's waiver of any breach, or the omission or failure of either party, at any time, to enforce any right reserved to it, or to require performance of any of the terms, covenants, conditions or other provisions of this Agreement, including the timing of any such performance, shall not be a waiver of any other right to which any party is entitled, and shall not in any way affect, limit, modify or waive that party's right thereafter to enforce or compel strict compliance with every term, covenant, condition or other provision hereof, any course of dealing or custom of the trade or oral representations notwithstanding. This Agreement may not be modified, nor may compliance with any of its terms be waived, except by written instrument executed and approved by fully authorized representatives of City and the Consultant.

33.3 As between the parties to this Agreement: as to all acts or failures to act by either party to this Agreement, any applicable statute of limitations shall commence to run on the date of issuance by City's Project Manager of the final Certificate for Payment, or termination of this Agreement, whichever is earlier, except for latent defects, for which the statute of limitation shall begin running upon discovery of the defect and its cause.

33.4 Any provisions or portions thereof of this Agreement prohibited by, or made unlawful or unenforceable under any applicable law of any jurisdiction, shall as to such jurisdiction be ineffective

without affecting other provisions or portions thereof of this Agreement. If the provisions of such applicable law may be waived, they are hereby waived to the end that this Agreement may be deemed to be a valid and binding agreement enforceable in accordance with its terms. If any provisions or portion thereof of this Agreement are prohibited by, or made unlawful or unenforceable under any applicable law and are therefore stricken or deemed waived, the remainder of this Agreement shall be interpreted to achieve the goals or intent of the stricken or waived provisions or portions thereof to the extent such interpretation is consistent with applicable law.

34. SEVERABILITY

34.1 If any part of this Agreement or the application thereof is declared invalid for any reason, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision or application, and to this end the provisions of this Agreement are declared to be severable.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day first mentioned above.

THE CITY OF BERKELEY

By: \_\_\_\_\_  
CITY MANAGER

Registered by:

Pre-approved as to form:  
CITY ATTORNEY  
2/2015

\_\_\_\_\_  
CITY AUDITOR

Attest:

CITY CLERK

[ CONSULTANT NAME ]

By: \_\_\_\_\_

Printed name and title of signatory, if different from consultant name

Taxpayer Identification No.

Berkeley Business License No.

Incorporated: Yes \_\_\_\_\_ No \_\_\_\_\_

Certified Woman Business Enterprise: Yes \_\_\_\_\_ No \_\_\_\_\_

Certified Minority Business Enterprise: Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, state ethnicity: \_\_\_\_\_

Certified Disadvantaged Business Enterprise: Yes \_\_\_\_\_ No \_\_\_\_\_



CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR  
 April 20, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Rigel Robinson (Author)  
 Subject: Support for AB 455: Bay Bridge Transit-Only Lane

RECOMMENDATION

Send a letter to Assemblymember Rob Bonta, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 455, which would authorize the Bay Area Toll Authority, in consultation with the Department of Transportation, to designate transit-only traffic lanes on the San Francisco-Oakland Bay Bridge.

BACKGROUND

AB 455, introduced by Assemblymember Bonta, would authorize the Bay Area Toll Authority, in consultation with the Department of Transportation, to designate transit-only traffic lanes on the San Francisco-Oakland Bay Bridge. It would also state the intent of the legislature to establish tolls, vehicle occupancy requirements, incident response procedures, other operational improvements, and capital investment priorities in order to achieve fast and reliable bus transit within the corridor. This goal would be defined as buses that average at least 45 miles per hour in both directions along the Bay Bridge Corridor no less than 90 percent of weekdays each month.

As defined in the bill, a transit-only traffic lane is a lane restricted to mass transit vehicles and possibly other vehicles such as taxis, high-occupancy vehicles, and vanpools. This would not be an unprecedented move — the Bay Bridge had a bus-only lane from January 1961 to January 1963. During this time, bus efficiency across the bridge became twice as fast as the average automobile, and Transbay ticket sales increased by 12.8 percent in just one year.<sup>1</sup>

Currently, the Bay Bridge has a short bus lane to bypass toll lines. However, the majority of the bridge requires buses to share lanes with regular automobiles. As Bay Area residents are priced out of San Francisco and move to the East Bay and other more affordable regions, Transbay automobile traffic has increased proportionally. According to the Metropolitan Transportation Commission, weekday congestion-related delays on Bay Area freeways have broken a new record, surging by 80 percent since 2010.<sup>2</sup> This has created a situation in which buses are frequently stuck in traffic, causing slow, costly, and unreliable bus service.

<sup>1</sup> San Francisco Chronicle: Thursday, February 8, 1962

<sup>2</sup> <https://mtc.ca.gov/whats-happening/news/bay-area-vital-signs-freeway-congestion-hits-new-record-0>

The Bay Bridge is an excellent candidate for a transit-only lane, as a commuter corridor where transit speeds and headway reliability are of concern.<sup>3</sup> According to a 2019 study by the UCLA Institute of Transportation, transit-only lanes increase bus ridership by “speeding up travel times, improving [the] passenger experience and enhancing overall perceptions of riding the bus.”<sup>4</sup> A transit-only lane would make Transbay buses a reliable and fast choice, encouraging public transportation use and alleviating traffic. Permanent bus-only lanes have been implemented in San Francisco, Los Angeles, Santa Monica, Chicago, Baltimore, and right here in Berkeley. Additional pilot programs are underway in cities such as Boston, Cincinnati, Pittsburgh, and Cambridge.<sup>5</sup>

In 2020, the Cities of Berkeley<sup>6</sup> and Oakland,<sup>7</sup> as well as the BART Board<sup>8</sup> and the AC Transit Board,<sup>9</sup> expressed our joint support for the designation of a bus-only lane on the Bay Bridge in an effort to expand the reliability and efficiency of public transportation.

The City of Berkeley should reaffirm our support for sustainable, reliable bus service on the Bay Bridge by endorsing AB 455 and sending a letter of support to Assemblymember Rob Bonta, Senator Nancy Skinner, and Assemblymember Buffy Wicks.

#### FINANCIAL IMPLICATIONS

None.

#### ENVIRONMENTAL SUSTAINABILITY

Making it easier for Berkeley residents to commute or travel to San Francisco by public transit is consistent with the City of Berkeley Climate Action Plan, which calls for dramatic reductions in all emissions, especially related to transit. Transportation is Berkeley’s largest source of greenhouse gas emissions, making up 59 percent.<sup>10</sup>

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<sup>3</sup> <https://www.its.ucla.edu/wp-content/uploads/sites/6/2019/02/Best-Practices-in-Implementing-Tactical-Transit-Lanes-1.pdf>

<sup>4</sup> <http://transitcenter.org/2016/12/19/why-tactical-transit-is-the-next-big-thing/>

<sup>5</sup> <https://www.its.ucla.edu/wp-content/uploads/sites/6/2019/02/Best-Practices-in-Implementing-Tactical-Transit-Lanes-1.pdf>

<sup>6</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/01\\_Jan/Documents/2020-01-28\\_Supp\\_2\\_Reports\\_Item\\_11\\_Rev\\_Robinson\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/01_Jan/Documents/2020-01-28_Supp_2_Reports_Item_11_Rev_Robinson_pdf.aspx)

<sup>7</sup> <https://oakland.legistar.com/View.ashx?M=F&ID=8017210&GUID=9090AC3B-8EB9-4977-B626-C2C490484ED7>

<sup>8</sup> [https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/551291/Attachment\\_D\\_-\\_Berkeley\\_Resolution\\_in\\_Support\\_of\\_a\\_Bus-Only\\_Lane.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/551291/Attachment_D_-_Berkeley_Resolution_in_Support_of_a_Bus-Only_Lane.pdf)

<sup>9</sup> <https://actransit.legistar.com/LegislationDetail.aspx?ID=4309704&GUID=30C29C36-B0C0-47D7-A63E-A5194331244E&Options=&Search=&FullText=1>

<sup>10</sup> <https://www.cityofberkeley.info/climate/>



CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Arev Walker, Intern

Attachments:

1: Letter of support

2: Bill text

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB455](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB455)

April 20, 2021

The Honorable Rob Bonta  
California State Assembly  
State Capitol, Room 2148  
Sacramento, CA 95814

**RE: Support for AB 455 - Bay Bridge Transit-Only Lane**

Dear Assemblymember Bonta,

The Berkeley City Council would like to convey its full support for AB 455, which would alleviate Bay Bridge congestion and bring much-needed improvements to the reliability, efficiency, and convenience of Transbay bus service.

The current situation on the Bay Bridge is unworkable for drivers and bus passengers alike, as one of the most congested commuter corridors in the Bay Area. A transit-only lane would massively improve bus service and encourage many people to reconsider driving individual cars across the bridge, reducing transportation-related greenhouse gas emissions. Having a reliable and fast public transit option on the Bay Bridge would also greatly improve access to and from San Francisco for communities in the East Bay.

In 2020, the City of Berkeley expressed our support for the designation of a transit-only lane on the Bay Bridge. We affirm that support today, as the COVID-19 pandemic's impact on transit agencies has made the need to boost public transit ridership ever more clear. AB 455 is an essential step along the way to improving congestion along the Bay Bridge corridor, and we thank you for introducing this important piece of legislation.

Sincerely,

The Berkeley City Council



Parks and Waterfront Commission

ACTION CALENDAR

April 20, 2021

To: Honorable Mayor and Members of the City Council

From: Parks and Waterfront Commission

Submitted by: Gordon Wozniak, Chairperson

Subject: Proposal to allocate revenues generated by the Transient Occupancy Tax in the Waterfront Area to the Marina Fund to avoid insolvency, rebuild its fund balance and to stabilize its finances

RECOMMENDATION

That Council adopt a resolution adopting a policy that all Transient Occupancy Taxes (TOT hotel tax) generated at the Berkeley Waterfront be allocated to the City's Marina Enterprise Fund. All other property, sales, utility users, and parking taxes; as well as business license and franchise fees, would continue to be allocated to the City's General Fund.

FINANCIAL IMPLICATIONS

Allocating funding from the Transient Occupancy Tax annually, generated at the Waterfront, will create a healthy Marina Fund that is able to operate, maintain, and keep safe the existing assets. The sizeable past and ongoing contributions from Waterfront-generated revenues to the City's General Fund should be taken into consideration when assessing the financial implications.

CURRENT SITUATION AND ITS EFFECTS

The area now comprising the Berkeley Waterfront was granted to the City by the State of California in 1913, as a grant of state tidelands. In 1962, the City obtained a state loan to develop the current marina with 1,000 slips, parking lots, launch ramps, restrooms, parks, and several commercial plots for lease.

- By 1966, 15 boat dock systems were constructed.
- By 1970, two restaurants, a hotel, and an office building were developed.
- By 1980, the two sailing clubs and sailing docks, the boat yard, and a third restaurant were developed.
- By 1991, the City landfill at the marina was capped and graded to become North Waterfront Park. In 1996, it was renamed Cesar Chavez Park.

The total area under City management includes the entrance to the Marina (University Avenue and the Bay Trail, from Frontage Road to Marina Blvd) and all the infrastructure and Marina waters west of Marina Blvd. In all, there are

- 100 acres of open space and parks

Allocate Transient Occupancy Tax (TOT) generated at the Waterfront back to the Marina Fund

ACTION CALENDAR  
April 20, 2021

- over 1,000 berths in the Berkeley Marina,
- a large hotel, 4 restaurants,
- the Adventure Playground,
- Shorebird Nature Center,
- the Berkeley Marine Center boat yard,
- a two-story office building,
- a 4-lane public launch ramp,
- 9 restroom buildings, and
- 11 parking lots.

The Waterfront requires the daily administration of what essentially is a “small city”.

### Marina Fund

***A requirement of the State Tidelands Grant is that revenue generated at the Waterfront be spent at the Waterfront.*** The Marina Enterprise Fund was set up to comply with this requirement for managing revenue and expenditures at the Berkeley Waterfront. Marina Revenues come primarily from boat slip rental fees and business leases, and a number of smaller sources. Community users of the open space and amenities at the Berkeley Waterfront such as independent fishermen, windsurfers, small boat users, tourists, walkers, runners, dogwalkers, and other park users do not provide direct income to the Marina Fund.

During the 1970s – 90s, the Waterfront infrastructure was new and maintenance and replacements costs were low. Even with low berthing fees, surplus monies were generated. Instead of investing this surplus in a Reserve Fund for future capital expenditures, these monies were diverted to the General Fund.

By FY2019, one-third of the total revenue generated annually at the Waterfront was being transferred to the General fund as follows:

- \$10.9 Million in Total Waterfront Revenue
- \$6.9 Million allocated to the Marina Fund
- \$4 Million allocated to the General Fund

In addition, \$0.59 Million was being transferred annually from the Marina Fund to the City’s internal service funds.

In FY2020, the Covid Pandemic decimated the hospitality industry and the lease portion of the Marina revenue. While revenues have plummeted during the pandemic, community use of recreation and open space at the Waterfront has soared.

### Marina Fund Financial Sustainability

From FY18-20, the Marina Fund contributed ~\$11 Million to the General Fund. Now, the Marina Fund needs help from the General Fund to survive this pandemic-induced fiscal crisis.

**To immediately avoid the eminent insolvency of the Marina Fund, the TOT tax generated in the Waterfront should be allocated to the Marina Fund.**

Waterfront Capital Fund

The estimated \$87.5 M - \$131 M in future infrastructure costs are too large to be solved by stabilizing the Marina operations budget. To fund such large capital costs, a Reserve Fund needs to be created with new revenues developed as a result of the BMASP process that is underway.

Commission

At a regular meeting on March 10, 2021, the Parks and Waterfront Commission M/S/C to send this action to Council for consideration: (McGrath/Kamen/U). Ayes: Cox; Diehm; Kamen; Kawczynska; Landoni; McGrath; Skjerping; Srioudom; Wozniak; Noes: None; Absent: None; Leave of Absence: None.

ENVIRONMENTAL SUSTAINABILITY

No environmental impacts or opportunities were identified as a result of this recommendation.

RATIONALE FOR RECOMMENDATION

See body of report

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER

The City Manager recommends referring the contents of this commission report to the budget process because this action will potentially impact revenue available to the General Fund. The Marina Fund revenue losses associated with Covid-19 are projected to exceed \$3.6M from FY20-23 in comparison to FY 19 and a potential funding source to offset actual and projected revenue losses is the American Rescue Plan. Additionally, City Council may want to explore other long-term revenue sources to stabilize the Marina Fund, as discussed during February 16, 2021 work session presentation on the Berkeley Marina Area Specific Plan.

CONTACT PERSON

Roger Miller, Secretary, Parks and Waterfront Commission, (510) 981-6704  
Gordon Wozniak, Chairperson, (510) 654-4103

## Attachments

1: Resolution

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

ALLOCATE REVENUES GENERATED BY THE TRANSIENT OCCUPANCY TAX IN THE WATERFRONT AREA TO THE MARINA FUND TO AVOID INSOLVENCY, REBUILD ITS FUND BALANCE AND STABILIZE ITS FINANCES

WHEREAS, the Parks and Waterfront Commission reviews the policies, projects, programs, planning efforts, activities, funding and the physical condition of parks, pools, camps, recreation centers, the Marina, and public greenery, and advises the City Council on these matters; and

WHEREAS, a requirement of the State Tidelands Grant is that revenue generated in the Waterfront be spent at the Waterfront; and

WHEREAS, in FY2019, one-third of the total revenue (\$10.9 million) generated annually at the Waterfront was transferred to the General Fund (GF) and an additional \$0.58 million was transferred to the City's Internal Service Funds; and

WHEREAS, in FY2020, Waterfront revenues have plummeted due the shutdown of the hospitality industry by the Covid Pandemic; and

WHEREAS, the Marina Fund is projected to be insolvent in FY2022 and beyond; and

WHEREAS, over the last three years, the revenues generated in the Waterfront Area contributed ~\$11 million to the City's General Fund; and

WHEREAS, Transient Occupancy Tax (TOT) was generated annually at the Waterfront during pre-pandemic times, and

WHEREAS, by allocating the TOT revenue generated at the Waterfront to the Marina fund, it could be made solvent; and

WHEREAS the Marina Fund is facing an unprecedented financial crisis, with more than \$100M of unfunded capital need and an annual structural deficit of \$1 million.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby adopts a policy that all Transient Occupancy Taxes (TOT hotel tax) generated at the Berkeley Waterfront be allocated to the City's Marina Enterprise Fund. All other property, sales, utility users, and parking taxes; as well as business license and franchise fees, would continue to be allocated to the City's General Fund.

NOW THEREFORE, BE IT FURTHER RESOLVED that all other property, sales, utility users, and parking taxes, as well as business license and franchise fees, would continue to be allocated to the General Fund.



Cheryl Davila  
Councilmember  
District 2

ACTION CALENDAR  
April 20, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila (Author)

Subject: Requesting the California State Legislature to introduce actions to value human life and to condemn racial injustice and police brutality.

RECOMMENDATION

1. Adopt a resolution requesting the California State Legislature to introduce legislation incorporating recommendations from the community to value human life and to condemn racial injustice and police brutality.
2. Send copies of this resolution to State Assemblymember Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

POLICY COMMITTEE RECOMMENDATION

On March 8, 2021, the Health, Life Enrichment, Equity and Community Committee adopted the following action: M/S/C (Kesarwani/Bartlett) to forward the item to Council with a negative recommendation given that there are a number of questions as to some of the points of the resolution including the purview of the Legislature, legal questions, and feasibility. The Committee recommends that the Council refer to the Public Safety Committee to consider the state Police Officer's Bill of Rights and possible subsequent action by the City Council. Further, that the office of Councilmember Taplin will look into specific state bills on police reform and public safety issues to determine which bills warrant a letter of support from the City Council.

Vote: All Ayes.

BACKGROUND

With the deaths of Ahmaud Arbery, Breonna Taylor, and George Floyd, we at the same time are reeling from the devastating effects and challenges of COVID-19 that has disproportionately affected the black community at high rates.

We must now move from protests to substantive policy change. We must be able to respond to our children and their children's children when they ask what we did during these troubled times to impact the community and make a difference?

The Berkeley City Council has a past record of supporting legislation to value human life, and to condemn racial injustice and police brutality.

In December 2018, in the nearby City of Richmond, then Councilmembers Jovanka Beckles and Eduardo Martinez introduced similar legislation requesting the State Legislature to

introduce legislation based on recommendations brought forward by the community. The legislation was approved by the Richmond City Council and sent to the State Legislature.

Police officers can occasionally make poor choices that result in implementing harsh enforcement policies, often in extremely stressful and dangerous situations.

The City Council envisions a future where violent encounters between police and civilians are extremely rare.

An alarming number of people are killed by police every year, the majority of those victims were unarmed or were killed for behaviors due to issues that have included mental health that should not have resulted in death.

Black and Latino teenage males are more likely to be killed by police than white teenage males and unarmed Black and Latino men are more likely to be killed by police than unarmed white men.

Aggressive policing and lack of community representation on police forces, often negatively impact people of color, leading to the use of racial profiling and disproportionate number of deaths of people of color at the hands of the police.

Police departments cannot investigate themselves, and there is a long list of no conviction cases.

There are too many cases where charges are not filed by top officials despite physical evidence and eyewitness testimony, contradicting the police department's statement of events.

In honor of many who have lost their lives advocating for human rights, the City Council supports human rights.

This action is the first step meant to restore integrity in policing and promote accountability for the public.

The following legislative actions require the State Legislature to introduce and act upon in order to make much needed change to save lives:

1. Repeal The California Police Officer Bill of Rights
2. Approve ACA-5: Repeal of Prop 209 that would ensure that fair hiring practices in California are implemented, so that African Americans can have access to public jobs.
3. Establish protection against profiling, and offer alternatives to mental health crises so that they do not have a fatal end.
4. Create a Task Force to Study and Develop Reparations for African Americans.
5. A Review of each jurisdiction's use of force policy and review of its alignment with AB 392: Peace Officers Deadly Force.
6. Allocate yearly funding and resources to ensure that African Americans in the state have access to culturally-based and responsive mental health services.
7. Establish stronger civilian oversight boards that have disciplinary power, so that law enforcement officers are accountable to the communities in which they serve;
8. Reduce the historically high levels of the prison population, through the implementation of community-based policing, smarter sentencing, and better post-incarceration programs for those returning to society, as well as training law enforcement, to better



- identify mental illness and reducing over forced approach to all Americans;
9. Ensure that the investigation process includes an immediate toxicology exam on all parties involved, including the officers, and unedited civilian video recordings should be considered evidence;
  10. Police unions should bear the cost of the paid administrative leave in the form of malpractice insurance;
  11. Allocate funding to train police to better identify and confront these problems using de-escalation tactics, and keep track of results through frequent data collection and analysis;
  12. All officers of the law receive training to reduce excessive force, and training to assist with interaction with the mentally ill;
  13. Train law enforcement officials to appropriately identify and address mental issues and those with addiction, with the aim of guiding members of the said population to treatment programs instead of jail when applicable;
  14. An officer should be placed on administrative leave without pay during the investigation process;
  15. An officer that is under investigation would not be eligible for CalPERS Disability Insurance or similar benefits as its pre-funded by tax dollars;
  16. Tax dollars should not cover the cost of an officer's legal defense when they fire upon an unarmed civilian, who is not in the act of committing a felony offense;
  17. Police unions should cover the cost of legal defense, malpractice insurance (similar to a doctor);
  18. Police officers who fire upon an unarmed civilian, who is not in the act of committing a felony offense should be reprimanded and prosecuted.

#### FISCAL IMPACTS OF RECOMMENDATION

None.

#### ENVIRONMENTAL SUSTAINABILITY

Protecting our communities during this climate and health crisis is an act of environmental sustainability.

#### CONTACT PERSON

Cheryl Davila  
Councilmember District 2  
510.981.7120  
cdavila@cityofberkeley.info

#### ATTACHMENTS

1. Resolution

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

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BERKELEY REQUESTING THE CALIFORNIA STATE LEGISLATURE TO INTRODUCE LEGISLATIVE ACTIONS TO VALUE HUMAN LIFE AND TO CONDEMN RACIAL INJUSTICE AND POLICE BRUTALITY

WHEREAS, For several weeks, African Americans have been processing the recent deaths of Ahmaud Arbery and Breonna Taylor while at the same time, reeling from the devastating effects and challenges of COVID-19 that has disproportionately affected the black community at high rates. Then came the horrific death of George Floyd, in full view of the world that stunned many, adding to the community's unrelenting trauma and grief and disgust; and

WHEREAS, We must now move from protests to substantive policy change. We must be able to respond to our children and their children's children when they ask what we did during these troubled times to impact the community and make a difference; and

WHEREAS, The Berkeley City Council has a past record of supporting legislation to value human life, and to condemn racial injustice and police brutality; and

WHEREAS, the City Council is in support of the State legislature introducing legislation to support and value human life, and to condemn racial injustice and police brutality; and

WHEREAS, tension between police and communities throughout the United States has increased over many years after a series of high profile cases of police brutality and racial profiling; and

WHEREAS, police officers can occasionally make poor choices that result in implementing harsh enforcement policies, often in extremely stressful and dangerous situations; and

WHEREAS, the City Council envisions a future where violent encounters between police and civilians are extremely rare; and

WHEREAS, an alarming number of people are killed by police every year, the majority of those victims were unarmed or were killed for behaviors due to issues that have included mental health that should not have resulted in death; and

WHEREAS, Black and Latino teenage males are more likely to be killed by police than white teenage males and unarmed Black and Latino men are more likely to be killed by police than unarmed white men; and

WHEREAS, aggressive policing and lack of community representation on police forces, often negatively impact people of color, leading to the use of racial profiling and disproportionate number of deaths of people of color at the hands of the police; and

WHEREAS, police departments cannot investigate themselves, and there is a long list of no conviction cases; and

WHEREAS, there are too many cases where charges are not filed by top officials despite physical evidence and eyewitness testimony, contradicting the police department's statement of events; and

WHEREAS, in honor of many who have lost their lives advocating for human rights, the City Council supports human rights; and

WHEREAS, this action is the first step meant to restore integrity in policing and promote accountability for the public; and

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Berkeley requests the State Legislature to introduce and approve the following legislative actions:

1. Repeal The California Police Officer Bill of Rights
2. Approve ACA-5: Repeal of Prop 209 that would ensure that fair hiring practices in California are implemented, so that African Americans can have access to public jobs.
3. Establish protection against profiling, and offer alternatives to mental health crises so that they do not have a fatal end.
4. Create a Task Force to Study and Develop Reparations for African Americans.
5. A Review of each jurisdiction's use of force policy and review of its alignment with AB 392: Peace Officers Deadly Force.
6. Allocate yearly funding and resources to ensure that African Americans in the state have access to culturally-based and responsive mental health services.
7. Establish stronger civilian oversight boards that have disciplinary power, so that law enforcement officers are accountable to the communities in which they serve;
8. Reduce the historically high levels of the prison population, through the implementation of community-based policing, smarter sentencing, and better post-incarceration programs for those returning to society, as well as training law enforcement, to better identify mental illness and reducing over forced approach to all Americans;
9. Ensure that the investigation process includes an immediate toxicology exam on all parties involved, including the officers, and unedited civilian video recordings should be considered evidence;
10. Police unions should bear the cost of the paid administrative leave in the form of malpractice insurance;
11. Allocate funding to train police to better identify and confront these problems using de-escalation tactics, and keep track of results through frequent data collection and analysis;
12. All officers of the law receive training to reduce excessive force, and training to assist with interaction with the mentally ill;
13. Train law enforcement officials to appropriately identify and address mental issues and those with addiction, with the aim of guiding members of the said population to treatment programs instead of jail when applicable;
14. An officer should be placed on administrative leave without pay during the investigation process;
15. An officer that is under investigation would not be eligible for CalPERS Disability Insurance or similar benefits as its pre-funded by tax dollars;
16. Tax dollars should not cover the cost of an officer's legal defense when they fire upon an unarmed civilian, who is not in the act of committing a felony offense;
17. Police unions should cover the cost of legal defense, malpractice insurance (similar to a doctor);
18. Police officers who fire upon an unarmed civilian, who is not in the act of committing a felony offense should be reprimanded and prosecuted.

BE IT FURTHER RESOLVED that copies of this resolution is sent to State Assemblywoman Buffy Wicks, State Senator Nancy Skinner, and United States Congresswoman Barbara Lee.





Office of the Mayor

CONSENT CALENDAR

April 20, 2021

To: Members of the City Council

From: Mayor Jesse Arreguin

Subject: Contract No. 9369 Amendment: Badawi & Associates, Certified Public Accountants for Professional Auditing Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 9369 with Badawi & Associates to perform annual audits of the city's financial statements and to perform annual compliance audits required by the Single Audit Act of 1984 (as amended), for fiscal years 2021 (FY21) and 2022 (FY22), in the amount of \$171,330 for FY21 and \$171,330 for FY22. Increasing the contract value by \$372,660 which includes a \$30,000 contingency for new regulatory reporting including the Measure T1 Audit. This will increase the contract value from \$1,243,896 to \$1,616,556 for the period May 6, 2020 to June 30, 2023.

FISCAL IMPACTS OF RECOMMENDATION

This two-year contract extension will cost a total of \$342,660 for all funds, which is the same for the last previous year. (FY 2020).

Contract funding for the full 2-year extended term is as follows:

General Fund total cost of \$293,416 (011-99-900-9000-0000-000-412-612210)

- \$146,708 in FY 2021
- \$146,708 in FY 2022

Other Funds total budget of \$49,244, Business Economic Development fund (143-21-208-253-0000-000-446-612210) for \$12,244, Community Block Grant Development Fund (CDBG) (128-51-504-530-0000-000-444-612210) for \$32,000 and Measure F Alameda County Vehicle Registration Fee Fund (133-99-900-900-0000-000-412-612210) for \$5,000

- \$24,622 in FY 2021
- \$24,622 in FY 2022

CURRENT SITUATION AND ITS EFFECTS

On February 13, 2018 Council adopted Resolution No. 68,325-N.S. ratifying the Mayor's decision to exercise the two year option to extend Contract No. 9369B with Badawi & Associates and authorizing the City Manager to execute an amendment to the contract

for the incremental amount of \$489,899 for the performance of services to conduct annual financial audits of the City's financial statements and perform annual compliance audits as required by the Single Audit Act of 1984 (as amended in 1996) for the period July 1, 2019 through June 30, 2021, increasing the total not to exceed amount of the contract from \$753,997 to \$1,243,896.

The Mayor's Audit committee directed the Finance Director to initiate negotiations with Badawi & Associates to extend the contract for a two-year period to perform the required audits for fiscal year 2021 and 2022. Negotiations concluded with Badawi and Associates accepting zero increase for services to be performed for the period May 6, 2021 through June 30, 2023.

### BACKGROUND

On February 1, 2013, the City issued an RFP (Specification No. 13-10711-C) for qualified Certified Public Accountants to audit the City's financial statements for the three fiscal years ending June 30, 2013, 2014, and 2015, with an option for two additional years. These audits are performed in accordance with generally accepted auditing standards, the standards set forth for financial audits in the U. S. General Accounting Office's *Government Auditing Standards* (December 2011 edition), the provisions of the Federal Single Audit Act of 1984, as amended in 1996, and U. S. Office of Management (OMB) Circular A-133, *Audits of State, Local Governments, and Non-Profit Organizations*.

Badawi & Associates was awarded the contract for the initial three-year period (Ref: Resolution No. 66,140-N.S.); and the two renewal options were exercised (Ref: Resolution No. 67,463-N.S.). Badawi & Associates complete the required audits for fiscal years (FY) 2013 through and including FY2017. The City is extending this contract for the last time and will issue a RFP after the completion of this two-year extension.

### RATIONALE FOR RECOMMENDATION

Contract No. 9369 was awarded Badawi & Associates following a competitive solicitation process in which a request for proposals (RFP) was issue, 26 Certified Public Accounting firms were invited to participate, and 9 firms submitted proposal responses. Badawi & Associates represented the best overall value to the City following review of its proposal response and oral interview. The City is extending this contract for the next two years so that the Finance department can complete the current ERP implantation and build adequate bandwidth for taking the additional workload to issue an RFP and work through the process of city solicitation. To follow best practice per GFOA's recommendation, the city's Engagement Partner for the City of Berkeley audit was changed for the FY 2020 audit and going forward in line with GFOA best practices.

ALTERNATIVE ACTIONS CONSIDERED

The alternative is to initiate a new solicitation process by releasing an RFP for the required audit services.

CONTACT PERSON

Henry Oyekanmi, Director of Finance, 981-7300

Attachments:

1: Resolution

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

CONTRACT NO. 9369 AMENDMENT: BADAWI & ASSOCIATES TO PROVIDE  
COMPREHENSIVE PROFESSIONAL AUDITING SERVICES

WHEREAS, the City currently has a contract No. 9369 with Badawi & Associates, a certified public accounting firm to provide comprehensive, professional auditing services to the City; and

WHEREAS, the term of Contract No. 9369 will expire on June 30, 2021; and

WHEREAS, the Mayor desires to amend the contract to extend the term for an additional two-year period, and

WHEREAS, Badawi & Associates desires to continue to perform the services for the extended two-year period; and

WHEREAS, the City Charter gives the Mayor sole authority to select the firm to perform the City's annual audit; and

WHEREAS, the Mayor has determined that it is in the best interest of the City to amend the contract as before stated.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 9369 with Badawi & Associates to perform annual audits of the City's financial statements and to perform annual compliance audits required by the Single Audit Act of 1984 (as amended), for fiscal year 2021 (FY21), in the amount of \$171,330 and fiscal year 2022 (FY22) in the amount of \$171,330 plus a contingency of \$30,0000 which includes the audit of Measure T1, increasing the maximum contract value by \$372,660 from \$1,243,896 to \$1,616,556 for the period May 6, 2021 to June 30, 2023.





Rashi Kesarwani  
Councilmember, District 1

CONSENT CALENDAR

April 20, 2021

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Referral to the Planning Commission to Establish a Zoning Overlay at the Pacific Steel Casting Property

RECOMMENDATION

Refer to the Planning Commission to create a zoning overlay at the Pacific Steel Casting (PSC) property in West Berkeley—currently zoned Manufacturing (M) and redesignate it as Mixed Use - Light Industrial (MULI) due to the unique issues of public concern associated with this property (described below); specifically, include in the PSC zoning overlay allowances to enable all MULI uses and override any existing constraints in the Berkeley Municipal Code for Zoning (Title 23) on such MULI uses for the PSC property.

CURRENT SITUATION AND ITS EFFECTS

The Pacific Steel Casting (PSC) property sits at the corner of Eastshore Highway and Gilman Street, extending two blocks south to Page Street with structures on either side of Second Street. Once a thriving manufacturer of custom industrial-use parts employing more than 650 workers, PSC declared bankruptcy in 2014 and permanently shuttered in 2018. The site is known to have a number of problems of public concern, including: (1) environmental contamination at the site, (2) hundreds of blue-collar workers awaiting receipt of their pension benefits as a result of a future sale of the property, and (3) neighborhood blight and safety concerns resulting from an eight-acre multi-block area of abandoned buildings and graffitied fencing around the property.

The site, which is in close proximity to the highly-anticipated reconstruction of the Gilman Interchange, has generated some interest from real estate and business representatives for numerous mixed-use light industrial uses, such as biotechnology labs, warehouse and commercial uses, or office space, among other possibilities. The site has been on the market for more than two years without a serious buyer due in part to concerns that the current Manufacturing zoning designation limits the

potential uses of the site to heavy manufacturing only. Because of the difficulty in generating a prospective buyer for the PSC site—more than two years have elapsed since the property was first put on the market—and the issues of public concern noted above, a zoning overlay specifically for the PSC site is recommended. This referral and establishment of a zoning overlay signals to prospective buyers that the City is eager to see this site reinvented and contributing to our tax base and the vitality of our post-Covid local economy.

## BACKGROUND

Established in 1934 and owned for more than 80 years by the Genger and Delsol families, PSC declared bankruptcy in 2014. Prior to that, a worker class action lawsuit was filed in 2011 against the company for wage theft.<sup>1</sup>

In 2014, the company was purchased by Speyside Equity for \$11.3 million. Until that time, the company had been generating \$100 million in sales annually. Speyside turned the assets of PSC into a limited liability company and pledged to honor the collective bargaining agreements with the union representing the workers, including assuming pension liabilities and paying workers' health benefits.<sup>2</sup> The new company, Pacific Steel Casting LLC, however, failed to pay those benefits in part due to growing financial insecurity prompted by plummeting gas and oil prices which limited the need for production, and in part due to increased competition from China. It was also later discovered that Speyside used suspect financial practices that further drove the company into the ground.<sup>3</sup>

According to reporting from Berkeleyside, “The Speyside Fund, Speyside Equity, Alcast Company of Illinois, various business partners and managers, ‘looted’ \$14.5 million from the West Berkeley company over a four-year period, and justified the siphoning off by ‘cooking’ the books, according to the action filed by Sarah L. Little, the bankruptcy trustee.”<sup>4</sup> These legal entanglements encumber the land for any potential buyers, as it is predicted it will take between \$27 to \$30 million to make the workers and all the past creditors whole. This is in addition to the costs it will take for the environmental remediation of the property.

## FISCAL IMPACT

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<sup>1</sup> See Berkeleyside, Nov. 7, 2019 article, “Buyers of Pacific Steel Casting ‘looted’ its assets, made ‘insider deals,’ according to bankruptcy trustee.”

<https://www.berkeleyside.com/2019/11/07/buyers-of-pacific-steel-casting-looted-its-assets-made-insider-deals-according-to-bankruptcy-trustee>

<sup>2</sup> See Berkeleysides’ Dec. 12, 2017 article, “Temporary reprieve for workers: Pacific Steel Casting to remain open through March.” <https://www.berkeleyside.com/2017/12/12/reprieve-workers-berkeleys-pacific-steel-casting-remain-open-march>

<sup>3</sup> See Berkeleysides’ Nov. 7, 2019 article, “Buyers of Pacific Steel Casting ‘looted’ its assets, made ‘insider deals,’ according to bankruptcy trustee.” *Op Cit.*

<sup>4</sup> Berkeleyside, Nov. 7, 2019, *Op. Cit.*

Staff time to facilitate the Planning Commission referral and prepare language for the zoning overlay.

ENVIRONMENTAL SUSTAINABILITY

The PSC site requires considerable environmental remediation. A property buyer would address all of the environmental clean-up issues, contributing to a revitalization of West Berkeley's Gilman District and responsible stewardship of the land. The 2014 Atwell, LLC report commissioned by Speyside Equity, LLC concluded that substances such as arsenic, petroleum hydrocarbons, tetrachloroethylene and trichloroethylene and others were present in samplings taken during the environmental investigation of the site.

RATIONALE FOR RECOMMENDATION

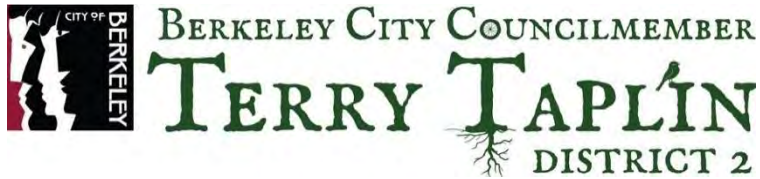
Creating a zoning overlay to enable the PSC site to be zoned MULI will increase the desirability of this property for prospective buyers. This in turn could reap many public benefits once the site is sold. First and foremost, it could enable former PSC workers to receive their pension benefits. It would also result in an environmentally sound property and contribute to the City's tax base.

CONTACT PERSON

Councilmember Rashi Kesarwani, District 1

(510) 981-7110





CONSENT CALENDAR

April 20, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author)

Subject: Implementation of 15 M.P.H. Speed Limit At All Early-Childhood Education Facilities

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to implement 15 m.p.h. speed zones within 500 feet of all early-childhood education facilities in the City of Berkeley.

BACKGROUND

On May 21, 2013, the City Council referred AB 321 to the Transportation Commission for the evaluation of the possible implementation of 15 m.p.h. speed zones within 500 feet of all elementary and preschools in Berkeley. AB 321, which went into effect in January 2008, allows for local governments to implement 15 m.p.h. speed zones within 500 feet of school sites on residential streets, on two-lane roads, where existing speed limits are 30 m.p.h. or less. Following this referral, the Transportation Commission reviewed the California Vehicle Code as well as other applicable standards for implementing 15 m.p.h. speed zones, identified 11 B.U.S.D. elementary schools and 3 preschools, and recommended to Council the addition of 15 m.p.h. "When Children Present" signs in each direction of streets abutting the identified schools.

On December 17, 2013, Council adopted a resolution authorizing the implementation of 15 m.p.h. school speed zones, as recommended by the Transportation Commission, at the 14 schools identified.<sup>1</sup> Despite the approval and implementation of these reduced speed zones at 14 schools throughout Berkeley, some early-childhood education facilities are still on streets with above-15 m.p.h. speed limits. One such location is the YMCA/Project Head Start facility on Tenth Street between University Avenue and Addison Street. This early-childhood education facility offers "high quality early learning programs for children from birth to 5 years old, designed to benefit low-income

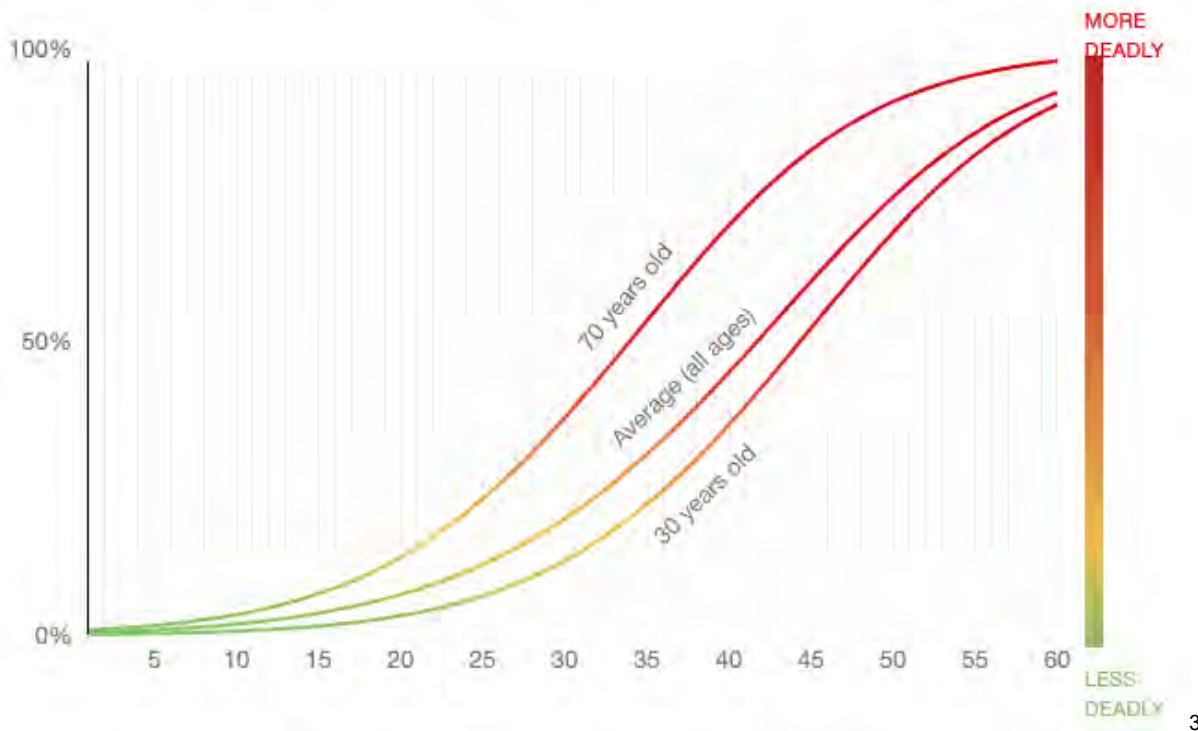
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<sup>1</sup> <https://www.berkeleyside.com/2014/03/19/berkeley-sets-speed-limit-at-15-mph-around-13-schools>

families.”<sup>2</sup> Like most residential streets in Berkeley, the speed limit in front of the YMCA/Project Head Start facility is 25 m.p.h., which may seem slow to drivers but is still a dangerous speed for pedestrians, especially small children.

## The Chance of Being Killed by a Car Going

*Roll over the curved lines to see the risk at any speed*



3

Partially due to its 25 m.p.h. speed limit, the section of Tenth Street that is home to the YMCA/Project Head Start is widely known by residents and employees of the facility as a highly dangerous street where drivers regularly cut through off of University Avenue at high speeds. In response to this persistent problem, the City Council voted on March 9th, 2021 to refer traffic calming infrastructural improvements along this street to the budget process for funding. Should these traffic calming improvements be fully funded and implemented, the 25 m.p.h. speed limit will still present a threat to residents and children coming and going from the YMCA/Project Head Start facility. It stands to reason that the YMCA/Project Head Start on Tenth Street is not the only early-childhood education facility that is still in need of a speed limit reduction and other facilities that qualify for a reduction must be identified. The City of Berkeley has a responsibility to its

<sup>2</sup> <https://ymcaeastbay.org/programs/children-and-teens/child-care/early-childhood-education/about>

<sup>3</sup> <https://www.propublica.org/article/unsafe-at-many-speeds>

children and families to ensure that 15 m.p.h. school zones cover all facilities that offer early-childhood education and have small children walking to and from them on a regular basis.

#### FISCAL IMPACTS

Approx. \$2,400 per facility. Based on the 2013 estimate of implementation of 15 m.p.h. speed zones, each facility will have one sign in each direction for 4 abutting streets at a cost of \$300 per sign.

#### ENVIRONMENTAL IMPACTS

No environmental sustainability impact. Slower traffic.

#### CONTACT

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

#### ATTACHMENTS

1. Resolution
2. 2013-05-21 Berkeley City Council Agenda Item 25: Refer AB 321 to the Transportation Commission to Consider Implementation of a 15 mph Speed Limit in All Elementary School Zones in Berkeley
3. 2013-12-17 Berkeley City Council Agenda Item 31: Implementation of 15 MPH Speed Signs Around Elementary Schools

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

IMPLEMENTATION OF 15 M.P.H. SPEED LIMIT AT ALL EARLY-CHILDHOOD  
EDUCATION FACILITIES

WHEREAS, AB 321 authorizes local governments to implement 15 m.p.h. speed zones within 500 feet of school sites on residential streets, on two-lane roads, where existing speed limits are 30 m.p.h. or less, and

WHEREAS, on December 17, 2013, the City Council adopted a Resolution authorizing the City Manager to implement 15 m.p.h. speed limits within 500 feet of 11 elementary schools and 3 preschools in Berkeley, and

WHEREAS, despite the successful addition of 15 m.p.h. speed limits to 14 elementary school and preschools, some early childhood education facilities are still located on streets with speed limits above 15 m.p.h., and

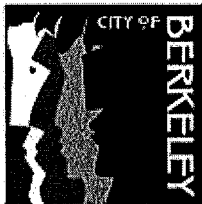
WHEREAS, speed limits above 15 m.p.h. present an urgent threat to the livelihoods of the children, parents, and educators that use the streets abutting early childhood education facilities on a daily basis,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager is authorized to implement 15 m.p.h. speed limits around early childhood education facilities in Berkeley.



B.2

25



Councilmember Susan Wengraf  
District 6

CONSENT CALENDAR

May 21, 2013

To: Honorable Mayor and Members of the City Council  
From: Councilmember Susan Wengraf  
Subject: Refer AB 321 to the Transportation Commission to Consider Implementation of a 15 mph Speed Limit in All Elementary School Zones in Berkeley

RECOMMENDATION:

Refer AB 321 to the Transportation Commission and request that they return to the City Council with a recommendation on implementation of 15 mph speed zones within 500 feet of all elementary schools in Berkeley, if they qualify.

BACKGROUND:

In January 2008, California Assembly Bill AB 321 went into effect. This state law allows local governments to extend school zones to 1000 feet and reduce speed limits within 500 feet of a school site to 15 mph on residential streets, on two-lane roads, where speed limits are already 30 mph or less. The first key step is identifying the schools in the community that meet the criteria.

At 15 mph, most pedestrians will survive a crash, often sustaining only minor injuries. Minor increases in speed have a profound effect on crash severity and resulting injury. At 20 mph, most pedestrian crashes result in serious injury. At 40 mph, 90% of crashes are fatal.

As a result of AB 321, the City of San Francisco has implemented 15 mph speed zones around 181 schools in San Francisco, nearly all of the elementary, middle, and high schools in San Francisco. San Jose has also implemented 15 mph speed zones as a pilot around 3 of their schools.

Reducing traffic speeds near elementary schools will enable more children to walk or bike to school safely in Berkeley. Reducing vehicle trips through this approach also supports the Sustainable Communities Strategy (SB 375), helping Berkeley and the Bay Area meet State-wide greenhouse gas reduction goals.

FINANCIAL IMPLICATIONS:

Unknown

CONTACT:

Susan Wengraf, City Council District 6 981-7160

Attachment:

- 1. AB 321

**Assembly Bill No. 321****CHAPTER 384**

An act to amend Section 22358.4 of the Vehicle Code, relating to vehicles.

[Approved by Governor October 10, 2007. Filed with  
Secretary of State October 10, 2007.]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 321, Nava. Vehicles: prima facie speed limits: schools.

(1) Existing law establishes a 25 miles per hour prima facie limit when approaching or passing a school building or the grounds thereof, contiguous to a highway and posted up to 500 feet away from the school grounds, with a standard "SCHOOL" warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. The prima facie limit also applies when approaching or passing school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with a standard "SCHOOL" warning sign. A violation of that prima facie limit is an infraction.

Existing law allows a city or county, based on an engineering and traffic survey that the prima facie speed limit of 25 miles per hour is more than is reasonable or safe, by ordinance or resolution, to determine and declare a prima facie speed limit of 20 or 15 miles per hour, whichever is justified as the appropriate speed limit by that survey.

This bill would additionally allow a city or county to establish in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, a 15 miles per hour prima facie limit when approaching, at a distance of less than 500 feet from, or passing, a school building or the grounds thereof, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 15 miles per hour, while children are going to or leaving the school, either during school hours or during the noon recess period. The prima facie limit would also apply when approaching, at that same distance, or passing school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with one of those signs.

The bill would provide that a 25 miles per hour prima facie limit in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, applies, as to those local authorities, when approaching, at a distance of 500 to 1,000 feet from, one of those areas where children are going to or leaving the school, either during school hours or during the noon recess period, that is posted with a school warning sign that indicates a speed limit of 25 miles per hour.

The bill would require that these prima facie speed limits apply only to highways that meet certain conditions.

The bill would require a city or county that adopts a resolution or ordinance establishing revised prima facie limits to reimburse the Department of Transportation for any costs incurred by that department in implementing the bill.

By authorizing a change in the prima facie limits, the bill would expand the scope of an existing crime, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 22358.4 of the Vehicle Code is amended to read:

22358.4. (a) (1) Whenever a local authority determines upon the basis of an engineering and traffic survey that the prima facie speed limit of 25 miles per hour established by paragraph (2) of subdivision (a) of Section 22352 is more than is reasonable or safe, the local authority may, by ordinance or resolution, determine and declare a prima facie speed limit of 20 or 15 miles per hour, whichever is justified as the appropriate speed limit by that survey.

(2) An ordinance or resolution adopted under paragraph (1) shall not be effective until appropriate signs giving notice of the speed limit are erected upon the highway and, in the case of a state highway, until the ordinance is approved by the Department of Transportation and the appropriate signs are erected upon the highway.

(b) (1) Notwithstanding subdivision (a) or any other provision of law, a local authority may, by ordinance or resolution, determine and declare prima facie speed limits as follows:

(A) A 15 miles per hour prima facie limit in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, when approaching, at a distance of less than 500 feet from, or passing, a school building or the grounds of a school building, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 15 miles per hour, while children are going to or leaving the school, either during school hours or during the noon recess period. The prima facie limit shall also apply when approaching, at a distance of less than 500 feet from, or passing, school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with a school warning sign that indicates a speed limit of 15 miles per hour.

(B) A 25 miles per hour prima facie limit in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, when approaching, at a distance of 500 to 1,000 feet from, a school building or the grounds thereof, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 25 miles per hour, while children are going to or leaving the school, either during school hours or during the noon recess period. The prima facie limit shall also apply when approaching, at a distance of 500 to 1,000 feet from, school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with a school warning sign that indicates a speed limit of 25 miles per hour.

(2) The prima facie limits established under paragraph (1) apply only to highways that meet all of the following conditions:

(A) A maximum of two traffic lanes.

(B) A maximum posted 30 miles per hour prima facie speed limit immediately prior to and after the school zone.

(3) The prima facie limits established under paragraph (1) apply to all lanes of an affected highway, in both directions of travel.

(4) When determining the need to lower the prima facie speed limit, the local authority shall take the provisions of Section 627 into consideration.

(5) (A) An ordinance or resolution adopted under paragraph (1) shall not be effective until appropriate signs giving notice of the speed limit are erected upon the highway and, in the case of a state highway, until the ordinance is approved by the Department of Transportation and the appropriate signs are erected upon the highway.

(B) For purposes of subparagraph (A) of paragraph (1), school warning signs indicating a speed limit of 15 miles per hour may be placed at a distance up to 500 feet away from school grounds.

(C) For purposes of subparagraph (B) of paragraph (1), school warning signs indicating a speed limit of 25 miles per hour may be placed at any distance between 500 and 1,000 feet away from the school grounds.

(D) A local authority shall reimburse the Department of Transportation for all costs incurred by the department under this subdivision.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Office of the City Manager

CONSENT CALENDAR  
December 17, 2013

To: Honorable Mayor and Members of the City Council

From:  Christine Daniel, City Manager

Submitted by: Andrew Clough, Director, Public Works

Subject: Implementation of 15 MPH Speed Signs Around Elementary Schools

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to implement installation of 15 mph speed signs around preschools and elementary schools in the City of Berkeley.

FISCAL IMPACTS OF RECOMMENDATION

The installation of the 15 mph signs is estimated to cost \$48,600. This will cover the cost of speed surveys, the 15 mph speed signs, poles and installation. Funding is available in the FY 2014 Measure B Fund (Fund 391).

CURRENT SITUATION AND ITS EFFECTS

California Vehicle Code (CVC) 22358.4b(1) grants authority to local jurisdictions to establish a 15 mph speed zone around schools when school children are present, and during the noon recess, however the code is ambiguous about whether a traffic study is necessary or not. Specifically the CVC requires speed surveys to be conducted as the basis for establishing enforceable speed limits. CVC 22358.4b(1) includes similar language regarding the need for a speed survey, but then allows establishment of 15 or 20 mph speed limits within school zones, either as justified by the survey or as determined by resolution of the City Council. Transportation staff asked the City Attorney to help clarify this issue in order to determine if the cost of conducting speed surveys (about \$6,000) could be avoided. The CVC interpretation from the City Attorney's Office was that we "do not have to have a survey that concludes that the speed limit is 'more than is reasonable or safe' when you meet the conditions regarding being near school grounds/buildings, but that we still need to do the traffic study, and take the provisions of CVC 627 into consideration."

BACKGROUND

At its May 21, 2013 meeting Council referred AB 321 to the Transportation Commission, and requested that they return to the City Council with a recommendation on implementation of 15 mph speed zones within 500 feet of all elementary schools in Berkeley. There are 11 elementary schools throughout Berkeley all of which are located within 25 mph speed zones. There are also 3 preschools which are included for the

purposes of this evaluation. With a few exceptions nearly all these schools are located within city blocks surrounded by 4 adjacent streets.

Transportation staff has reviewed the provisions of the California Vehicle Code (CVC) as well as other applicable standards in order to identify the necessary process for establishment 15 mph speed zones. The review has also identified implementation options and approximate costs.

The following are the assumptions and logistics for evaluation and installation of 15 mph speed zones around elementary schools.

- There are 14 school sites in Berkeley: 3 preschools and 11 BUSD elementary schools.
- For each school, staff would select 2 abutting streets where speeding would likely be more of an issue, compared to the other abutting streets for the same school. This would be at least 28 speed surveys at a cost of approximately \$300 per school, for survey costs of \$8,400.
- Staff time for identification of suitable sites for speed surveys, analysis of the results of each survey, identification of suitable sign location, and supervision of implementation, is estimated at about 4 hours per school, or 56 hours of staff time. Using the FY 2014 hourly labor rate of \$117.23 for an Assistant Traffic Engineer, this cost would be \$6,565.
- Assuming that all 14 locations qualify for 15 mph, either because of the speed survey (not expected) or because the Council authorizes it, then each of the 4 abutting streets would have 2 new signs (1 per direction) for a total of 112 individual signs (we could not have 1 abutting street at 15 mph and the rest at 25 mph). We have 2 options in terms of signage:

**Option 1 – Static Speed Signs:** 1 static speed sign per direction on each of the abutting streets with legend “When Children Present;” material and installation cost is \$300 per location, for a total of \$33,600 (14 schools, 4 streets each, 1 sign per direction).

**Option 2 – Flashing Beacons:** To avoid the need for drivers to interpret whether the 15 mph limit applies at a particular time, use 15 mph speed limit signs with flashing beacons and legend “When Flashing,” which would flash during applicable school hours, thus leaving no doubt as far as drivers are concerned as to when the reduced speed limit is in effect. Cost of these units, including material, labor & installation is approximately \$5,000 per location, assuming availability of an electrical supply. For 14 schools, 2 locations on each of the 4 abutting streets (1 per direction) the cost of 15 mph speed signs with flashing beacons at 112 locations would be \$560,000

- **TOTAL COSTS:** including surveys, staff time, and purchase and installation of signage: Option 1 is estimated at \$48,600; and Option 2 at \$575,000.

Input on this proposal from the Berkeley Police Department Traffic Division is attached.

At its September 2013 meeting, the Transportation Commission voted to recommend that Council move forward with Option 1 for the 15 mph elementary school zone sign program, that staff identify funds to install the signs in time for Zachary Cruz Pedestrian Safety Month in March 2014, and that staff investigate double fines for school zones and implement those concurrently, if feasible (M/S: Schneider/Thomas; Ayes: Lathbury, McCaughrin, Roberts, Schneider, Smulka, Thomas, Zander Noes: None Abstain: None Absent: Watson).

#### RATIONALE FOR RECOMMENDATION

Based on the Council referral, the Transportation Commission determined that implementing 15 mph speed limits around preschools and elementary schools is desirable and should be done as soon as feasible.

Referring to the CVC requirements for establishing speed limits in school zones, Traffic Engineering staff has outlined the necessary process. *The City Traffic Engineer may only establish speed limits below 25 mph in a school zone if supported by an engineering speed survey that finds 85% of drivers travel at or below the proposed speed limit.* As past studies have not resulted in such speed limit reductions, the Traffic Engineer does not have authority to lower the existing speed limit. *However, the City Council may establish a reduced school zone speed limit of 15mph as authorized by CVC 22358.4b(1).*

#### ALTERNATIVE ACTIONS CONSIDERED

The Transportation Commission considered the installation of flashing beacons with the 15 mph speed limit signs in school zones to increase effectiveness and compliance, but concluded that the cost was too great to be able to implement that improvement at all schools. Thus the static sign option was selected to enable implementation at all schools.

#### CONTACT PERSON

Hamid Mostowfi, P.E. Supervising Traffic Engineer, Public Works, 981-6403

#### Attachments:

- 1: Resolution
- 2: Input from Berkeley Police Department Traffic Division

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

IMPLEMENTATION OF 15 MPH SPEED LIMIT AROUND PRESCHOOLS AND  
ELEMENTARY SCHOOLS

WHEREAS, California Assembly Bill AB 321, which went into effect in January 2008 allows local governments to extend school zones to 1,000 feet and reduce speed limits within 500 feet of a school site to 15 mph on residential streets, on 2-lane roads, where speed limits are already 30 mph or less; and

WHEREAS, California Vehicle Code 22358.4b(1) grants authority to local jurisdictions to establish a 15 mph speed zone around schools when school children are present and during the noon recess; and

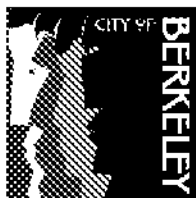
WHEREAS, the Berkeley City Council at its May 21, 2013 meeting referred AB 321 to the Transportation Commission and requested that they return to Council with a recommendation on implementation of 15 mph speed zones within 500 feet of all elementary schools in Berkeley; and

WHEREAS, the Transportation Commission considered different options for implementation of 15 mph speed limit around preschools and elementary schools; and

WHEREAS, on September 19, 2013 the Transportation Commission recommended implementation of 15 mph speed limit around preschools and elementary schools through installation of 15 mph “when children are present” speed signs.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to implement 15 mph speed limits around preschools and elementary schools.





PW Transportation Division

**MEMORANDUM**

September 2, 2013

To: Farid Javandel, P.E. Transportation Manager

From: Hamid Mostowfi, P.E. Supervising Traffic Engineer

Subject: BPD Input on 15 MPH Speed Signs Around Elementary Schools

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The following is input from BPD on 15 mph speed signs around elementary schools:

**A. Collision Perspective: Officer W. Cocke #143, Traffic Analyst**

Between 08/01/10 and 07/31/13, there were 327 documented injury collisions involving pedestrians in the City of Berkeley. 23 (14%) of those collisions occurred near school zones. Out of the 23, none were caused by vehicles traveling at an unsafe speed.

The most frequent cause listed was a right of way violation committed by either the involved driver or pedestrian. 73% of the collisions were caused by drivers failing to yield the right of way to pedestrians in a crosswalk. 23% were caused by pedestrians failing to yield the right of way to vehicles while in the roadway.

13 of the 23 collisions occurred during the school day, and 4 of those involved juvenile pedestrians. Juvenile pedestrians were found at fault in 3 of the collisions.

The collision data does not seem to support a need for lowering the speed limit in school zones from 25 mph to 15 mph. It seems that a review of the signage and the visibility of crosswalks in school zones as well as educating students about pedestrian safety would be a better way to approach the issue.

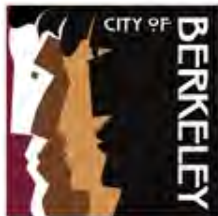
**B. Enforcement Perspective: Sgt. Rittenhouse, Enforcement Bureau**

Currently, BPD only has 4 Traffic Officers: 2 work Monday – Thursday and the other 2 work Tuesday – Friday. They have Citywide responsibility for addressing traffic issues/complaints as well as handling injury collisions occurring in the City. Each of the police beats also has an officer assigned who is responsible for anything that occurs in their geographically assigned area from abandoned cars to robberies.

If a 15mph zone is affected on all sides of 14 schools, regular enforcement would be difficult, at best. The traffic officers would be able to provide some enforcement, though at irregular times. The beat officers may be able to provide some enforcement as well, but most beat officers are not qualified to enforce speed using radar/lidar.

To effectively dedicate resources regularly to this, we would need additional traffic officers and we are already significantly impacted by being understaffed. Currently, a police officer (with benefits) costs over \$200k per year, not including specialty motorcycle training (radar/lidar/basic motorcycle) training. The extended training also means that there is an approximant 6-month ramp up time to get new motor officers into a fulltime enforcement position. Additional motorcycles at approximately \$35k each would also be needed. If 2 officers and 2 motorcycles were added, the minimum cost would be \$570k for the first year. Even still, we could not guarantee constant enforcement given our priorities for public safety, crime fighting and calls for service given our staffing levels and the 14 school zones being considered.

The safety of pedestrians, especially kids, is and will continue to be a priority for the officers assigned to the Traffic Bureau. As always, we will make every effort to educate motorists and enforce vehicle laws around our City's schools.

CONSENT CALENDAR

DATE: April 20, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Local Parks Option for the Percentage for Public Art on Private Projects

RECOMMENDATION

Refer to the Parks, Recreation and Waterfront Commission the establishment of a policy allowing a private developer to pay a public art in-lieu fee to a particular art project in a nearby public open space, in addition to the current two options of providing on-site public art or paying an in-lieu fee to the Private Percent Art Fund. The option should be valued at a percentage of construction costs higher than the in-lieu fee but lower than the share required under the on-site option, to a degree that incentivizes private developers to promote public art at a park that is proximate to the development in question.

BACKGROUND

On June 28, 2016, the Berkeley City Council passed the Percentage for Public Art on Private Projects Ordinance. On October 17, 2017, Berkeley City Council passed a second reading of Ordinance No. 7,975-N.S., revising Berkeley Municipal Code Section 23C.23.050, the Percentage for Public Art on Private Projects Ordinance, to allow developers the option of satisfying the Percent for Art requirements with a combination of on-site art and in-lieu payment. Currently, the ordinance provides the developer with three options for allocating funds:

1. Include on-site publicly accessible artwork valued at 1.75% of construction costs; or,
2. Pay an in-lieu fee to the Private Percent Art Fund valued at 0.8% of the construction costs; or,
3. A combination of 1 & 2: include on-site publicly accessible artwork valued at less than 1.75%, with an amount equal to 80% of the difference in value paid to the City as an in-lieu fee.

According to the city's Comprehensive Annual Financial Report for Fiscal Year 2020, the Private Percent Art Fund's balance as of June 30, 2020 was \$868,097.<sup>1</sup>

According to the Civic Arts Commission's FY2021 Public Art Plan and Budget Report, in-lieu fee payments for public art came from projects in Districts 2, 3, 4, and 7.<sup>2</sup> However, despite one project in District 2 (2100 San Pablo) accounting for roughly 15% of the fund's balance, the only project with funds allocated District 2 is the removal of a sculpture.

## RATIONALE FOR RECOMMENDATION

The infrastructure needs for Berkeley's parks far exceed the funding available for them. At a concurrent meeting on January 29, 2020, the Parks, Recreation and Waterfront Commission and the Public Works Commission identified \$748 million in project needs during the Phase 2 period of Measure T1, over ten times the \$50-55 million in bond funding available during this phase. Public art can offer functional improvements to parks beyond basic beautification, but will likely be a lower priority under current funding structures.

The City of Berkeley levies impact fees on new market-rate development by private developers in order to defray the increased costs of public services and to provide public benefits commensurate with the private gains. While public art and affordable housing are important benefits for these fees to provide, there is currently no allocation of impact fee revenue to benefit public parks, though parks remain one of Berkeley's most attractive amenities for new residents. Other cities in the San Francisco Bay Area, such as Redwood City, specifically impose impact fees on new developments for parks.

According to the city's 2020<sup>3</sup> Housing Pipeline Report, the vast majority of new development approved or pending approval in Berkeley are located in the downtown area, Southside, or in West Berkeley along the San Pablo Avenue corridor, which presents a geographic equity issue for investment in public parks. These neighborhoods will see a growing population disproportionate with their share of park facilities. Allowing developers to direct impact fees for public art in nearby parks will help counteract these inequities by increasing investment in beautification for parks in neighborhoods with more development.

This proposal would not impose a new fee, but rather allow for a new in-lieu fee allocation option to directly benefit the local neighborhood by providing public art for a park that may be frequented by future residents of the new development.

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<sup>1</sup> <https://www.cityofberkeley.info/uploadedFiles/Finance/Home/Reports/City%20of%20Berkeley%20FY2020.pdf>

<sup>2</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/02\\_Feb/Documents/2021-02-23\\_Item\\_33\\_FY2021\\_Public\\_Art\\_Plan\\_and\\_Budgets.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/02_Feb/Documents/2021-02-23_Item_33_FY2021_Public_Art_Plan_and_Budgets.aspx)

<sup>3</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/07\\_Jul/Documents/2020-07-28\\_Item\\_45\\_Annual\\_Housing\\_Pipeline\\_Report.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-28_Item_45_Annual_Housing_Pipeline_Report.aspx)

## ALTERNATIVES CONSIDERED

Since the passage of Ordinance No. 2318 in 2007, Redwood City imposes a Parks Impact Fee while subtracting other fee payments and inclusionary housing from the “base amount” on which the rate of the fee is imposed. This is codified in the Redwood City Municipal Code §18.259.<sup>4</sup>

The City of Berkeley could impose a new impact fee strictly for public parks, but the process for establishing additional fees would be more onerous than an additional option within an existing fee, and can increase costs unpredictably<sup>5</sup> for developers. Developers already anticipating slim profit margins could net the city no fee revenue whatsoever if new fees imperil the feasibility of their projects.<sup>6</sup> For these reasons, a new fee is not an acceptable alternative.

Berkeley’s upcoming housing targets under its Regional Housing Needs Allocation will mandate the construction of over 9,000 new housing units over the 2023-2031 cycle, bringing many new residents in to enjoy the city’s world-renowned parks. Rather than imposing new fees, a new option within an existing fee would provide more beautification for public parks quickly and seamlessly with existing development standards.

## ENVIRONMENTAL IMPACTS

None.

## FISCAL IMPACTS

No new fee is proposed.

## CONTACT

Councilmember Terry Taplin (District 2), [ttaplin@cityofberkeley.info](mailto:ttaplin@cityofberkeley.info)

## ATTACHMENTS/SUPPORTING MATERIALS

1. Resolution

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[https://library.municode.com/ca/redwood\\_city/codes/code\\_of\\_ordinances?nodeId=CH18LOIMPL\\_ARTXVIPAIMFE\\_S18.256SHTIAUAP](https://library.municode.com/ca/redwood_city/codes/code_of_ordinances?nodeId=CH18LOIMPL_ARTXVIPAIMFE_S18.256SHTIAUAP)

<sup>5</sup> <https://www.berkeleyside.com/2017/06/09/opinion-sounding-alarm-berkeleys-housing-proposals>

<sup>6</sup> <https://www.berkeleyside.com/2020/01/17/downtown-berkeley-harold-way-deal-for-18-stories-300-units-is-officially-over>

RESOLUTION NO. ##,###-N.S.  
LOCAL PARKS OPTION FOR PRIVATE PERCENTAGE ART FUND

WHEREAS the Percentage for Public Art on Private Projects Ordinance, Berkeley Municipal Code Section 23C.23.050 allows for two payment options, or a combination thereof, to satisfy public art requirements for new development with either on-site art or an in-lieu fee payment to the Private Percentage Art Fund; and,

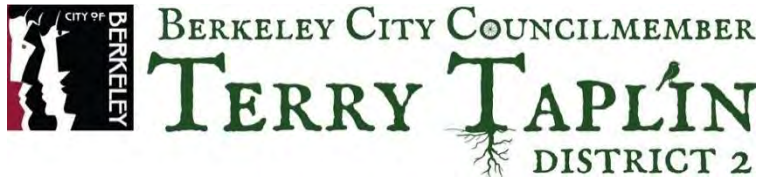
WHEREAS the balance of the Private Percentage Art Fund was \$868,097 at the end of Fiscal Year 2020; and,

WHEREAS the Parks, Recreation and Waterfront Commission and the Public Works Commission identified \$748 million in project needs during the Phase 2 period of Measure T1, over ten times the \$50-55 million in bond funding available during this phase; and,

WHEREAS neighborhoods with increased development and a growing population should enjoy commensurate improvements in local parks;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley refers to the Parks, Recreation and Waterfront Commission the establishment of a policy allowing a private developer to pay a public art in-lieu fee to a particular art project in a nearby public open space, in addition to the current two options of providing on-site public art or paying an in-lieu fee to the Private Percent Art Fund;

BE IT FURTHER RESOLVED that the option should be valued at a percentage of construction costs higher than the in-lieu fee but lower than the share required under the on-site option, to a degree that incentivizes private developers to promote public art at a park that is proximate to the development in question.

CONSENT CALENDAR

April 20, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmembers Terry Taplin (Author), Ben Bartlett, and Kate Harrison (Co-Sponsors)

Subject: Urge the AC Transit Board of Directors to Restore the 80-Ashby/Sixth Street Bus Line

RECOMMENDATION

Send a letter to the AC Transit Board of Directors urging the restoration of the 80-Ashby/Sixth Street bus line to its pre-pandemic level of service.

BACKGROUND

The sudden halting of normal life in the Bay Area when the quick rise of the COVID-19 pandemic initiated a statewide stay-at-home order in March of 2020 disrupted much of the Bay Area's economy and daily life. The health of our community and our economy were quickly threatened by the pandemic and business closures in a manner that allowed for very little planning and a great deal of turbulence. In response to the sudden economic recession and the need for socially distanced travel, AC Transit made ridership free of charge. This change, while a good one, as well as the overall decline in demand for buses during the stay-at-home order, resulted in a 71% decline in ridership and a monthly loss of \$5 million as of July 2020.<sup>1</sup> In response to this, AC Transit began temporarily terminating some bus lines and considering the permanent cut of 15 to 30% of total services.<sup>2</sup>

Among those considered for permanent termination, the 80-Ashby/Sixth Street bus line is one which would be an incredible loss should it not return from its current temporary closure. The 80 line, which runs down Ashby Avenue from The Claremont then north along Sixth Street and through Albany to end in El Cerrito, offers a transportation method along a corridor of the East Bay that is sparsely accessible by BART and other AC Transit lines. The permanent closure of this line, which connects the South Berkeley Senior Center and the Berkeley Pines Care Center to Ashby BART and Alta Bates Medical Center, would be a particularly detrimental loss for the East Bay's senior community, as many have relied on it for their independence and medical care access for years.

<sup>1</sup> <https://www.berkeleyside.com/wp-content/uploads/2020/07/STAFF-REPORT.pdf>

<sup>2</sup> <https://www.berkeleyside.com/2020/07/08/ac-transit-bus-service-cuts-berkeley-ca-coronavirus-transbay>

Furthermore, due to its unique route, the closure of the 80 line would only result in more East Bay residents turning to cars for their transportation needs. This would hamper the progress Berkeley has made towards reducing its carbon emissions at a time when a drastic shift in our mobility away from cars and towards low-carbon public transit is more important than ever. Berkeley's own Climate Action Plan points to the expanded use and accessibility of public transportation such as the 80 line as a key ingredient towards our emission reduction and climate action goals.<sup>3</sup> Every lost bus line is a defeat for our environment and our community, but the loss of the 80 line would be especially damaging.

### ENVIRONMENTAL IMPACTS

The City estimates that transportation-related emissions accounts for approximately 60% of our community's total annual greenhouse gas emissions.<sup>4</sup> The restoration of AC Transit's 80-Ashby/Sixth Street bus line will strengthen alternatives to car transportation and lower the emissions of our community's dominant source of carbon pollution.

### CONTACT

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

### ATTACHMENTS

1. Letter

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<sup>3</sup>[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Energy\\_and\\_Sustainable\\_Development/Berkeley%20Climate%20Action%20Plan.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/Berkeley%20Climate%20Action%20Plan.pdf)

<sup>4</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2018/12\\_Dec/Documents/2018-12-06\\_WS\\_Item\\_01\\_Climate\\_Action\\_Plan\\_Update\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/12_Dec/Documents/2018-12-06_WS_Item_01_Climate_Action_Plan_Update_pdf.aspx)



Board of Directors  
Alameda-Contra Costa Transit District  
1600 Franklin Street, 10th Floor  
Oakland, CA 94612

**Re: Restoration of the 80-Ashby/Sixth Street Bus Line**

Dear President Ortiz, Vice-President Young, and Directors,

The Berkeley City Council urges that the 80-Ashby/Sixth Street AC Transit bus line be restored to its pre-pandemic level of service. This bus line, which serves much of Berkeley, Albany, and El Cerrito, is a critical community transportation service that allows residents to travel car-free through a long stretch of the East Bay which is not accessible on BART and provides a unique route compared with other AC Transit lines.

The full termination of the 80 line, as is currently under consideration, would represent a resounding defeat for Berkeley and the broader Bay Area's pursuit of more widely accessible public transportation and a car-free transportation sector. While we understand that the decline in ridership during the COVID-19 stay-at-home order has taken a serious toll on AC Transit's revenue, the steady shift out of the pandemic that we are seeing as vaccinations become more widespread should result in the return of riders within months.

As a connecting line between the Ashby BART station, Alta Bates Medical Center, the South Berkeley Senior Center, and the Berkeley Pines Care Center, the loss of the 80 line would permanently deprive many Berkeley seniors of a method of transportation that they have relied on in the past. Those left with no transportation alternatives will likely turn to car travel, be it with personal automobiles or through ride-hailing mobile apps, which will only increase local fossil fuel emissions and air pollution while decreasing street safety. Our community's senior accessibility needs, climate change mandate to lower emissions, and desire to make our streets safer for pedestrians and cyclists, all necessitate the restoration of the 80 line as soon as possible. All of our bus lines are precious and important, but in the face of financial cuts, the 80 line must not be on the chopping block.

Sincerely,

The Council of the City of Berkeley

CC: Elsa Ortiz, President

Joel B. Young, Vice-President

Mark Williams, Director

Diane Shaw, Director

H.E. Christian Peeples, Director

Jovanka Beckles, Director

Jean Walsh, Director



Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
April 20, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Harrison (Author)  
 Subject: Refer to the City Manager to Prioritize Municipal Fleet Modal Shift to Electric Bicycles and Other Forms of Zero-Emissions Mobility Where Feasible

RECOMMENDATION

Refer to the City Manager to prioritize municipal fleet modal shift to electric bicycles and other forms of zero-emissions mobility, where feasible, as part of ongoing efforts to achieve a zero-emissions fleet by 2030.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

The City of Berkeley and broader world is facing a climate emergency, requiring municipalities to rapidly transition towards zero carbon programs and operations. In response to Council direction in 2019, the Public Works Department is in the process of transitioning its light, medium and heavy-duty fleet to zero emissions vehicles. Replacing the City's fleet with zero-emissions vehicles will require significant budgetary and carbon investments. Given the carbon, environmental, and budgetary costs of these investments, it is in the public interest to explore opportunities to shift the mode of municipal transit, where feasible, to less-intensive modes, including electric bicycles, scooters and public transportation. This item refers to the City Manager to prioritize such modes of transportation for City operations as feasible.

BACKGROUND

According to the best available science, wealthy nations must achieve near net-zero emissions by 2030 or earlier in order to delay extremely catastrophic warming. Implicit in the U.N.'s global 2050 net-zero targets to keep emissions as close as possible to 1.5 degrees Celsius is the assumption that advanced industrialized nations will near reach zero by 2030.<sup>1</sup>

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<sup>1</sup> IPCC, 2018: Summary for Policymakers. In: *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate*

On June 25, 2019, the Council referred to the Manager to create an Action Plan by June 2020, to aggressively accelerate the implementation of the electrification of the City's municipal fleet and phase out fossil fuel use in municipal vehicles by 2030 with consideration of an earlier transition for light-duty passenger vehicles.<sup>2</sup> In 2020, the Department of Public Works in conjunction with the Office of Energy and Sustainable Development and the East Bay Community Energy, submitted their report to the Council.<sup>3</sup> Public Works staff have also committed to submit to Council progress reports every six months and to include detailed rationales justifying any contracts before the Council that include the purchase of any new fossil fuel vehicles. In January 2021, Council passed an additional referral requesting staff to draft a policy phasing out the purchase of new municipal passenger vehicles between 2025-2027.<sup>4</sup> On March 3, 2021, Chair Harrison held a hearing on Public Works' "Action Plan for Greening the City of Berkeley Fleet of Vehicles" at the Facilities, Infrastructure, Transportation, Environment, & Sustainability Policy Committee.<sup>5</sup>

As of February 2020, the City fleet, excluding emergency response vehicles, consisted of 99 passenger sedans and SUVs, 30 parking enforcement scooters, 88 medium-duty pick-up trucks and vans, and 98 heavy-duty vehicles, all domiciled in 15 dispersed

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*change, sustainable development, and efforts to eradicate poverty* [Masson-Delmotte, V., P. Zhai, H.-O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, and T. Waterfield (eds.)]. *World Meteorological Organization, Geneva, Switzerland, 32 pp.*  
<https://www.ipcc.ch/sr15/chapter/spm/>.

<sup>2</sup> Berkeley City Council, "An Action Plan for Greening the City of Berkeley Fleet of Vehicles," June 25, 2019, [https://www.cityofberkeley.info/Clerk/City\\_Council/2019/06\\_June/Documents/06-25\\_Annotated\\_Agenda\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/06_June/Documents/06-25_Annotated_Agenda_pdf.aspx).

<sup>3</sup> City Manager, "Referral Response: An Action Plan for Greening the City of Berkeley Fleet of Vehicles," July 28, 2020, [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/07\\_Jul/Documents/2020-07-28\\_Item\\_26\\_Referral\\_Response\\_\\_An\\_Action\\_Plan.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-28_Item_26_Referral_Response__An_Action_Plan.aspx)

<sup>4</sup> Berkeley City Council, "Introduce an Ordinance terminating the sale of gasoline, diesel and natural gas passenger vehicles throughout the City of Berkeley by 2025," January 19, 2021, [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/01\\_Jan/Documents/01-19\\_Annotated\\_Agenda\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/01_Jan/Documents/01-19_Annotated_Agenda_pdf.aspx).

<sup>5</sup> Department of Public Works, "City of Berkeley Municipal Fleet Electrification Assessment Presentation," Berkeley Facilities, Infrastructure, Transportation, Environment, & Sustainability Policy Committee, March 3, 2021, [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/FITES%20Presentation%20on%20Electric%20Vehicles.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/FITES%20Presentation%20on%20Electric%20Vehicles.pdf).

locations.<sup>6</sup> A partial itemized vehicle replacement list is included as part of Attachment 1.

Although replacing fossil fuel vehicles with electric versions is a critical part of the City's strategy to meeting climate goals, it is also critical to maximize any opportunity to avoid unnecessary procurement and purchase of new vehicles wherever possible to avoid new embodied emissions, reduce electric demand, and save precious budgetary climate resources that might otherwise be shifted to other climate programs benefiting community members.

Purchases of new vehicles, whether electric or otherwise, are associated with significant greenhouse gas emissions, environmental destruction and lifecycle energy use. While these emissions are not currently included in the Berkeley's traditional GHG inventory, they should arguably be included as part of the City's consumption inventory.

Certain City services that are currently delivered through vehicles could be potentially shifted to lighter and significantly lower-carbon electric bicycles or other modes of transportation. For example, the City has already referred budget resources to staff to relaunch and expand the Berkeley Police Department bike and foot patrols.<sup>7</sup> While it may not be possible to shift all modes, any shift provides significant climate and health benefits.

A recent University of Oxford study concluded that even partial substitution of vehicle travel with walking, cycling or e-biking are critical strategies for addressing climate change and lower mobility-related lifecycle CO<sub>2</sub>, and that cyclers have 84% lower CO<sub>2</sub> emissions impact as compared to non-cyclers.<sup>8</sup>

In addition, recent and local real-world monitoring and research by Walk Bike Berkeley suggests that:

- E-bikes get anywhere from 1000 to almost 4000 miles per gallon equivalent
- E-bikes cost less than a penny a mile to charge
- E-bikes can go 40 to 140 times as far as a 30-mpg gas car per pound of climate emissions with California's electric energy mix

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<sup>6</sup> "An Action Plan for Greening the City of Berkeley Fleet of Vehicles," July 28, 2020, p. 39.

<sup>7</sup> Councilmember Harrison, "Budget Referral: Police Foot Patrol in Downtown," March 13, 2018, [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/03\\_Mar/Documents/2018-03-13\\_Item\\_19\\_Budget\\_Referral\\_Police.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/03_Mar/Documents/2018-03-13_Item_19_Budget_Referral_Police.aspx)

<sup>8</sup> "Study Shows Walking, Cycling, & e-Biking Make Significant Impact On Carbon Emissions," CleanTechnica, February 3, 2021, <https://cleantechnica.com/2021/02/03/study-shows-walking-cycling-e-biking-make-significant-impact-on-carbon-emissions/>.

- E-bikes are about 10 to 30 times more efficient than electric cars at fighting climate change
- E-bikes get 30-100 times more miles per pound of battery than an electric car<sup>9</sup>

Importantly, service territories in the Berkeley hills are no longer out of reach with new electric bicycle technology.

For police patrols, e-bikes offer the same ability as pedal bikes to increase community contact and situational awareness and to go places patrol cars cannot go. They offer advantages by doing this with extra speed and power for chases.

E-bikes also can be deployed more rapidly and at less cost than electric vehicles not only because lower capital costs, but also because they do not require expensive and high power charging infrastructure. E-bikes use a small highly portable charger that can be plugged into any standard 120-volt outlet. They also have swappable batteries that can be replaced even faster than a gas-powered car can be refilled, eliminating downtime for charging.

Cargo e-bikes are also now being introduced into municipal fleets for small load deliveries at great savings of carbon and operating cost.

Although greenhouse emissions from the municipal fleet pale in comparison to citywide transportation emissions, the Council has concluded that the transitioning of the municipal fleet will also help inspire our residents and businesses, and will help spur new innovations that will assist with the broader citywide transition.

Micromobility and associated infrastructure costs significantly less than vehicles and associated infrastructure. Any savings accrued from avoided costs could be shifted towards climate programs that assist the broader community with eliminating transportation emissions. For example, the City has significant funding needs within its pedestrian, bicycle and Electric Mobility Roadmap.

It is in the public interest to pursue opportunities to mode shift municipal vehicles to avoid unnecessary vehicle cost and impacts as feasible.

### FINANCIAL IMPLICATIONS

The item would require staff time to consider potential transportation modal shifting,

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<sup>9</sup> Walk Bike Berkeley, "E-Bike 1000 MPG Project," <https://sites.google.com/view/ebikestudy>.

however successful shifts would likely save the City significant cost savings in both capital and operational budgets.

#### ENVIRONMENTAL SUSTAINABILITY

Supporting low-carbon asphalt alternatives and building bicycle and alternative mobility infrastructure will complement and accelerate Berkeley's ongoing efforts to reduce carbon emissions at an emergency and equitable pace in line with the Climate Action Plan, Climate Emergency Declaration and Mobility Roadmap.

#### CONTACT PERSON

Councilmember Kate Harrison, Council District 4, 510-981-7140

#### Attachments

1. Partial Itemized Vehicle Replacement List

## East Bay Community Energy Fleet Electrification

Table 14: Itemized Vehicle Replacement List

Chassis	Unit #	Mk	Model	Type	Year	Dedicated Use	Division	Fuel Use	EV Fraction	Replace In	Replace with
Sedan	9102	Hon	Civic	Hybrid	2003	New Employees	Engineering	0.27	100%	2020	BEV sedan
Sedan	478	Frd	Taurus	Wagon	1999	Pool Vehicle	Equip Maint Pool	0.37	100%	2021	BEV small wagon
Sedan	489	Frd	Taurus	Wagon	1999	Pool Vehicle	Equip Maint Pool	0.67	100%	2021	BEV small wagon
Sedan	4011	Toy	Prius	Hybrid	2011	Special Purpose	Bldg & Safety	0.11	100%	2021	BEV sedan
Sedan	4108	Toy	Prius	Hybrid	2009		DHS Admin	0.15	100%	2021	BEV sedan
Sedan	6404	Frd	Fusion		2011		Comm Collection	0.13	100%	2021	BEV sedan
Sedan	6900	Hon	Civic	CNG	2003		Marina Operations	0.60	100%	2021	BEV sedan
Sedan	8192	Hon	Fit		2008	Special Purpose	Portable Meals	0.24	100%	2021	BEV sedan
Sedan	8457	Hon	Civic	Hybrid	2003	Special Purpose	FYC PROGAM	0.11	100%	2021	BEV small wagon
Sedan	8518	Frd	Focus		2001		South Berkeley Senior	0.51	100%	2021	BEV sedan
Sedan	9011	Toy	Prius	Hybrid	2002		Equip Maint Pool	0.52	87%	2021	BEV small wagon
Sedan	9013	Hon	Civic	Hybrid	2003		Equip Maint Pool	0.81	55%	2021	BEV small wagon
Sedan	9103	Hon	Civic	Hybrid	2003	Pool Vehicle	Equip Maint Pool	0.37	100%	2021	BEV small wagon
Sedan	9104	Hon	Civic	Hybrid	2003	Special Purpose	Housing Code Enforcement	0.18	100%	2021	BEV small wagon
Sedan	9106	Toy	Prius	Hybrid	2006	Code Enforcement	Housing Code Enforcement	0.16	100%	2021	BEV sedan
Sedan	9107	Toy	Prius	Hybrid	2006		Comm/ Radio's	0.50	90%	2021	BEV sedan
Sedan	9108	Toy	Prius	Hybrid	2006		Equip Maint Corpyrd	0.30	100%	2021	BEV sedan
Sedan	9109	Toy	Prius	Hybrid	2006		Equip Maint Pool	0.42	100%	2021	BEV small wagon
Sedan	9110	Toy	Prius	Hybrid	2006		Equip Maint Pool	0.26	100%	2021	BEV small wagon
Sedan	9111	Toy	Prius	Hybrid	2006		Parking Enforcement	0.31	100%	2021	BEV sedan
Sedan	9112	Toy	Prius	Hybrid	2006	Inspector	Building & Safety	0.16	100%	2021	BEV sedan
Sedan	9116	Toy	Prius	Hybrid	2010		Neighborhood Svc's	0.20	100%	2021	BEV small wagon
Sedan	9117	Toy	Prius	Hybrid	2011		DHS Admin	0.27	100%	2021	BEV sedan



East Bay Community Energy Fleet Electrification

Chassis	Unit #	Mk	Model	Type	Year	Dedicated Use	Division	Fuel Use	EV Fraction	Replace In	Replace with
SUV	1966	Frd	Escape	Hybrid	2009		Fire Training	0.87	55%	2021	PHEV SUV
SUV	2906	Frd	Escape	Hybrid	2009	Special Purpose	Equip Maint Corp yrd	0.13	100%	2021	BEV small wagon
SUV	4110	Frd	Escape	Hybrid	2008		Equip Maint Pool	0.62	79%	2021	BEV small wagon
SUV	6889	Frd	Escape		2008		Street Light Maint	1.34	72%	2021	PHEV SUV
SUV	6890	Frd	Escape	Hybrid	2009	Special Purpose	Equip Maint Corp Yard	0.06	100%	2021	BEV small wagon
SUV	9017	Frd	Escape		2009		Engineering	2.50	39%	2021	BEV small wagon
SUV	9115	Frd	Escape	Hybrid	2009	Assigned	Engineering	0.21	100%	2021	BEV small wagon
SUV	9604	Frd	Escape		2013		Trans/Disp Svc's	1.02	95%	2021	BEV small wagon
SUV	9605	Frd	Escape		2014	Special Purpose	Office of Trans.	0.16	100%	2021	BEV small wagon
Sedan	4805	Toy	Prius	Hybrid	2012		Comm/ Radio's	0.32	100%	2022	BEV sedan
Sedan	8506	Toy	Prius	Hybrid	2012		Building & Safety	0.32	100%	2022	BEV sedan
Sedan	8507	Toy	Prius	Hybrid	2012		Building & Safety	0.46	99%	2022	BEV sedan
Sedan	8508	Toy	Prius	Hybrid	2012		Building & Safety	0.30	100%	2022	BEV sedan
Sedan	8509	Toy	Prius	Hybrid	2012		Building & Safety	0.54	84%	2022	BEV sedan
SUV	1973	Frd	Escape		2013	Fire	Fire Prev/Insp/ Invest	0.50	100%	2022	PHEV SUV
SUV	1974	Frd	Escape	4WD	2013		Fire Operations	0.59	100%	2022	PHEV SUV
SUV	1975	Frd	Escape		2013		Fire/Supp/Rescue /Haz	1.10	88%	2022	PHEV SUV
SUV	1976	Frd	Escape	4WD	2013		Fire Operations	1.88	51%	2022	PHEV SUV
SUV	1977	Frd	Escape	4WD	2013		Fire Operations	1.69	57%	2022	PHEV SUV
SUV	2909	Frd	Escape		2013		Meter Repair Admin	2.55	38%	2022	PHEV SUV
SUV	8519	Frd	Escape	4WD	2013		Building & Safety	0.71	100%	2022	PHEV SUV
SUV	8520	Frd	Escape	4WD	2013	Inspector	Building & Safety	0.48	100%	2022	PHEV SUV
SUV	9004	Frd	Escape	Hybrid	2012		Corp Yard Mgmt. Office	1.35	36%	2022	BEV small wagon
SUV	9019	Frd	Escape	Hybrid	2012		Parks Facilities	0.27	100%	2022	BEV small wagon

East Bay Community Energy Fleet Electrification

Chassis	Unit #	Mk	Model	Type	Year	Dedicated Use	Division	Fuel Use	EV Fraction	Replace In	Replace with
SUV	9021	Frd	Escape		2013		Library Services	0.34	100%	2022	BEV small wagon
SUV	9119	Frd	Escape		2013		Engineering	0.99	98%	2022	BEV small wagon
SUV	9120	Frd	Escape		2013	New Employees	Engineering	0.41	100%	2022	BEV small wagon
Sedan	8006	Toy	Prius	Hybrid	2008		ASP	0.64	71%	2023	BEV sedan
Sedan	8007	Toy	Prius	Hybrid	2008		ASP/Crisis	0.63	72%	2023	BEV sedan
Sedan	9123	Toy	Prius	Hybrid	2013	Special Purpose	Vector Control II	0.11	100%	2023	BEV sedan
Sedan	2381	Frd	Escape		2014	Special Purpose	Sewer Maint	0.36	100%	2023	BEV small wagon
Sedan	8510	Toy	Prius	Hybrid	2014		Building & Safety	0.43	100%	2024	BEV sedan
Sedan	8511	Toy	Prius	Hybrid	2014		Building & Safety	0.39	100%	2024	BEV sedan
Sedan	9113	Toy	Prius	Hybrid	2009	Special Purpose	IT ADMIN	0.10	100%	2024	BEV sedan
Sedan	9126	Toy	Prius	Hybrid	2015		Meter Repair	0.20	100%	2024	BEV sedan
SUV	4114	Frd	Escape		2015		Bldg Maint	0.66	100%	2024	PHEV SUV
Sedan	1595	Frd	Fusion	Hybrid	2016		Parking Enforcement	0.24	100%	2025	BEV sedan
Sedan	8009	Toy	Prius V	Hybrid	2015		ASP/FSP	0.80	56%	2025	BEV sedan
Sedan	8010	Toy	Prius V	Hybrid	2015		ASP/FSP	0.71	64%	2025	BEV sedan
Sedan	8521	Toy	Prius V	Hybrid	2015		Building & Safety	0.36	100%	2025	BEV sedan
Sedan	8011	Toy	Prius V	Hybrid	2016		ASP	0.59	76%	2026	BEV sedan
Sedan	8012	Toy	Prius	Hybrid	2016		ASP/Crisis	0.32	100%	2026	BEV sedan
Sedan	8013	Toy	Prius V	Hybrid	2016		ASP/FSP	0.70	64%	2026	BEV sedan
Sedan	8014	Toy	Prius V	Hybrid	2016		Mental Health	0.73	62%	2026	BEV sedan
Sedan	8015	Toy	Prius V	Hybrid	2016	Special Purpose	FYC PROGAM	0.19	100%	2026	BEV sedan
Sedan	8016	Toy	Prius	Hybrid	2016		Mental Health	0.40	100%	2026	BEV sedan
Sedan	8232	Toy	Prius	Hybrid	2016		Tuolumne Camp Trk.	0.48	93%	2026	BEV sedan
Sedan	8512	Toy	Prius V	Hybrid	2016		Building & Safety	0.31	100%	2026	BEV sedan
Sedan	8522	Toy	Prius V	Hybrid	2016		Building & Safety	0.51	88%	2026	BEV sedan
Sedan	9024	Toy	Prius V	Hybrid	2016		Building & Safety	0.25	100%	2026	BEV sedan

## East Bay Community Energy Fleet Electrification

Chassis	Unit #	Mk	Model	Type	Year	Dedicated Use	Division	Fuel Use	EV Fraction	Replace In	Replace with
Sedan	9025	Toy	Prius	Hybrid	2016	Special Purpose	Neighborhood Services	0.07	100%	2026	BEV sedan
Sedan	6406	Toy	Prius	Hybrid	2016		ZW Admin	0.17	100%	2027	BEV sedan
Sedan	8017	Toy	Prius V	Hybrid	2017		ASP/Crisis	0.66	68%	2027	BEV sedan
Sedan	9026	Toy	Prius V	Hybrid	2017	Special Purpose	Toxics Management	0.13	100%	2027	BEV sedan
Sedan	9118	Toy	Prius	Hybrid	2012	Special Purpose	FYC Program	0.13	100%	2027	BEV sedan
Sedan	9121	Toy	Prius	Hybrid	2012		ASP/Crisis	0.21	100%	2027	BEV sedan
Sedan	9122	Toy	Prius	Hybrid	2012		ASP/FSP	0.78	58%	2027	BEV sedan
Sedan	9022	Toy	Prius V	Hybrid	2014	Inspector	Health Inspections	0.20	100%	2028	BEV sedan
Sedan	9023	Toy	Prius V	Hybrid	2014	Special Purpose	Toxics Management	0.11	100%	2028	BEV sedan
Sedan	9125	Toy	Prius V	Hybrid	2014		Vector Control	0.24	100%	2028	BEV sedan
Sedan	8008	Toy	Prius	Hybrid	2015		ASP/Crisis	0.37	100%	2030	BEV sedan



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CONSENT CALENDAR

April 20, 2021

To: Honorable Members of the City Council  
 From: Vice Mayor Sophie Hahn (Author)  
 Subject: Personal Liability Protection for Small Businesses Impacted by COVID-19

RECOMMENDATION

1. Adopt an urgency ordinance adding Berkeley Municipal Code (BMC) Chapter 13.113, relating to personal liability in commercial leases during the COVID-19 pandemic; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately, in order to protect the health, safety, and economic wellbeing of the people of Berkeley.
2. Direct the City Manager to conduct outreach to all commercial tenants regarding any protections enacted by the City Council, with a particular focus on businesses that were required to stop serving food or beverages (e.g., restaurants, bars); close to the public (e.g., hair salons, barbershops, tattoo parlors); cease operations (e.g., gyms, fitness centers); or sharply limit operations (e.g., schools, retail shops, nurseries) due to the COVID-19 crisis.

SUMMARY

On December 1, 2020, the Council passed a measure directing the City Manager and City Attorney to draft and submit to the City Council for consideration an emergency ordinance to prohibit the enforcement of personal liability provisions in commercial leases and commercial rental agreements in the City of Berkeley for lessees/renters who have experienced financial impacts related to the Covid-19 pandemic.<sup>1</sup>

The measure was put forward in response to the pronounced impact that health orders issued in Berkeley and throughout the Bay Area have had upon small businesses who have been forced to close or drastically reduce services and/or customer capacity in order to protect the health, safety, and economic wellbeing of the people of Berkeley. The restrictions set forth in these public health orders have had lasting impacts upon many businesses in Berkeley. Moreover, mandatory statewide industry guidance has forced many businesses to remain closed or to operate at extremely limited capacities. Eviction protections authorized by the Governor and by the City of Berkeley have not prevented many local businesses from being forced to permanently close, and many

<sup>1</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/12\\_Dec/City\\_Council\\_12-01-2020\\_-\\_Regular\\_Meeting\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/12_Dec/City_Council_12-01-2020_-_Regular_Meeting_Agenda.aspx)

other local businesses that remain open have been forced to default on their rent obligations and cannot hope to completely pay back what they owe in the foreseeable future.

Berkeley has come together as a community to share the burdens imposed by the COVID-19 pandemic, but many small business owners remain in desperately precarious financial circumstances. Some of these individuals have personally guaranteed their businesses' lease obligations, making them personally responsible for unpaid rent, utilities, or taxes in the event the business fails. These valued community members should be able to make sound business decisions and live without the fear that the pandemic will cost them not only their customers and revenues but also their personal assets and homes.

This item puts forward an urgency ordinance prepared by the City Attorney, and includes information on the economic impact of the COVID-19 pandemic, and on the continuing risks faced by Berkeley's small businesses and small business owners.

## BACKGROUND

### **Economic Impact of the COVID-19 Shutdown**

Due to the rapidly spreading COVID-19 virus, on March 17, 2020, the City of Berkeley, along with the health officers of six Bay Area counties, issued orders for residents to stay at home and for all but a few essential businesses to cease operations.<sup>2</sup>

Recommendations by the City's Public Health Officer issued included social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of COVID-19.

People in Berkeley were prohibited from a wide variety of activities, including dining in at a restaurant, going to a bar, concert, or movie, getting a haircut, massage, or tattoo, or working out at a gym.<sup>3</sup>

The halting of economic activity had widespread impacts on the Berkeley economy, resulting in significant revenue reductions and job losses in a variety of sectors, including retail, hospitality, and the performing arts.<sup>4</sup> In late April 2020, a poll of small businesses found the pandemic was already taking a steep toll.<sup>5</sup> More than two-fifths of the businesses surveyed expected greater than 80% revenue loss over the three months from when the pandemic began impacting the community. More than half (56%)

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<sup>2</sup> [https://www.cityofberkeley.info/City\\_Manager/Press\\_Releases/2020/2020-03-16-health-officers-order-residents-to-stay-home/](https://www.cityofberkeley.info/City_Manager/Press_Releases/2020/2020-03-16-health-officers-order-residents-to-stay-home/)

<sup>3</sup> [https://www.cityofberkeley.info/City\\_Manager/Press\\_Releases/2020/2020-03-19\\_Stay\\_home\\_to\\_protect\\_our\\_community\\_especially\\_the\\_vulnerable.aspx](https://www.cityofberkeley.info/City_Manager/Press_Releases/2020/2020-03-19_Stay_home_to_protect_our_community_especially_the_vulnerable.aspx)

<sup>4</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/03\\_Mar/Documents/2021-03-09\\_Item\\_26\\_Berkeley\\_Economic\\_Dashboards\\_Update.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/03_Mar/Documents/2021-03-09_Item_26_Berkeley_Economic_Dashboards_Update.aspx)

<sup>5</sup> Most of the Berkeley respondents were small businesses: 97% had less than 10 employees; more than 40% were sole proprietors; 22% were minority-owned; 46% were woman-owned.

expected to close permanently if they had to stay closed for 3-4 months. More than a third “shifted to online sales or virtual services”, and 33% “reduced salaries or staff hours” to avoid business closure.

The COVID-19 pandemic left thousands unemployed in key Berkeley industry sectors. As the county-wide unemployment rate nearly tripled, job losses were most significant in Berkeley sectors like tourism and hospitality (especially lodging, food and beverage, and arts and cultural industries); retail (especially clothing and accessories); personal and professional service industries (e.g. gyms and fitness studios, salons, employment services), and others.<sup>6</sup>

In 2020, Berkeley hospitality industries suffered deeply from COVID-19 and related health orders.<sup>7</sup> 100% of meetings, conferences and events were cancelled indefinitely. 90% of Berkeley hotel employees were laid off or furloughed from March to October, as approximately 75% of Berkeley hotel rooms were temporarily closed during that period. Lodging tax revenues declined by 70% (a loss of \$4.7 million) year-over year from March to November.

With regard to food and beverages services, health orders banned indoor dining for more than three-quarters of 2020 forcing restaurants to earn revenues through delivery and takeout services, catering, outdoor dining, and new business models.<sup>8</sup> More than 40 Berkeley restaurants and bars closed forever, with the greatest number of closures in Downtown Berkeley and the Telegraph district, both near UC Berkeley’s campus.

### **Importance of Berkeley’s Small Businesses**

Small businesses are the heart and soul of Berkeley. As of 2019, there were approximately 5,000 small businesses in Berkeley, accounting for approximately 40% of the jobs in the City.<sup>9</sup> Small businesses offer high quality goods and services that reflect the community’s eclectic tastes and are infused with the care and expression of their owners. Berkeley’s unique and distinctive small businesses link neighbors in economic and social relationships, binding the community together.

Small businesses are a critical part of Berkeley’s local economy, providing access to essential goods and services, and creating jobs and economic opportunities. The fiscal

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<sup>6</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/03\\_Mar/Documents/2021-03-09\\_Item\\_26\\_Berkeley\\_Economic\\_Dashboards\\_Update.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/03_Mar/Documents/2021-03-09_Item_26_Berkeley_Economic_Dashboards_Update.aspx)

<sup>7</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/03\\_Mar/Documents/2021-03-09\\_Item\\_26\\_Berkeley\\_Economic\\_Dashboards\\_Update.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/03_Mar/Documents/2021-03-09_Item_26_Berkeley_Economic_Dashboards_Update.aspx)

<sup>8</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/03\\_Mar/Documents/2021-03-09\\_Item\\_26\\_Berkeley\\_Economic\\_Dashboards\\_Update.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/03_Mar/Documents/2021-03-09_Item_26_Berkeley_Economic_Dashboards_Update.aspx)

<sup>9</sup> [https://www.cityofberkeley.info/uploadedFiles/Manager/Economic\\_Development/2019-02-05%20WS%20Item%2002%20Referral%20Response%20Small%20Business.pdf](https://www.cityofberkeley.info/uploadedFiles/Manager/Economic_Development/2019-02-05%20WS%20Item%2002%20Referral%20Response%20Small%20Business.pdf);  
[https://www.cityofberkeley.info/uploadedFiles/Manager/Economic\\_Development/Attachment3\\_DemographicandEconomicProfile.pdf](https://www.cityofberkeley.info/uploadedFiles/Manager/Economic_Development/Attachment3_DemographicandEconomicProfile.pdf)

impact of businesses to the City of Berkeley is substantial; roughly a quarter of the City's general fund revenues are generated by business-related taxes.<sup>10</sup> Of these revenues, approximately 11% is derived from business license fees, 5% from the transit occupancy tax (TOT) or hotel tax, and 10% from sales tax. In California, small businesses account for nearly two-thirds of new jobs.<sup>11</sup>

Small businesses invest a significant share of their revenues back into the local economy.<sup>12</sup> A report by the consulting firm Civic Economics found that local businesses recirculate 45% of their revenues locally, compared to 17% recirculated locally by national corporations.<sup>13</sup> Local businesses thus have a significant economic multiplier effect, re-circulating dollars that boost local economic activity, employ more local workers, and generate multiple layers of economic activity, and tax revenue, for Berkeley.

In addition to economic impacts, small local businesses impact the people of Berkeley's perception of well being. Vibrant commercial corridors give life to the community, attracting people to eat and drink at cafes and restaurants, shop at local retail stores, and enjoy entertainment and recreation. Conversely, shuttered businesses and empty storefronts have a negative impact on the City. Commercial vacancies can have a contagious effect, and are linked to reduced property values, increased fire risk, elevated crime, and negative health impacts.<sup>14</sup>

### **The City of Berkeley's Response to the COVID-19 Emergency**

In March 2020, several Berkeley business associations wrote to the City Council regarding the impact of the COVID-19 outbreak, noting that many of Berkeley's small businesses had "already seen a 25-75% drop in gross receipts since the COVID-19 outbreak as compared to this time last year."<sup>15</sup> The groups continued:

The situation is quickly going from bad to worse, with many of our arts and entertainment venues having closed or likely needing to close soon. Many small businesses, nonprofits, arts organizations, and other businesses do not have a cushion in their budget to weather this type of pandemic. It is incumbent upon the City of Berkeley to do what is necessary to help these businesses survive the economic impact of this unprecedented crisis.

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<sup>10</sup> [https://www.cityofberkeley.info/uploadedFiles/Manager/Economic\\_Development/2019-02-05%20WS%20Item%2002%20Referral%20Response%20Small%20Business.pdf](https://www.cityofberkeley.info/uploadedFiles/Manager/Economic_Development/2019-02-05%20WS%20Item%2002%20Referral%20Response%20Small%20Business.pdf)

<sup>11</sup> <https://cdn.advocacy.sba.gov/wp-content/uploads/2020/06/04142955/2020-Small-Business-Economic-Profile-CA.pdf>; <https://www.dir.ca.gov/smallbusiness/index.htm>

<sup>12</sup> <https://ilsr.org/why-support-locally-owned-businesses/>

<sup>13</sup>

<http://nebula.wsimg.com/31f003d5633c543438ef0a5ca8e8289f?AccessKeyId=8E410A17553441C49302&disposition=0&alloworigin=1>

<sup>14</sup> <https://www.urban.org/urban-wire/local-policies-can-protect-commercial-corridors-pandemic-continues>

<sup>15</sup> March 13, 2020, Letter from the Berkeley Chamber, Downtown Berkeley Association, Telegraph Business Improvement District and Visit Berkeley



As a result of the State of Emergency and the government-recommended precautions by federal, state and local officials, many commercial and residential tenants experienced sudden income loss, and ongoing economic impacts, leaving residential and commercial tenants vulnerable to eviction. Tenants who contracted COVID-19 were required to self-quarantine, which required time away from work. In the interests of protecting public health and preventing transmission of the COVID-19, it was essential for Berkeley to avoid unnecessary displacement and homelessness.

The City Council therefore acted quickly to protect the health, safety, and economic wellbeing of the people of Berkeley, enacting a robust suite of measures to provide support to Berkeley small businesses, nonprofits, and arts organizations, and to create protections for commercial and residential tenants.

On March 17, 2020, the City Council adopted a measure creating a tax-exempt relief fund to provide gap resources to small businesses, arts organizations, and others significantly impacted by the COVID-19 emergency.<sup>16</sup> Thanks to the generosity of the community and \$3 million approved by the Berkeley City Council over \$4.5 million was distributed to qualified organizations by the Office of Economic Development (OED) during the first year of the program.<sup>17</sup> The City's Economic Development staff worked quickly to support businesses and organizations in many other ways, including to ensure access to resources made available by the state and federal governments.

In addition, the City Council directed the City Manager to identify additional funding and increase the allocation to the Flexible Housing Pool, administered by Bay Area Community Services (BACS), and amend the contract and program guidelines if necessary, to provide emergency rental assistance and flexible funding for housing, and to report back to Council on the funding allocated and outcomes.<sup>18</sup>

The City Council also approved an urgency ordinance to provide protections to residential tenants, commercial tenants, and individuals in default of mortgage payments during the declared state of emergency to preserve the health and safety of the Berkeley community.<sup>19</sup> The ordinance prohibited evictions for non-payment of rent for tenants, and for those in default, and prohibited no-fault evictions, except for those necessary for public safety and permitted under the state Ellis Act, if the occupant demonstrated that the inability to pay was due to COVID-19, the state of emergency, or government-recommended coronavirus precautions. The ordinance allowed a landlord to collect back rent due and included a waiver provision if the landlord could demonstrate hardship. In addition, the ordinance permitted the City Manager to develop

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<sup>16</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/03\\_Mar/Documents/2020-03-17\\_Special\\_Item\\_03\\_Berkeley\\_COVID-19\\_Relief\\_Fund\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/03_Mar/Documents/2020-03-17_Special_Item_03_Berkeley_COVID-19_Relief_Fund_pdf.aspx)

<sup>17</sup> <https://berkeleyrelieffund.org>

<sup>18</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/03\\_Mar/Documents/2020-03-17\\_Special\\_Item\\_03\\_Berkeley\\_COVID-19\\_Relief\\_Fund\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/03_Mar/Documents/2020-03-17_Special_Item_03_Berkeley_COVID-19_Relief_Fund_pdf.aspx)

<sup>19</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/03\\_Mar/Documents/2020-03-17\\_Special\\_Item\\_02\\_Urgency\\_Ordinance\\_Adopting\\_BMC\\_-\\_Rev.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/03_Mar/Documents/2020-03-17_Special_Item_02_Urgency_Ordinance_Adopting_BMC_-_Rev.aspx)

implementing regulations and standards for what might constitute grounds for a waiver modification of the requirements.

On April 14 2020, the City Council approved the creation of a special structured financial recovery loan fund -- the Save Our Small (SOS) Business Loan Fund -- to provide a supplemental source of capital for small businesses impacted by the COVID-19 emergency.<sup>20</sup> Under the SOS Business Loan Fund, the City would act as a sponsor of the fund, working with one or more financial institutions to pool capital from private investors and the City to lower the risk of the loans and support low interest rates. The State of California later announced a statewide loan fund based on the SOS model Berkeley passed, making these kinds of loans available to small businesses in Berkeley and across the state.<sup>21</sup>

### **Continuing Risk to Small Businesses and Small Business Owners**

Despite the City's extraordinary response to the COVID-19 emergency, many Berkeley small businesses remain in jeopardy of failure while their owners and operators face significant personal financial risk as well. Restrictions set forth in the public health orders have had lasting impacts upon many businesses. Moreover, mandatory statewide industry guidance has forced many businesses to remain closed or to operate at extremely limited capacities. Eviction protections authorized by the Governor and by the City of Berkeley have not prevented many local businesses from being forced to permanently close, and many other local businesses that remain open have been forced to default on their rent obligations and cannot hope to completely pay back what they owe in the foreseeable future.

Berkeley has come together as a community to share the burdens imposed by the COVID-19 pandemic, but many small business owners remain in desperately precarious financial circumstances. In November 2020, a small business owner in Downtown Berkeley, and a local resident of 20 years, wrote to Councilmember Hahn:

I own a [business] in Downtown Berkeley which has been shut since March 16<sup>th</sup> due to Covid 19 lockdown orders. While I am still hopeful that we might reopen at some point, we are very behind on rent, and the possibility of closing permanently is very real. My business partner and I, like most small tenants, were required to personally guaranty our commercial lease in order to do business with our landlord. This means that, in the event of a default, after evicting us the landlord can come after our personal assets to recover unpaid rent; we could lose what little we have left even after losing our entire business: our homes, our kids' savings, everything is at risk. And all due to no fault of our own.

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<sup>20</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/04\\_Apr/City\\_Council\\_04-14-2020\\_-\\_Regular\\_Meeting\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/04_Apr/City_Council_04-14-2020_-_Regular_Meeting_Agenda.aspx)

<sup>21</sup> [https://haas.berkeley.edu/wp-content/uploads/CA-Rebuilding-Fund\\_Local-Government-Forum.pdf](https://haas.berkeley.edu/wp-content/uploads/CA-Rebuilding-Fund_Local-Government-Forum.pdf)

In December 2020, the proprietor of a prominent Berkeley food establishment wrote to the City Council that her financial situation was dire (emphasis added):

I own a business in Berkeley that has been shut-down by health officials since mid-March, due to Covid-19. With zero revenue since then, I have been unable to pay the rent, which is approximately \$500./day—or \$15,000./month. Because of the nature of my business, I will be among the last allowed to re-open (and possibly the 1<sup>st</sup> to be shuttered again!). The amount of rent past-due is approximately \$135,000. and growing quickly, and there is no end in sight to this mess!

If I'm eventually allowed to re-open, there's no way I will be able to repay the past rent, and it's unlikely that I'll be able to keep up with the current rent in this new business climate. And if I default on the Commercial Lease, the landlord will come after my business and will probably come after me personally! I'm so worried about losing not only my hard-earned business and livelihood, but my house and my daughter's college savings as well! **I'm scared I could be ruined.**

Please pass the emergency ordinance to prohibit the enforcement of personal liability provisions in leases. We shouldn't have to fear our landlords coming after our personal life savings and assets because of a disaster no one saw coming!<sup>22</sup>

These valued community members should be able to make sound business decisions and live without the fear that the pandemic will cost them not only their customers and revenues but also their personal assets and homes.

Across the Bay, a report released by the San Francisco Budget and Legislative Analyst's Office estimated unpaid commercial rent in San Francisco to be between \$172 million and \$404 million.<sup>23</sup> According to the report, nine-tenths of the unpaid rent (excluding hotels) may come from the retail sector, including restaurants and bars. One small business owner who owns a business supporting the live music industry testified that he faces bankruptcy, which could force him to liquidate his home and childrens' college savings accounts.<sup>24</sup> According to the Lawyers' Committee For Civil Rights in the San Francisco Bay Area, some landlords have sued small businesses for damages over unpaid back rent and illegally locked tenants out of storefronts.<sup>25</sup>

At the time this report was drafted, the author did not have specific information regarding lawsuits targeting Berkeley small business owners for personal liability for unpaid rent or other expenses related to their small businesses. Nevertheless, the risk

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<sup>22</sup> December 1, 2020, Letter from Berkeley food establishment proprietor in support of personal liability protection (noting that, "Because of the sensitivity of my situation, I am not including my name.")

<sup>23</sup> <https://sfbos.org/sites/default/files/BLA.UnpaidCommercialRent.031821.pdf>

<sup>24</sup> <https://www.sfchronicle.com/local/article/S-F-small-businesses-owe-up-to-400-million-in-16036698.php>

<sup>25</sup> <https://www.sfchronicle.com/local/article/S-F-small-businesses-owe-up-to-400-million-in-16036698.php>

of personal financial ruin for many Berkeley small business owners is real without the protections provided in this ordinance.

## **Conclusion**

This legislation does not forgive or erase the rent debts accrued by small businesses during the pandemic. It merely seeks to protect the owners of those businesses from devastating personal financial consequences. In enacting this legislation, the City seeks to prevent the loss of even more of the small businesses that make our local economy vibrant and unique.

No one could have predicted the pandemic, nor could anyone have predicted that a year later many local businesses would still be required to operate at reduced capacity. Landlords and business owners alike must share the burdens of these public health restrictions, and should share the goal of rebuilding a vibrant local economy.

Failure to prevent Berkeley's small business owners from being pushed into personal bankruptcy would be a tragedy for the City. It would not only compromise the ability of small business owners to maintain their businesses and life's work, but could also further exacerbate the economic crisis citywide. Given the critical role small businesses play both economically and in creating Berkeley's distinctive character, ensuring the financial survival of small business owners is critical to the City's recovery from the COVID-19 pandemic.

## FISCAL IMPACTS

Staff time and expenses for outreach and communications to impacted businesses.

## CONTACT INFORMATION

Vice Mayor Sophie Hahn, Council District 5, 510-682-5905 (cell)

## ATTACHMENTS

1. Dec. 1, 2020 Council item, Personal Liability Protection for Small Businesses
2. Urgency Ordinance adding Chapter 13.113, Relating to Personal Liability in Commercial Leases During the Covid-19 Pandemic



**SOPHIE HAHN**  
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Berkeley, CA 94704  
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shahn@cityofberkeley.info

CONSENT CALENDAR  
December 1, 2020

To: Honorable Members of the City Council  
From: Vice Mayor Sophie Hahn (Author), Councilmember Wengraf (Co-Sponsor)  
Subject: Personal Liability Protection for Small Businesses

RECOMMENDATION

1. Direct the City Manager and City Attorney to draft and submit to the City Council for consideration an emergency ordinance to prohibit the enforcement of personal liability provisions in commercial leases and commercial rental agreements in the City of Berkeley for lessees/renters who have experienced financial impacts related to the Covid-19 pandemic.
  
2. Direct the City Manager to conduct outreach to all commercial tenants regarding any protections enacted by the City Council, with a particular focus on businesses that were required to stop serving food or beverages (e.g., restaurants, bars); close to the public (e.g., hair salons, barbershops, tattoo parlors); cease operations (e.g., gyms, fitness centers); or sharply limit operations (e.g., schools, retail shops, nurseries) due to the COVID-19 crisis.

BACKGROUND

The outbreak of the COVID-19 pandemic and subsequent orders to stay at home and practice social distancing have had a profound impact on Berkeley. Although Berkelyans have exercised extraordinary patience and cooperation as the City has worked to contain the coronavirus and reopen our challenged economy, the pandemic has been crushing for vulnerable families and individuals, and for small businesses, the arts sector, schools, not-for-profits, and other local organizations.

This spring, many Berkeley businesses and organizations saw a 25-75% drop in gross receipts due to the shutdown.<sup>1</sup> Unable to absorb such a steep loss of revenue, many were forced to reduce services, lay off workers, or even shutter their establishments. Some owners and organizations face the possibility that the enterprises into which they have poured their lives may never return.

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<sup>1</sup> March 13, 2020, Letter from the Berkeley Chamber, Downtown Berkeley Association, Telegraph Business Improvement District and Visit Berkeley

Small, local businesses, as well as nonprofit and arts organizations, are key to Berkeley's economic health -- not only through economic activity, but also because they give life to our community, impacting our perception of economic well being.

This spring, the Berkeley City Council acted quickly to meet the crisis, creating a tax-exempt relief fund to provide gap resources to small businesses, arts organizations, and renters significantly impacted by the COVID-19 emergency. Through this program, grants of up to \$10,000 were made available. The City's Economic Development staff worked quickly to support businesses and organizations in many other ways, including to ensure access to resources made available by the state and federal governments.

On April 14, 2020, the City Council approved the creation of a special structured financial recovery loan fund -- the Save Our Small (SOS) Business Loan Fund -- to provide a supplemental source of capital for small businesses impacted by the COVID-19 emergency. Under the SOS Business Loan Fund, the City would act as a sponsor of the fund, working with one or more financial institutions to pool capital from private investors and the City to lower the risk of the loans and support low interest rates.

The State of California has announced a statewide loan fund based on the SOS model Berkeley passed, making these kinds of loans available to small businesses across the state.

Despite these and other bold actions by the City of Berkeley, our small businesses and organizations including arts, not-for-profits and schools, continue to face extraordinary hardship. In addition to risks to their businesses and organizations, many owners and operators in Berkeley face significant personal financial risk as well. A small business owner in Downtown Berkeley, and local resident of 20 years, recently wrote to my office and lays out the situation in very stark terms:

"I own a [business] in Downtown Berkeley which has been shut since March 16<sup>th</sup> due to Covid 19 lockdown orders. While I am still hopeful that we might reopen at some point, we are very behind on rent, and the possibility of closing permanently is very real. My business partner and I, like most small tenants, were required to personally guaranty our commercial lease in order to do business with our landlord. This means that, in the event of a default, after evicting us the landlord can come after our personal assets to recover unpaid rent; we could lose what little we have left even after losing our entire business: our homes, our kids' savings, everything is at risk. And all due to no fault of our own."

Unfortunately, personal liability guarantees are all too common in small businesses leases. Such provisions mean, with respect to a commercial lease or other rental agreement, that a small business owner becomes wholly or partially personally liable for an obligation arising under the lease or agreement in the case of a default or other event.

In cases where the Covid shutdown has deprived a small business owner of sufficient revenue to keep up with rent payments, the owner might be able to access personal assets including the business owner's home and savings.

This measure will help ensure that small business owners, and arts, not-for-profit, schools and other organizations in Berkeley that are impacted by the Covid-19 health emergency do not face the potential for personal financial ruin, including loss of their homes, as a result of this pandemic.

These enterprises -- restaurants, salons, arts organizations, schools, and others -- have been damaged through no fault of their own. Protecting the owners and operators of Berkeley businesses and organizations -- and their families -- is not only fair, it is also essential to ensuring that Berkeley is able to recover from the COVID-19 emergency and economic downturn.

#### FISCAL IMPACTS

Staff time and expenses for outreach and communications to impacted businesses.

#### CONTACT INFORMATION

Vice Mayor Sophie Hahn, Council District 5, 510-682-5905 (cell)

#### ATTACHMENTS

1. [NYC Council Int. No. 1932-A](#)





Ordinance No. -N.S.

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BERKELEY ADDING CHAPTER 13.113, RELATING TO PERSONAL LIABILITY IN COMMERCIAL LEASES DURING THE COVID-19 PANDEMIC; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

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

Section 1. Title

This ordinance shall be known as the Personal Liability Provisions of Commercial Leases During the COVID-19 Pandemic Ordinance

Section 2. That Chapter 13.113 is hereby added to the Berkeley Municipal Code to read as follows:

**Chapter 13.113**

**Personal Liability Provisions of Commercial Leases During the COVID-19 Pandemic**

- 13.113.010 Findings and Purpose**
- 13.113.020 Prohibition on Enforcement of Personal Liability Provisions Arising from Commercial Leases**
- 13.113.030 Definitions**
- 13.113.040 Severability.**

**13.113.010 Findings and Purpose.**

The global pandemic caused by the novel coronavirus named "SARS-CoV-2", ("COVID-19") has resulted in extraordinary measures by state and local government to reduce the spread of infection. These measures have had their most pronounced impact upon small businesses who have been forced to close or drastically reduce services and/or customer capacity in order to do their part in protecting public health.

On March 16, 2020, the City of Berkeley Health Officer, along with several other neighboring jurisdictions issued a Shelter in Place Order directing all individuals living in the City of Berkeley to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities, and prohibiting non-essential gatherings and ordering cessation of non-essential travel.

This Shelter in Place Order was subsequently extended and amended and economic activity in Berkeley remains constrained by both state and local public health orders.

On March 16, 2020, the Governor issued Executive Order N-28-20, specifically authorizing local governments to halt evictions for commercial tenants. This order was extended by Executive Order N-03-21, through June 30, 2021.

The restrictions set forth in these public health orders have had lasting impacts upon many businesses in Berkeley, resulting in significant revenue reductions and job losses in a variety of sectors, including retail, hospitality, and the performing arts. In April 2020, a poll of small businesses found the pandemic was already taking a steep toll: more than two-fifths of the businesses surveyed expected greater than 80% revenue loss over the three months from when the pandemic began impacting the community; more than half (56%) expected to close permanently; and 33% “reduced salaries or staff hours” to avoid business closure. Thousands were left unemployed in key Berkeley industry sectors, including significant job losses tourism and hospitality (especially lodging, food and beverage, and arts and cultural industries); retail (especially clothing and accessories); and personal and professional service industries (e.g. gyms and fitness studios, salons, employment services). Moreover, mandatory statewide industry guidance has forced many businesses to remain closed or to operate at extremely limited capacities. The eviction protections authorized by the Governor and the City of Berkeley have not prevented many local businesses from being forced to permanently close, and many other local businesses that remain open have been forced to default on their rent obligations and cannot hope to completely pay back what they owe in the foreseeable future.

Small businesses are the cultural and economic lifeblood of Berkeley, giving the City its distinctive character, providing access to essential goods and services, and creating jobs and economic opportunities. As of 2019, there were approximately 5,000 small businesses in Berkeley, accounting for approximately 40% of the jobs in the City. The fiscal impact of businesses to the City of Berkeley is substantial; roughly a quarter of the City’s general fund revenues are generated by business-related taxes.

Berkeley has come together as a community to share the burdens imposed by the COVID-19 pandemic, but many small business owners remain in desperately

precarious financial circumstances. These valued community members should be able to make sound business decisions and live without the fear that the pandemic will cost them not only their customers and revenues but also their personal assets and homes. This legislation does not forgive or erase the rent debts accrued by small businesses during the pandemic, it merely seeks to protect the owners of those businesses from devastating personal financial consequences. In enacting this legislation, the City seeks to prevent the loss of even more of the small businesses that make our local economy vibrant and unique.

No one could have predicted the pandemic, nor could anyone have predicted that a year later many local businesses would still be required to operate at reduced capacity. Landlords and business owners alike must share the burdens of these public health restrictions, and should share the goal of rebuilding a vibrant local economy.

### **13.113.020 Prohibition on Enforcement of Personal Liability Provisions Arising from Commercial Leases**

No Personal Liability Provision arising from the default in payments due under the terms of a Commercial Lease may be enforced against an individual where the default allowing for such enforcement occurred during the COVID-19 Period and is the result of the Impacts of COVID-19 Public Health Orders.

### **13.113.030 Definitions**

- A. COVID-19 Period. The term "COVID-19 Period" means March 16, 2020 through the 30<sup>th</sup> day after the expiration of the prohibition on commercial evictions authorized by Executive Order N-28-20 as extended by Executive Order N-03-21 and any subsequent extension thereof.
- B. Impacts of COVID-19 Public Health Orders. The term "Impacts of COVID-19 Public Health Orders" means a material decrease in business income (or a material increase in operating expenses) caused by a public health order or applicable industry guidance, during the effective period of such order or guidance. Impacts of COVID-19 Public Health Orders include but are not limited to forced closure or substantial reduction in operating capacity, and costs incurred to achieve compliance.

- C. Personal Liability Provision. The term “Personal Liability Provision” means, with respect to a Commercial Lease, a term that provides for an individual who is not the tenant to become wholly or partially personally liable for the rent, charges, or other sums required to be paid by the business, upon the occurrence of a default in payment. The term “Personal Liability Provision” includes the execution of a separate instrument that would otherwise qualify as a Personal Liability Provision if it were included within the terms of the underlying Commercial Lease under which the rent came due, and the individual to be held liable for the rent is a natural person rather than a business entity.
- D. Commercial Lease. The term “Commercial Lease” means a lease, sublease or any other rental agreement involving commercial real property as defined as defined in subdivision (d) of Section 1954.26 of the California Civil Code.

**13.113.040 Severability.**

If any section, subsection, sentence, clause, phrase, or word of this Chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Chapter. The Council of the City of Berkeley hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

Section 3. Vote Required, Immediately Effective

Based on the findings and evidence in Section 13.112.010 of this Urgency Ordinance, the Council determines that this Ordinance is necessary for the immediate preservation of the public health, peace and safety in accordance with Article XIV Section 93 of the Charter of the City of Berkeley and must therefore go into effect immediately. This Ordinance shall go into effect immediately upon a seven-ninths vote of the City Council, in satisfaction of the Charter of the City of Berkeley.



Civic Arts Commission

## INFORMATION CALENDAR

April 20, 2021

To: Honorable Mayor and Members of the City Council  
 From: Civic Arts Commission  
 Submitted by: Jennifer Lovvorn, Secretary, Civic Arts Commission  
 Subject: Civic Arts Commission Annual Work Plan 2021

### INTRODUCTION

The Civic Arts Commission has updated its annual work plan, which outlines Commission objectives for the 2021 calendar year based upon goals articulated in the *City of Berkeley Arts & Culture Plan (2018 - 2027 Update)* and reflective of previously initiated projects that are already under way. This work plan includes a variety of objectives in a number of civic arts areas: Policy, Grants, Public Art, Arts Education, Design Review, and Civic Center Visioning.

### CURRENT SITUATION AND ITS EFFECTS

At its regular meeting on February 24, 2021, the Civic Arts Commission approved the 2021 Civic Arts Commission Work Plan, which is used to guide the Commission's work throughout the year. M/S/C (Ozol/Dhesi) to approve 2021 Civic Arts Commission Work Plan. Vote: Ayes — Anno, Blecher, Bullwinkel, Covarrubias, Dhesi, Ozol, Passmore, Rodriguez; Nays — None; Abstain — None; Absent — Slattery.

### BACKGROUND

The Civic Arts Commission utilized the prompts provided by the City Manager's Office to assist in the development of the attached Civic Arts Commission 2021 Work Plan. Relevant details in response to the prompts are as follows.

Work plan items that have a direct nexus with the COVID-19 response:

- *Review and approve grant guidelines for Berkeley Art Works Projects, a program of temporary public art projects to support community recovery from the effects of COVID-19.*

Work plan items connected to statutory requirements:

- *Review and approve Private Percent for Art Plans at the following phases: Conceptual, Preliminary, and Final. (Required per BMC 23C.23.050)*

- *Ensure proposed building projects reviewed by Design Review Committee (DRC) Commission comply with the Private Percent for Art Ordinance. (Required per BMC 23C.23.050)*

Work plan items required for budgetary or fund allocation reasons:

- *Review Grant Panel Scores and determine Civic Art Grant award amounts for FY22.*

Work plan items that support council-adopted or voter-adopted mission critical projects or programs:

- *Advise Council on the inclusion of Affordable Housing Strategies for Artists and Cultural Workers in the City's Affordable Housing Policy Framework; and Develop a process for certifying Artists and Cultural Workers for eligibility for affordable housing; culminating in a referral to City Council.*
- *Advise Council on waivers for construction related entitlement/building permit fees for Nonprofit Arts Organizations' building projects.*
- *In response to Council Referral, develop guidelines for a Creative Spaces Capital Grant Program for Berkeley-based arts and cultural organizations that will help support their ability to stay in Berkeley. And (With Grants Committee) Advocate to Council to provide funding for a Creative Spaces Capital Grant Program on an ongoing basis to help stem displacement of Berkeley-based arts and culture nonprofits.*
- *Determine Public Art Project Sites for Measure T1 Phase 2*
- *Draft response to Council Referral for family friendly art.*
- *In response to Council Referral, develop project plan for a crosswalk mural program.*
- *In response to Council Referral, develop project plan for a City of Berkeley flag.*
- *Draft response to Council Referral for a replacement mural for the Center for Independent Living.*

Anticipated staff demands (above and beyond baseline) to support commission work in 2021:

Completion of most of the items on the work plan are dependent upon staff work – specifically any item that states “review and approve” implies that the work will be done by the two Civic Arts Program staff and approval will be done by the Civic Arts

Commission. The Civic Arts Commission discussed the ambitious nature of their 2021 Work Plan and acknowledged that the approved work plan is aspirational and will likely not be completed in full during 2021.

ENVIRONMENTAL SUSTAINABILITY

None.

POSSIBLE FUTURE ACTION

Based on Civic Arts Commission research and subsequent public hearings, new initiatives and recommendations to City Council may be submitted to City Council by the Civic Arts Commission at such time deemed necessary.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

No fiscal impacts determined at this time.

CONTACT PERSON

Jennifer Lovvorn, Commission Secretary, Civic Arts Commission, (510) 981-7533

Attachment: 1: Civic Arts Commission Annual Work Plan 2021



Civic Arts Commission

## **Civic Arts Commission 2021 Work Plan**

Approved by Civic Arts Commission: 2/24/2021

### **Policy Committee**

1. (With Grants Committee) Review and approve grant guidelines for Berkeley Art Works Projects, a program of temporary public art projects to support community recovery from the effects of COVID-19.
2. (With Grants Committee) Review and approve Civic Art Grants Guideline Revisions for FY22 for Individual Artists and Festivals.
3. (With Public Art Committee) Develop language for a Public Art ordinance to recommend to Council for adoption to replace the current “1.5% for Public Art” resolution.
4. Advise Council on the inclusion of Affordable Housing Strategies for Artists and Cultural Workers in the City’s Affordable Housing Policy Framework; and develop a process for certifying Artists and Cultural Workers for eligibility for affordable housing; culminating in a referral to City Council.
5. (With Grants Committee) Advocate to Council for the restoration of the Festival Grant funding level back up to \$150,000.
6. (With Grants Committee and Berkeley Arts Education Steering Committee “BAESC”) Develop guidelines for an Arts Education Grant Program and advocate to Council to allocate funding for this program.
7. Advise Council on waivers for construction related entitlement/building permit fees for Nonprofit Arts Organizations’ building projects.
8. (With Public Art Committee) Review and approve revised Public Art Guidelines updated to reflect best practices and recommend corresponding updates to the Municipal Code where relevant.
9. (With Grants Committee) In response to Council Referral, develop guidelines for a Creative Spaces Capital Grant Program for Berkeley-based arts and cultural organizations that will help support their ability to stay in Berkeley. And (With Grants Committee) Advocate to Council to provide funding for a Creative Spaces Capital Grant Program on an ongoing basis to help stem displacement of Berkeley-based arts and culture nonprofits.



10. Create Guidelines for the selection of the City of Berkeley Poet Laureate.

### **Grants Committee**

1. (With Policy Committee) Review and approve grant guidelines for Berkeley Art Works Projects, a program of temporary public art projects to support community recovery from the effects of COVID-19.
2. Select Grant Review Panelists for FY22 cycle.
3. Review Grant Panel Scores and determine Civic Art Grant award amounts for FY22.
4. (With Policy Committee) Review and approve Civic Art Grants Guideline Revisions for FY22 for Individual Artists and Festivals.
5. (With Policy Committee) Advocate to Council for the restoration of the Festival Grant funding level back up to \$150,000.
6. (With Policy Committee and Berkeley Arts Education Steering Committee “BAESC”) Develop guidelines for an Arts Education Grant Program and advocate to Council for funding for this program.
7. Review analysis prepared by staff of geographic spread of FY22 grants funds throughout City of Berkeley.
8. (With Policy Committee) In response to Council Referral, develop guidelines for a Creative Spaces Capital Grant Program for Berkeley-based arts and cultural organizations that will help support their ability to stay in Berkeley. Advocate to Council to provide funding for a Creative Spaces Capital Grant Program on an ongoing basis to help stem displacement of Berkeley-based arts and culture nonprofits.

### **Public Art Committee**

1. Review and approve temporary public art proposals funded through the Berkeley Art Works Project grants.
2. (With Policy Committee) Develop language for a Public Art ordinance to recommend to Council for adoption to replace the current “1.5% for Public Art” resolution.
3. Determine Public Art Project Sites for Measure T1 Phase 2
4. Review and approve artwork purchase for Civic Center building.
5. Review and approve Private Percent for Art Plans at the following phases: Conceptual, Preliminary, and Final.

6. Review and approve artwork commission by Mildred Howard for Adeline Street and Martin Luther King Jr. Way.
7. Draft response to Council Referral for family friendly art.
8. Planning for selection of next round of sound installations for BART Plaza.
9. Review and approve specific installation site for the donated Assyrian Queen sculpture.
10. Review and approve the Call for Artists for the Homelessness Social Practice Public Art Project.
11. (With Policy Committee) Review and approve revised Public Art Guidelines updated to reflect best practices and recommend corresponding updates to the Municipal Code where relevant.
12. In response to Council Referral, develop project plan for a crosswalk mural program.
13. In response to Council Referral, develop project plan for a City of Berkeley flag.
14. Review and approve designs for a memorial to the Irish students who died in the 2015 balcony collapse.
15. Draft response to Council Referral for a replacement mural for the Center for Independent Living.

### **Commission Representative to the Berkeley Arts Education Steering Committee**

1. Build relationships with Berkeley Unified School District (BUSD) Board Members by attending office hours and sharing Create CA Declaration of Student Rights
2. Discuss and draft advocacy plan to bring to BUSD School Board to increase access to theater, dance, and visual arts education in Berkeley schools.
3. Monitor implementation of BUSD BEARS (Berkeley's Excellent Academic Road to Success) 2021 Arts Summer Program and fulfil grant reporting expectations.
4. Support utilization of high school and/or college students as BEARS 2021 summer arts instructors in collaboration with arts organizations, funded through Youth Works workforce development funding.
5. Explore feasibility of developing partnerships with colleges and universities to offer unit credit for teaching in BUSD afterschool and summer arts programs.
6. (With Policy & Grants Committees) Develop guidelines for an Arts Education Grant Program and advocate to Council for funding for this program.

7. Engage Berkeley Families and Community to celebrate current arts education programming and offer ideas about the future Berkeley Art Hub.

**Commission Representative to the Design Review Committee (DRC)**

1. Ensure proposed building projects reviewed by DRC comply with the Private Percent for Art Ordinance.

**Commission Representatives to the Civic Center Visioning Work Group**

1. Convene monthly meetings to determine, with stakeholder input, the arts and cultural uses and associated space needs for the Veterans Memorial Building, the Maudelle Shirek Building (Old City Hall), and Martin Luther King Jr. Civic Center Park with input from stakeholders.





Office of the City Manager

INFORMATION CALENDAR

April 20, 2021

To: Honorable Mayor and Members of the City Council

From: Community Health Commission

Submitted by: May Simpson, Chairperson, Community Health Commission

Subject: Community Health Commission 2021 Work Plan

INTRODUCTION

The Community Health Commission has updated its 2021 work plan, which outlines Commission goals and priorities for the current year. This work plan is guided through a health equity lens seeking to address the health inequities in Berkeley, while advancing other pertinent public health efforts.

CURRENT SITUATION AND ITS EFFECTS

At the special meeting on December 10, 2020, the Community Health Commission took the following action:

M/S/C (Webber/Rosales): Motion to approve 2021 Community Health Commission Work Plan.

**Ayes:** Engelman, Webber, Carter, Smart, Gilman, Spigner, Rosales, Katz, Imai.

**Noes:** None.

**Absent:** Nightingale, Rojas-Cheatham, Porter.

BACKGROUND

See attached Work Plan (Attachment 1).

ENVIRONMENTAL SUSTAINABILITY

No environmental impacts or opportunities were identified as a result of this recommendation.

POSSIBLE FUTURE ACTION

Based on Commission research and public hearings, new initiatives and recommendations to City Council may be submitted to City Council at such time deemed necessary.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

No fiscal impacts determined at this time.

CONTACT PERSON

Roberto Terrones, Commission Secretary, HHCS, PH, (510) 981-5324

Attachments:

1: Community Health Commission 2021 Work Plan



Office of the City Manager

## Community Health Commission 2021 Work Plan

Guiding Philosophy: To look at health through the lens of equity, and to address, ameliorate, and abolish health inequities in Berkeley through our work while advancing other public health efforts.

### Mission/Purpose:

1. Collaborate with the community and the Berkeley Public Health Division, and City of Berkeley to eliminate health inequity by:
  - a. Advocating for good policy to council that has the potential to improve the health of Berkeley residents that can be implemented, monitored, and evaluated.
  - b. Representing the community through the diversity of this commission
  - c. Increasing the public education/social marketing efforts, understanding, and awareness of issues
  - d. Advocating together with the residents of Berkeley most affected by institutional, social, organizational inequities/disparities
  - e. Providing a public forum for all community members to share concerns, ideas
2. Achieve general public health progress by being responsive to community needs and facilitating general health and safety.

### Overall goals, issues & priorities: All issues can be addressed through a health equity lens.

- Include a focus on the impact of covid-19 and the city's response to it
- Increase healthy food security
- Advocate for the expansion of affordable housing
- Continue to urge that Alta Bates Berkeley Medical Campus remain open while also helping to suggest actions to address consequences of planned closure
- Be responsive in potential recommendations to help Berkeley residents, and care providers and clinics cope with potential federal disruption in healthcare policy and federal spending cuts
- Further address more social determinants of health
- Continue to be a community advocate to City Council to address structural, institutional, and health inequities impacting all underserved populations

- Work to have community health data measures documented in a timely manner and to promptly evaluate and act on novel data such as the Health Status Report
- Work to support policies and initiatives that advance UHC such as Medicare for all
- Advise the City Council as the Public Health Department develop their strategic plan

General steps and actions needed to meet priorities:

1. Better follow up with council implementations
2. Conduct outreach to encourage the Berkeley community to engage with the CHC
3. Collaborate with other commissions to share resources and support recommendations
4. Focused/specialized ad-hoc subcommittees
5. Keep track of local, state, and federal policy and data flow

Specific steps and actions needed to meet priorities: Subcommittees

- **Strategic Planning subcommittee**
  - Serve as point of contact with Public Health Division for city's strategic plan and facilitate deliberation between full commission and division.
  - Recommend structure of portion of agenda to educate commission on strategic plan development
- **Acute Services for Berkeley**
  - Continue to recommend actions to keep Alta Bates open
  - Consider ways to increase emergency care access in Berkeley
- **Basic Needs Security**  
Focus on healthy food security and affordable/accessible housing
  - In terms of healthy food security:
    - Identify food recovery donation systems
    - Connect communities with healthy food resources (awareness)
    - Advocate for policies to mitigate unhealthy food consumption
    - Advocate for affordability and accessibility of healthy foods
      - in supporting programs like the Berkeley Food Institute, etc.,
  - In terms of accessible/affordable housing:
    - Identify areas of stark homelessness
    - Connect homeless communities with resources (awareness)
    - Advocate for affordable housing
    - Advocate for increased rent control



- Investigate how Covid-19 has exposed and increased the impact of inequities on basic needs of Berkeley residents
- Connect with the community based organizations and appropriate city of Berkeley departments to acquire information about available resources for Berkeley residents.
- Work with community based organizations to disseminate resources to Berkeley residents around basic needs, including housing, food, healthcare, and public health care
- **Policy tracking**
  - Track City Council minutes, state, and national legislative actions
  - Priority areas:
    - Affordable housing throughout the city of Berkeley
    - Homeless encampments: ensure they are receiving necessary care and resources
    - Covid-19 related policies
      - Access to education due to remote learning
- **Health Equity Subcommittee**
  - Engage Stakeholders on LGBT health equity issues to help complement findings of the Health Status Report
  - Follow up on status of the African American Holistic Resource Center
  - Work on cultural competency for health care providers
  - Review the Health Status Report- dialogues with staff and community to investigate the data and inequities, and recommend program interventions for the City Public Health Division
  - Implement efforts to improve immigrant access to health care
  - Investigate community access to telehealth and other technologies to improve healthcare equity
  - Meet with the public health officer to be informed and updated regarding the city's response to Covid-19, including the vaccination program, and ensure the consideration of health equity to include at risk populations based on emerging literature
- **Chronic Disease Prevention**
  - Recommend presenters that can educate the commission on innovative approaches to chronic disease prevention
  - Consider the use of high profile figures in media campaigns to educate the community about chronic disease prevention.
  - Recommend interventions to address diabetes, obesity, heart diseases, and other chronic conditions highlighted by the Berkeley health status report.

- Recommend interventions to respond to deferred preventative care due to covid-19

➤ **Cannabis**

- Advocating for holistic education of cannabis use throughout the community
- Assessing holistically the risks and benefits of cannabis use in terms of community health
- Assessing holistically how cannabis should be integrated within the local economy while maintaining the health of the community .i.e. nurseries, dispensaries, etc.
- Prioritizing community health following the legalization of cannabis with emphasis on holistically understanding the risk and benefits of cannabis



Disaster and Fire Safety Commission

INFORMATION CALENDAR

April 20, 2021

To: Honorable Mayor and Members of the City Council  
 From: Disaster and Fire Safety Commission  
 Submitted by: Jose Luis Bedolla, Chairperson, Disaster and Fire Safety Commission  
 Subject: Disaster and Fire Safety Commission Work Plan 2021

INTRODUCTION

As directed by the City Council, the Disaster and Fire Safety Commission (DFSC) hereby submits its workplan for 2021.

CURRENT SITUATION AND ITS EFFECTS

On February 24, 2021, the Disaster and Fire Safety Commission passed a motion to submit the attached annual commission work plan. Motion: G. Couzin; Second: S. Dean; Vote: 8 Ayes: Couzin, Dean, Rader, Simmons, Degenkolb, Grimes, Bradstreet, Bedolla; 0 Noes; 1 Absent: Stein, 0 Abstain.

BACKGROUND

On July 19, 2016, the City Council approved a consent item that directs Berkeley Commissions, with the exception of the Board of Library Trustees, the Zoning Adjustments Board, and the Design Review Committee, to submit a workplan to the City Council at the beginning of each fiscal year.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

POSSIBLE FUTURE ACTION

Not applicable.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Not applicable.

CONTACT PERSON

Keith May, Assistant Fire Chief, Berkeley Fire Department, 510-981-5508

Attachments:

1: 2021 Disaster and Fire Safety Commission Work Plan

# Berkeley Disaster and Fire Safety Commission WORK PLAN – 2021

## Mission Statement

The Disaster and Fire Safety Commission serves as the public oversight group for Berkeley's Measure GG and Measure FF funds, charged with reviewing the budget on a regular basis to ensure that the funds are spent in accordance with the intent of the voter approved measures, recommending the appropriate annual increase to the tax rate, and recommending new programs and positions requiring Measure GG and Measure FF funding.

The Commission also focuses on ways to increase community safety and resilience, working on education, community disaster preparedness, and other strategies as appropriate, and making recommendations to the City Council for adoption and implementation.

Lastly, the Commission reviews and makes recommendations on items referred by the City Council or other Commissions.

## Summary of 2021 Work Plan Activities

	Topic	Resources	Activities	Outputs	Outcomes
1	Fire safety & community resilience in the face of a wildland-urban interface fire	Staff time, venue	Research, staff reports and information gathering	Recommendations on alerting, parking restrictions, evacuation planning, veg. mgmt., structure hardening and other topics to improve wildfire safety	Fire prevention and pre-planning to save lives, reduce economic loss and mitigate spread through fuel management.
2	Improve community resilience throughout Berkeley with a whole community approach	Community members' time (volunteer), Commissioner time, and staff time.	Organize and participate in a working group for community based disaster response	Recommendations to City Council to improve community resilience throughout Berkeley. May include Measure GF/FF fund expenditures.	Improvement in community preparedness and communications, especially in previously underserved communities & neighborhoods
3	Ensure that Measure GG and Measure FF Funds are spent appropriately	Commissioner time, staff time	Measure GG and FF spending report is reviewed by the Commission every quarter	Recommendations to City Council to ensure funds are spent in accordance with the measures.	Fire stations remain open & preparedness and emergency response is improved by using Measure

## Berkeley Disaster and Fire Safety Commission WORK PLAN – 2021

4	Help other city entities incorporate a disaster and fire safety perspective into decisions	Commissioner time, staff time.	Respond to referrals seeking input on matters relating to disaster and fire safety.	Recommendations or other documentation to City Council and other Commissions that send referrals.	GG and FF funds as intended. Incorporates disaster preparedness into City decisions, leading to a safer and more resilient city.
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### Work Plan Details

#### 1. FIRE SAFETY AND COMMUNITY RESILIENCE IN THE FACE OF A WILDLAND-URBAN INTERFACE FIRE

##### Resources

Specific resources include staff time to properly notice meetings and council submissions prepared by the Disaster Fire Safety Commission. A venue and staff time may be needed for community meetings.

##### Program Activities

##### COMMUNITY EMERGENCY ALERTING AND EVACUATION

- This Commission has recommended that the city install sirens as a component of the suite of available alerting tools. We will continue to follow up on the progress of this recommendation through the budgeting process.
- Review and provide feedback and recommendations on the city's draft evacuation plan.
- Review and provide feedback and recommendations on the city's emergency alerting protocol.
- Commissioners will attend community events and integrate community feedback and concerns into alerting and evacuation recommendations. Observe and/or participate in any evacuation drills that the City or community groups run in 2021.
- Integrate the needs and contributions of seniors and people with mobility challenges or other access and functional needs in all of our emergency alerting and evacuation recommendations.

##### SAFE PASSAGES – HOUSING DENSITY, ACCESS & EGRESS ON NARROW STREETS

- Create a Working Group or Subcommittee to focus on questions related to access & egress on narrow streets, including housing density, ADU construction, parking restrictions, home occupation rules, and any other related topics.
- Review and provide recommendations on access and egress needs in a WUI fire, specifically the Safe Passages program that is part of the City's Wildfire Safety Plan
- Review and provide feedback on parking plans, including changes in rules for on-street and off-street marking
- Review and provide feedback on ordinances relevant to increasing population density in the hills, including but not limited to rules regarding ADU construction

## Berkeley Disaster and Fire Safety Commission WORK PLAN – 2021

- A member of the Commission will review agendas for other Commissions such as the Planning and Public Works Commission meetings and City Council meetings where parking changes, housing density changes or other changes that will impact fire and evacuation safety are discussed.

### REDUCE VEGETATION AND FIRE HARDEN<sup>1</sup> PROPERTIES

Scientists, State and local fire department officials, Wildfire responders, and forest management experts agree that the new California “norm” includes continued droughts and disastrous urban interface wildfires. Through studies and experience, there is agreement that individual property owners are an essential component in the successful achievement of fire prevention goals that will increase life safety, reduce economic impact and preserve the environment. The Commission will take an active role to achieve these broad fire prevention goals through recommendations to the City Council in the following areas:

- Policy declarations and advocacy in support of fire prevention activities at all levels of government;
- Public outreach regarding fire prevention planning, activities and responsibilities;
- Collection, analysis and distribution of financial information, including grants, fees, loans and insurance, related to fire prevention at both citywide and neighborhood levels.

Goals include:

- Support the City’s community outreach measures to improve vegetation management and slow the spread of a WUI fire in the hills.
- Ensure that vegetation management is compliant with sustainable best practices, including local composting.
- Seek any available data on use of the chipper program, and explore if changes to the program would increase adoption.
- Review and provide recommendations on new approaches to vegetation management, including employment of Youthworks (city youth jobs program) staff over the summer to reduce fire fuel in the hills.
- Provide input on development of a fire safety plan, including a post-fire plan for cleanup of materials, including toxic materials, following an WUI fire.

### *Additional Items*

Commissioners working independently in other capacities (such as in neighborhood groups in the hills, or as volunteers) may develop ideas to improve WUI safety in those environments and bring these to the Commission for consideration throughout the year.

### **Outputs**

- Recommendations to City Council regarding parking restrictions on the hills, siren expenditures, ADU rules, vegetation management and any other topics relevant to improving wildfire safety in the City.

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<sup>1</sup> To fire harden a property is to take steps that make the home and property more fire-resistant.

## **Berkeley Disaster and Fire Safety Commission WORK PLAN – 2021**

- Feedback to city staff on the Draft Evacuation Plan and alerting tools and protocols.
- Recommendations to support testing and drills to ensure that both staff and residents are prepared to carry out emergency alerting and evacuations

### **Outcomes**

Prevent loss of life by improving the City's planning and available tools to create a safe and efficient evacuation of all endangered residents in the case of a major WUI fire. Improve and practice emergency alerting so that all residents are alerted adequately and in a timely manner of any life-threatening hazards such as an approaching fire. Reduce as much as is feasible, economic losses to property owners.

## **2. IMPROVE COMMUNITY RESILIENCE THROUGHOUT BERKELEY WITH A WHOLE COMMUNITY APPROACH**

### **Resources**

Resources include community members' time (volunteer), Commissioners' and staff time to participate in working group and/or subcommittee work, and staff time to present yearly Berkeley Ready presentations to Commission.

### **Program Activities**

Support accessible preparedness outreach, training and communication, with a special focus on underserved and/or vulnerable members of our community, including residents of South and West Berkeley, seniors, persons with disabilities, families with children, Spanish-speakers, and renters. Consider ideas toward the goal of equitably and adequately serving all people who live, work, study or play in Berkeley.

### *COVID-19 Response*

The COVID-19 pandemic is an ongoing disaster that impacts every person and institution in the City. It has exposed gaps and inequities in city services and all aspects of our social system including healthcare, education, food systems, housing and more.

Commission member(s) will stay apprised of City activities as well as community-based activities in response to this pandemic and, if appropriate, provide recommendations to Council. The Commission will make thoughtful, science-based recommendations to reduce suffering and protect and preserve life, health, property, and City funds.

- Understand and hear from the communities that are most impacted by COVID-19, to compile case studies of the community lifelines (store closure, transit, etc.) impacts for Council, if appropriate. Report on community members who are working to support each other through this crisis and make recommendations on possible coordination and support.
- Recognize that forms of support that require internet access, bodily ability, driving a car, having existing healthcare, or other forms of privilege can reinforce existing inequities. Commission will integrate a lens of equity into any COVID-19 related recommendations.

## **Berkeley Disaster and Fire Safety Commission WORK PLAN – 2021**

- Recognize that strengthening the City’s resilience in the face of COVID-19 and similar future disasters will take many forms that may not look like the professional, top-down based approach that has been followed in the past.

### *Community Based Disaster Response*

Commission member(s) will continue to explore ways to support community-based post-disaster response, creating an inclusive, broad-based response that better meets the post-disaster needs of all people in Berkeley:

- explore options to help give the community a better structure or pathway to participate in disaster response.
- explore ways to improve and support social cohesion throughout the city that will naturally increase post-disaster assistance, information-sharing, and shared resources among neighbors.
- explore options to streamline and reducing the cost of permits for Seismic Shutoff Valves and other disaster preparedness upgrades

To stay apprised of CERT, Berkeley Ready, and other activities in the City, the Commission will host presentations at Commission meetings by the following groups:

- Berkeley Ready staff presentation(s)
- Berkeley Disaster Preparedness Neighborhood Network (BDPNN)
- Berkeley Mutual Aid (BMA)
- Berkeley Path Wanderers
- Others as appropriate

### *Additional Items*

Commissioners working independently in other capacities (such as with schools and businesses) may develop ideas to improve community resilience in those environments and bring these to the Commission for consideration throughout the year.

### **Output(s)**

- Develop recommendation(s) to City Council to enhance Berkeley Ready, CERT and other city programs to support community resilience. Develop recommendations to fund or otherwise support activities of Berkeley Disaster Prep Neighborhood Network, Path Wanderers, Berkeley Mutual Aid, or other community groups.

### **Outcomes**

Measurable improvement to Berkeley’s community preparedness. Measurement may be in number of people reached, or number of active volunteers, or new previously underserved populations reached.

## **4. ENSURE THAT MEASURE GG AND MEASURE FF FUNDS ARE SPENT APPROPRIATELY**

### **Resources**

Commissioners’ time and staff time to generate financial reports and present them to the Commission every quarter.

### **Program Activities**



## **Berkeley Disaster and Fire Safety Commission WORK PLAN – 2021**

- Commission will review and provide input on Measure GG and Measure FF expenditure plans as early as possible in the budgeting process, and engage collaboratively with City staff to ensure that these funds are spent in accordance with voter intentions.
- Commission will make recommendations on appropriate allocations for programs and positions requiring Measure GG and Measure FF funding.
- Staff to generate a Measure GG and Measure FF spending report every quarter, or more often if needed
- Commission to provide recommendation on optional tax percentage increase each year
- Member(s) of the Commission will engage with the Re-Imagining Safety process by participating in or observing task force meetings or other related events, so that the Commission can stay apprised of any budgeting changes that result from Re-Imagining Safety, and the potential for available funds to be applied to dispatch upgrades or any other Measure GG or Measure FF-funded programs.

### **Output(s)**

The Commission will create recommendations to Council if needed to ensure that Measure GG and FF funds are used to enhance the safety of the Berkeley community and remain within the definition, scope, and intentions of the original law.

### **Outcomes**

With funds correctly allocated, the goals of Measures GG and FF are maintained: keeping all fire stations in the city open 24-7, improving community resilience through programs such as Berkeley Ready, adequately training firefighters and paramedics, maintaining and replacing necessary equipment and facilities, planning and preparing for wildfires, and upgrading and modernizing the City's 9-1-1 dispatch system.

## **5: HELP OTHER CITY ENTITIES INCORPORATE A DISASTER AND FIRE SAFETY PERSPECTIVE INTO DECISIONS**

### **Resources**

Commissioners' time for research and recommendation creation

### **Program Activities**

Respond to requests for input on matters relating to disaster and fire safety. Requests may come from City Council, City Staff, other Commissions, or the public.

- Examples of recent referrals:
  - City Council referral for feedback on requiring gas shut-off valves
  - Planning Commission request for feedback on ADU Emergency Ordinance
- Provide input into Council decisions when decisions will affect disaster resilience or fire safety in Berkeley

Recommendations may also be generated in absence of a referral, when the Commission determines that input into Council decisions is necessary to serve Berkeley's resilience in disaster and fire safety.

### **Output(s)**

**Berkeley Disaster and Fire Safety Commission  
WORK PLAN – 2021**

Recommendations to City Council or communications with other city entities, often in response to referrals.

**Outcomes**

City Council will incorporate fire safety and disaster preparedness considerations into decisions, leading to a safer and more resilient city.



Measure O Bond Oversight Committee

## INFORMATION CALENDAR

April 20, 2021

To: Honorable Mayor and Members of the City Council  
 From: Measure O Bond Oversight Committee  
 Submitted by: Igor Tregub, Chairperson, Measure O Bond Oversight Committee  
 Subject: FY 2021 Measure O Bond Oversight Committee Work Plan

### INTRODUCTION

On March 17, 2020, the City Council adopted Resolution No. 69,331-N.S. which placed limitations of the meetings of City legislative bodies, including all boards and commissions. On October 22, the City Manager authorized commissions to meet to adopt a Work Plan. At its February 1, 2021 meeting, the Measure O Bond Oversight Committee (MOBOC) adopted its Fiscal Year (FY) 2021 Work Plan (Attachment 1).

### CURRENT SITUATION AND ITS EFFECTS

On February 1, 2021, the MOBOC adopted the attached work plan through the action detailed below.

Action: M/S/C (Carr/Lustig) to accept the proposed workplan as drafted in the supplemental item from Commissioner Tregub, amended to state that the Commission will advise the Council on affordable housing development funds and funding available on upcoming proposals that could be funded under Tranches 2, 3, or 4 of Measure O dollars.

Vote: Ayes: Calavita, Carr, Costantini, Cutler, Lee-Egan, Lustig, Marthinsen, and Tregub. Noes: None. Abstain: None. Absent: Daniels (unapproved).

### BACKGROUND

In 2016, the City Council adopted direction to commissioners to submit a work plan annually. The plan for FY20/21 was halted due to the suspension of regular commission meetings due to COVID-19.

### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable direct environmental sustainability impact associated with the adoption of this work plan. The financing of affordable housing, however, increases the chances of affordable housing being constructed, and, when sited in proximity with transit and amenities, has been found to reduce vehicle miles traveled and greenhouse gas emissions.

POSSIBLE FUTURE ACTION

The commission is working on several priorities in alignment with this work plan, and may bring them to the Council for action in the future.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Fiscal impacts will depend on the actions recommended and the Council's decision.

CONTACT PERSON

Jenny Wyant, Acting Commission Secretary, HHCS (510) 981-5228

Attachment 1: FY 2021 Work Plan



Measure O Bond Oversight Committee

## Appendix 1: Measure O Committee Fiscal Year (FY) 2021 Work Plan

### Committee Charge and Overview

The Measure O Oversight Committee is a newly established advisory body to the Berkeley City Council, subject to the rules and procedures established by the City of Berkeley's Commissioner's Manual (the City uses "commission" broadly to encompass all appointed Council bodies including committees and panels). The role of a commission, including this one, is to advise the City Council. The City Council is responsible for accepting, rejecting, or modifying commission recommendations. The Council must weigh the effect of any given recommendation, not only on the particular area of interest but on all other City goals and programs. Ultimately, it is at the Council's discretion to accept, amend or reject any of this committee's recommendations.

This committee was established by Council in response to the voter adopted Measure O affordable housing bond. The adopted resolution accompanying the measure states that all Measure O related bond expenditures will be subject to oversight by this committee to confirm that Bond expenditures are consistent with the intent of this Measure. Council may seek additional input on funding applications and commitments of Measure O funds at their discretion.

### Committee Work Plan

There is not a clear timetable for when regular commission schedules will be re-established. The frequency of meetings will be determined by the conditions the City of Berkeley is experiencing under the pandemic and its emergency proclamation.

The following items are proposed as part of committee's work plan with the caveat above. If conditions improve, there will be more frequent commission meetings, which will help the commission adhere to this workplan.

- I. **Advise the Council on affordable housing development funds and funding availability on upcoming proposals that could be funded under Tranches 2, 3, or 4 of Measure O dollars.** Examples of such projects include:
  - A. Ashby and North Berkeley BART Station Areas and Future Housing Funding Notices of Funding Availabilities (NOFAs)
  - B. NOFA for Berkeley Unified School District Educator Housing

*Prioritization justification: Required for budgetary, fund allocation, council-adopted mission statutory reasons (language of 2018 Measure O Bond), and/or request for advisory review by the City Council.*

**II. Provide oversight and guidance to Council on the funding allocation and utilization of Measure O dollars for projects recommended for funding under Tranche 1 dollars and/or forward-commitments of Tranche 2 dollars.** Examples of such projects include:

- A. 1740 San Pablo Avenue – BRIDGE Housing
- B. 2527 San Pablo Avenue – Satellite Affordable Housing Associates (SAHA)
- C. 2012 Berkeley Way – Berkeley Food & Housing Project (BFHP) / BRIDGE Housing
- D. BFHP Hope Center PSH (2012 Berkeley Way) – BFHP/BRIDGE
- E. BRIDGE Berkeley Way (2012 Berkeley Way) – BRIDGE
- F. Jordan Court (1601 Oxford) – SAHA
- G. Maudelle Miller Shirek Community (2001 Ashby) – Resources for Community Development

*Prioritization justification: Required for budgetary, fund allocation, and statutory reasons (language of 2018 Measure O Bond)*

**III. Respond to outstanding Council referrals to Measure O Committee**

- A. Strategic Plan Project – Increase Affordable Housing: Measure O Implementation – Implement plan to expand affordable housing options with Measure O funding as defined by Council
- B. 12/8/20 Referral – Reserve Funds for Affordable Housing in the Adeline Corridor – Set-aside at least an initial allocation of \$50 million of local funds for affordable housing (e.g., Measure O, Measure U1, Measure P, Housing Trust Fund) for the Adeline Corridor, and in particular, for the Ashby BART subarea
- C. Any other referrals that may be approved by the City Council during the course of FY2021.

*Prioritization justification: Council-adopted mission and/or request for advisory review by the City Council.*

Upcoming Worksessions – <i>start time is 6:00 p.m. unless otherwise noted</i>	
Scheduled Dates	
May 18	<ol style="list-style-type: none"> <li>1. Systems Realignment</li> <li>2. Bayer Development Agreement (tentative)</li> <li>3. Affordable Housing Policy Reform (tentative)</li> </ol>
July 20	<ol style="list-style-type: none"> <li>1.</li> <li>2.</li> </ol>
Sept. 21	<ol style="list-style-type: none"> <li>1. Housing Element</li> </ol>

Unscheduled Workshops
<ol style="list-style-type: none"> <li>1. Cannabis Health Considerations</li> <li>2. Berkeley Police Department Hiring Practices (referred by the Public Safety Committee)</li> </ol>

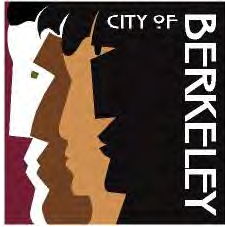
Unscheduled Presentations (City Manager)
<ol style="list-style-type: none"> <li>1. Update: Zero Waste Priorities</li> <li>2. Civic Arts Grantmaking Process &amp; Capital Grant Program</li> <li>3. Measure FF and Fire Prevention</li> </ol>

	<b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b>
1.	<p><b>47. Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Hood Ventilation in Residential and Condominium Units Prior to Execution of a Contract for Sale or Close of Escrow</b> <i>(Reviewed by Facilities, Infrastructure, Transportation, Environment, and Sustainability Committee) (Referred from the January 21, 2020 agenda)</i>  <b>From: Councilmember Harrison</b>  <b>Recommendation:</b>            1. Adopt an ordinance amending Berkeley Municipal Code (BMC) 19.32 to require kitchen exhaust ventilation in residential and condominium units prior to execution of a contract for sale or close of escrow.            2. Refer to the City Manager to develop a process for informing owners and tenants of the proper use of exhaust hoods.  <b>Financial Implications:</b> See report            Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  <i>Note: Referred to Agenda &amp; Rules for future scheduling.</i></p>
2.	<p><b>25. Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers</b> <i>(Continued from February 25, 2020. Item contains revised and supplemental materials) (Referred from the May 12, 2020 agenda.)</i>  <b>From: City Manager</b>  <b>Recommendation:</b> Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers submitted pursuant to Chapter 2.99 of the Berkeley Municipal Code.  <b>Financial Implications:</b> None            Contact: Andrew Greenwood, Police, (510) 981-5900; Dave White, City Manager's Office, (510) 981-7000  <i>Note: Referred to Agenda &amp; Rules for future scheduling.</i></p>
3.	<p><b>17. Objective Standards Recommendations for Density, Design and Shadows</b> <i>(Item contains supplemental material.) (Referred from the March 23, 2021 agenda.)</i>  <b>From: Joint Subcommittee for the Implementation of State Housing Laws</b>  <b>Recommendation:</b> Refer to the Planning Commission and Design Review Committee to review the recommendations from the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) for objective standards for density, design and shadows and draft Zoning Ordinance amendments for City Council consideration.  <b>Financial Implications:</b> See report            Contact: Alene Pearson, Commission Secretary, (510) 981-7400  <i>Note: Referred to Agenda &amp; Rules for future scheduling.</i></p>



CITY CLERK DEPARTMENT				
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS				
BEFORE THE CITY COUNCIL				
Address	Board/ Commission	Appeal Period Ends	Determination on Appeal Submitted	Public Hearing
<b>NOD – Notices of Decision</b>				
3031 Telegraph Avenue (demolish existing building; construct 6-story, 98,338 square-foot mixed-use building with 110 units)	ZAB	4/13/2021		
<b>Public Hearings Scheduled</b>				
2421 Fifth St (construct two residential buildings)	ZAB			6/1/2021
<b>Remanded to ZAB or LPC</b>				
<b>Notes</b>				

4/1/2021



Office of the City Manager

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2**

**Meeting Date:** November 10, 2020

**Item Number:** 20

**Item Description:** Annual Commission Attendance and Meeting Frequency Report

**Submitted by:** Mark Numainville, City Clerk

The attached memo responds to issues and questions raised at the October 26 Agenda & Rules Committee Meeting and the October 27 City Council Meeting regarding the ability of city boards and commissions to resume regular meeting schedules.



Office of the City Manager

November 9, 2020, 2020

To: Mayor and Council  
From: Dee Williams-Ridley, City Manager  
Subject: Commission Meetings Under COVID-19 Emergency (Item 20)

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This memo provides supplemental information for the discussion on Item 20 on the November 10, 2020 Council agenda. Below is a summary and update of the status of meetings of Berkeley Boards and Commissions during the COVID-19 emergency declaration and the data collected by the City Manager on the ability of commissions to resume meetings in 2021.

On March 10, 2020 the City Council ratified the proclamation of the Director of Emergency Services for a state of local emergency related to the COVID-19 pandemic. The emergency proclamation has been renewed twice by the Council and remains in effect.

On March 17, 2020 the City Council adopted Resolution No. 69,331-N.S. which placed limitations of the meetings of City legislative bodies, including all boards and commissions. The resolution allows for commissions to meet to conduct time-sensitive, legally mandated business with the authorization of the City Manager. Since that time, several commissions have obtained this approval and held meetings; many other commissions have not met at all since March.

The City Manager has periodically reviewed the status of commission meetings with the City Council Agenda & Rules Committee. Recently, at the October 12, 2020 Agenda & Rules Committee meeting, the City Manager presented a proposal to allow all commissions to meet under limited circumstances. The Committee voted to endorse the City Manager's recommendation.

Effective October 12, 2020, all City boards and commissions may meet once to develop and finalize their work plan for 2021 and to complete any Council referrals directly related to the COVID-19 pandemic response. A second meeting may be held to

complete this work with specific authorization by the City Manager. It is recommended that the meeting(s) occur by the end of February 2021.

Commissions that have been granted permission to meet under Resolution No. 69,331-N.S. may continue to meet pursuant to their existing authorization, and may also meet to develop their 2021 work plan.

Commissions that have not requested meetings pursuant to the Resolution No. 69,331-N.S. may meet pursuant to the limitations listed above.

In response to questions from the Agenda & Rules Committee and the Council, the City Manager polled all departments that support commissions to obtain information on their capacity to support the resumption of regular commission meetings. The information in Attachment 1 shows the information received from the departments and notes each commission's ability to resume a regular, or semi-regular, meeting schedule in 2021.

In summary, there are 24 commissions that have staff resources available to support a regular meeting schedule in 2021. Seven of these 24 commissions have been meeting regularly during the pandemic. There are five commissions that have staff resources available to support a limited meeting schedule in 2021. There are seven commissions that currently do not have staff resources available to start meeting regularly at the beginning of 2021. Some of these seven commissions will have staff resources available later in 2021 to support regular meetings. Please see Attachment 1 for the full list of commissions and their status.

With regards to commission subcommittees, there has been significant discussion regarding the ability of staff to support these meetings in a virtual environment. Under normal circumstances, the secretary's responsibilities regarding subcommittees is limited to posting the agenda and reserving the meeting space (if in a city building). With the necessity to hold the meetings in a virtual environment and be open to the public, it is likely that subcommittee meetings will require significantly more staff resources to schedule, train, manage, and support the work of subcommittees on Zoom or a similar platform. This additional demand on staff resources to support commission subcommittees is not feasible for any commission at this time.

One possible option for subcommittees is to temporarily suspend the requirement for ad hoc subcommittees of city commissions to notice their meetings and require public participation. Ad hoc subcommittees are not legislative bodies under the Brown Act and are not required to post agendas or allow for public participation. These requirements are specific to Berkeley and are adopted by resolution in the Commissioners' Manual. If it is the will of the Council, staff could introduce an item to temporarily suspend these

requirements which will allow subcommittees of all commissions to meet as needed to develop recommendations that will be presented to the full commission.

The limitations on the meetings of certain commissions are due to the need to direct staff resources and the resources of city legislative bodies to the pandemic response. Some of the staff assigned as commission secretaries are engaged in work with the City Emergency Operations Center or have been assigned new duties specifically related to the impacts of the pandemic.

Meeting frequency for boards and commissions will continue to be evaluated on a regular basis by the City Manager and the Health Officer in consultation with Department Heads and the City Council.

Attachments:

1. List of Commissions with Meeting Status
2. Resolution 69,331-N.S.

**November 10, 2020 - Item 20  
Supplemental Information**

<b><u>Boards and Commissions</u></b>	<b><u>Meetings Held Under COVID March - Oct</u></b>	<b><u>Regular Mtg. Date</u></b>	<b><u>Secretary</u></b>	<b><u>Dept.</u></b>	<b><u>Resume Regular Schedule in January 2021?</u></b>	<b><u>Note</u></b>
Fair Campaign Practices Commission	9	3rd Thur.	Sam Harvey	CA	YES	Have been meeting regularly under COVID Emergency
Open Government Commission	6	3rd Thur.	Sam Harvey	CA	YES	Have been meeting regularly under COVID Emergency
Animal Care Commission	0	3rd Wed.	Amelia Funghi	CM	YES	
Police Review Commission	10	2nd & 4th Wed.	Katherine Lee	CM	YES	Have been meeting regularly under COVID Emergency
Disaster and Fire Safety Commission	4	4th Wed.	Keith May	FES	YES	
Community Health Commission	0	4th Thur.	Roberto Terrones	HHCS	YES	
Homeless Commission	0	2nd Wed.	Josh Jacobs	HHCS	YES	
Homeless Services Panel of Experts	5	1st Wed	Josh Jacobs	HHCS	YES	
Human Welfare & Community Action Commission	0	3rd Wed.	Mary-Claire Katz	HHCS	YES	
Mental Health Commission	1	4th Thur.	Jamie Works-Wright	HHCS	YES	
Sugar-Sweetened Beverage Product Panel of Experts	0	3rd Thur.	Dechen Tsering	HHCS	YES	
Civic Arts Commission	2	4th Wed.	Jennifer Lovvorn	OED	YES	
Elmwood BID Advisory Board	1	Contact Secretary	Kieron Slaughter	OED	YES	
Loan Administration Board	0	Contact Secretary	Kieron Slaughter	OED	YES	
Solano Avenue BID Advisory Board	2	Contact Secretary	Eleanor Hollander	OED	YES	
Design Review Committee	6	3rd Thur.	Anne Burns	PLD	YES	Have been meeting regularly under COVID Emergency
Energy Commission	0	4th Wed.	Billi Romain	PLD	YES	
Landmarks Preservation Commission	6	1st Thur.	Fatema Crane	PLD	YES	Have been meeting regularly under COVID Emergency
Planning Commission	3	1st Wed.	Alene Pearson	PLD	YES	Have been meeting regularly under COVID Emergency
Zoning Adjustments Board	11	2nd & 4th Thur.	Shannon Allen	PLD	YES	Have been meeting regularly under COVID Emergency
Parks and Waterfront Commission	4	2nd Wed.	Roger Miller	PRW	YES	
Commission on Disability	0	1st Wed.	Dominika Bednarska	PW	YES	
Public Works Commission	4	1st Thur.	Joe Enke	PW	YES	
Zero Waste Commission	0	4th Mon.	Heidi Obermeit	PW	YES	
Commission on the Status of Women	0	4th Wed.	Shallon Allen	CM	YES - LIMITED	Secretary has intermittent COVID assignments

**November 10, 2020 - Item 20  
Supplemental Information**

<b><u>Boards and Commissions</u></b>	<b><u>Meetings Held Under COVID March - Oct</u></b>	<b><u>Regular Mtg. Date</u></b>	<b><u>Secretary</u></b>	<b><u>Dept.</u></b>	<b><u>Resume Regular Schedule in January 2021?</u></b>	<b><u>Note</u></b>
Commission on Aging	0	3rd Wed.	Richard Castrillon	HHCS	REDUCED FREQUENCY	Significant Dept. resources assigned to COVID response
Housing Advisory Commission	0	1st Thur.	Mike Uberti	HHCS	REDUCED FREQUENCY	Significant Dept. resources assigned to COVID response
Measure O Bond Oversight Committee	0	3rd Monday	Amy Davidson	HHCS	REDUCED FREQUENCY	Significant Dept. resources assigned to COVID response
Transportation Commission	2	3rd Thur.	Farid Javandel	PW	REDUCED FREQUENCY	Staff assigned to COVID response
Children, Youth, and Recreation Commission	0	4th Monday	Stephanie Chu	PRW	NO - SEPT 2021	Staff assigned to COVID response
Youth Commission	0	2nd Mon.	Ginsi Bryant	PRW	NO - SEPT 2021	Staff assigned to COVID response
Community Environmental Advisory Commission	0	2nd Thur.	Viviana Garcia	PLD	NO - JUNE 2021	Staff assigned to COVID response
Cannabis Commission	0	1st Thur.	VACANT	PLD	NO - JAN. 2022	Staff vacancy
Peace and Justice Commission	0	1st Mon.	VACANT	CM	NO	Staff vacancy
Commission on Labor	0	3rd Wed., alternate mon	Kristen Lee	HHCS	NO	Staff assigned to COVID response
Personnel Board	1	1st Mon.	La Tanya Bellow	HR	NO	Staff assigned to COVID response

## RESOLUTION NO. 69,331-N.S.

RATIFYING THE RECOMMENDATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND THE PUBLIC HEALTH OFFICER REGARDING MEETINGS OF BERKELEY LEGISLATIVE BODIES IN RESPONSE TO THE COVID-19 (NOVEL CORONAVIRUS) PANDEMIC

WHEREAS, on March 3, 2020, pursuant to Berkeley Municipal Code section 2.88.040, the City Manager, serving as the Director of Emergency Services, proclaimed the existence of a local emergency; and

WHEREAS, the proclamation was warranted by virtue of the extreme peril to the safety of persons and property in the City caused by pandemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, the proclamation of the Director of Emergency Services was ratified by the City Council on March 10, 2020; and

WHEREAS, the continued spread of COVID-19 and increase in community transmission cases in surrounding counties warrant further measures be taken by the City to protect the community; and

WHEREAS, the Public Health Officer has issued guidelines for limiting mass gatherings; and

WHEREAS, certain limitations on the meetings of legislative bodies in the City of Berkeley is warranted; and

WHEREAS, the continued essential functions of the City and certain legislative bodies must continue for time-sensitive, legally mandated actions; and

WHEREAS, the Director of Emergency Services presented recommendations to the Agenda & Rules Committee on March 12, 2020 regarding the meetings of legislative bodies; and

WHEREAS, the Agenda & Rules Committee recommended that said recommendations be forwarded to the City Council for acknowledgement and ratification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following recommendations issued by the Director of Emergency Services and the Public Health Officer regarding limitations and practices for legislative bodies of the City of Berkeley are hereby acknowledged and ratified:



## Section 1. Boards and Commissions

Commissions listed below may continue to meet only if they have time-sensitive, legally mandated business to complete, as determined by the Director of Emergency Services. The City may consider teleconferencing for these commissions, if feasible.

Design Review Committee  
Fair Campaign Practices Commission  
Housing Advisory Commission (limited to quasi-judicial activities)  
Joint Subcommittee on the Implementation of State Housing Laws  
Landmarks Preservation Commission  
Open Government Commission  
Personnel Board  
Planning Commission  
Police Review Commission  
Zoning Adjustments Board

Commissions in Category B shall not meet for a period of 60 days. This will be re-evaluated at the Agenda & Rules Committee meeting on April 13, 2020. A Commission in Category B may convene a meeting if it has time-sensitive, legally-mandated business to complete, as determined by the Director of Emergency Services.

### Category B

Animal Care Commission  
Cannabis Commission  
Civic Arts Commission  
Children, Youth, and Recreation Commission  
Commission on Aging  
Commission on Disability  
Commission on Labor  
Commission on the Status of Women  
Community Environmental Advisory Commission  
Community Health Commission  
Disaster and Fire Safety Commission  
Elmwood Business Improvement District Advisory Board  
Energy Commission  
Homeless Commission  
Homeless Services Panel of Experts  
Housing Advisory Commission  
Human Welfare and Community Action Commission  
Measure O Bond Oversight Committee  
Mental Health Commission  
Parks and Waterfront Commission  
Peace and Justice Commission  
Public Works Commission  
Solano Avenue Business Improvement District Advisory Board  
Sugar-Sweetened Beverage Product Panel of Experts

Transportation Commission  
Youth Commission  
Zero Waste Commission  
Loan Administration Board

Section 2. City Council Policy Committees

The Agenda & Rules Committee and the Budget & Finance Committee may continue to meet to fulfill their legislative and advisory responsibilities. All other Policy Committees (Facilities, Infrastructure, Transportation, Environment & Sustainability, Public Safety, Land Use, Housing & Economic Development, and Health, Life Enrichment Equity & Community) are suspended indefinitely. The 120-day deadline to consider an item will be tolled during the suspension of business.

Section 3. City Council


For City Council meetings, the City will continue to advise and implement social distancing by limiting the capacity of the Council Chambers, providing an overflow room, attempting to limit the duration of the meeting, only conducting essential business, and limiting or suspending ceremonial items. The City will adhere to and implement the provisions of the Governor's Executive Order #N-25-20 related to the Brown Act and the utilization of technology to facilitate participation.

The foregoing Resolution was adopted by the Berkeley City Council on March 17, 2020 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Absent: None.

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

Attest:   
\_\_\_\_\_  
Mark Numalville, City Clerk





Office of the City Manager

October 22, 2020

To: Berkeley Boards and Commissions

From: *DWR* Dee Williams-Ridley, City Manager

Subject: Commission Meetings During COVID-19 Emergency

This memo serves to provide a summary and update of the status of meetings of Berkeley Boards and Commissions during the COVID-19 emergency declaration.

On March 10, 2020, the City Council ratified the proclamation of the Director of Emergency Services for a state of local emergency related to the COVID-19 pandemic. The emergency proclamation has been renewed twice by the Council and remains in effect.

On March 17, 2020, the City Council adopted Resolution No. 69,331-N.S. which placed limitations of the meetings of City legislative bodies, including all boards and commissions. The resolution allows for commissions to meet to conduct time-sensitive, legally mandated business with the authorization of the City Manager. Since that time, several commissions have obtained this approval and held meetings; many other commissions have not met at all since March.

The City Manager has periodically reviewed the status of commission meetings with the City Council Agenda & Rules Committee. Recently, at the October 12, 2020, Agenda & Rules Committee meeting, the City Manager presented a proposal to allow all commissions to meet under limited circumstances. The Committee voted to endorse the City Manager's recommendation.

Effective October 12, 2020, all City boards and commissions may meet once to develop and finalize their work plan for 2021 and to complete any Council referrals directly related to the COVID-19 pandemic response. A second meeting may be held to complete this work with specific authorization by the City Manager. It is recommended that the meeting(s) occur by the end of February 2021.

Commissions that have been granted permission to meet under Resolution No. 69,331-N.S. may continue to meet pursuant to their existing authorization, and may also meet to develop their 2021 work plan.

Commissions that have not requested meetings pursuant to the Resolution No. 69,331-N.S. may meet pursuant to the limitations listed above.

To assist commissions with the development of their work plan and to provide the City Council with a consistent framework to review the work plans, the City Manager has developed the following items to consider in developing the work plan that is submitted to the City Council agenda.

Prompts for Commissions to use in work plan:

- What commission items for 2021 have a direct nexus with the COVID-19 response or are the result of a City Council referral pertaining to COVID-19?
- What commission items for 2021 are required for statutory reasons?
- What commission items for 2021 are required for budgetary or fund allocation reasons?
- What commission items for 2021 support council-adopted or voter-adopted mission critical projects or programs?
- What are the anticipated staff demands (above and beyond baseline) for analysis, data, etc., to support commission work in 2021 (baseline duties = posting agendas, creating packets, attend meetings, minutes, etc.)?

The limitations on commission meetings are due to the need to direct staff resources and the resources of city legislative bodies to the pandemic response. Many of the staff assigned as commission secretaries are engaged in work with the City Emergency Operations Center or have been assigned new specific duties related to the impacts of the pandemic.

Meeting frequency for boards and commissions will continue to be evaluated on a regular basis by the City Manager in consultation with Department Heads and the City Council. More frequent meetings by commissions will be permitted as the conditions under COVID-19 dictate.

Thank you for your service on our boards and commissions. The City values the work of our commissions and we appreciate your partnership and understanding as we address this pandemic as a resilient and vibrant community.

Attachments:

1. Resolution 69,331-N.S.
2. List of Commissions with Meeting Data

cc: Mayor and City Councilmembers  
Senior Leadership Team

RESOLUTION NO. 69,331-N.S.

RATIFYING THE RECOMMENDATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND THE PUBLIC HEALTH OFFICER REGARDING MEETINGS OF BERKELEY LEGISLATIVE BODIES IN RESPONSE TO THE COVID-19 (NOVEL CORONAVIRUS) PANDEMIC

WHEREAS, on March 3, 2020, pursuant to Berkeley Municipal Code section 2.88.040, the City Manager, serving as the Director of Emergency Services, proclaimed the existence of a local emergency; and

WHEREAS, the proclamation was warranted by virtue of the extreme peril to the safety of persons and property in the City caused by pandemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, the proclamation of the Director of Emergency Services was ratified by the City Council on March 10, 2020; and

WHEREAS, the continued spread of COVID-19 and increase in community transmission cases in surrounding counties warrant further measures be taken by the City to protect the community; and

WHEREAS, the Public Health Officer has issued guidelines for limiting mass gatherings; and

WHEREAS, certain limitations on the meetings of legislative bodies in the City of Berkeley is warranted; and

WHEREAS, the continued essential functions of the City and certain legislative bodies must continue for time-sensitive, legally mandated actions; and

WHEREAS, the Director of Emergency Services presented recommendations to the Agenda & Rules Committee on March 12, 2020 regarding the meetings of legislative bodies; and

WHEREAS, the Agenda & Rules Committee recommended that said recommendations be forwarded to the City Council for acknowledgement and ratification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following recommendations issued by the Director of Emergency Services and the Public Health Officer regarding limitations and practices for legislative bodies of the City of Berkeley are hereby acknowledged and ratified:

## Section 1. Boards and Commissions

Commissions listed below may continue to meet only if they have time-sensitive, legally mandated business to complete, as determined by the Director of Emergency Services. The City may consider teleconferencing for these commissions, if feasible.

Design Review Committee  
Fair Campaign Practices Commission  
Housing Advisory Commission (limited to quasi-judicial activities)  
Joint Subcommittee on the Implementation of State Housing Laws  
Landmarks Preservation Commission  
Open Government Commission  
Personnel Board  
Planning Commission  
Police Review Commission  
Zoning Adjustments Board

Commissions in Category B shall not meet for a period of 60 days. This will be re-evaluated at the Agenda & Rules Committee meeting on April 13, 2020. A Commission in Category B may convene a meeting if it has time-sensitive, legally-mandated business to complete, as determined by the Director of Emergency Services.

### Category B

Animal Care Commission  
Cannabis Commission  
Civic Arts Commission  
Children, Youth, and Recreation Commission  
Commission on Aging  
Commission on Disability  
Commission on Labor  
Commission on the Status of Women  
Community Environmental Advisory Commission  
Community Health Commission  
Disaster and Fire Safety Commission  
Elmwood Business Improvement District Advisory Board  
Energy Commission  
Homeless Commission  
Homeless Services Panel of Experts  
Housing Advisory Commission  
Human Welfare and Community Action Commission  
Measure O Bond Oversight Committee  
Mental Health Commission  
Parks and Waterfront Commission  
Peace and Justice Commission  
Public Works Commission  
Solano Avenue Business Improvement District Advisory Board  
Sugar-Sweetened Beverage Product Panel of Experts

Transportation Commission  
Youth Commission  
Zero Waste Commission  
Loan Administration Board

Section 2. City Council Policy Committees

The Agenda & Rules Committee and the Budget & Finance Committee may continue to meet to fulfill their legislative and advisory responsibilities. All other Policy Committees (Facilities, Infrastructure, Transportation, Environment & Sustainability, Public Safety, Land Use, Housing & Economic Development, and Health, Life Enrichment Equity & Community) are suspended indefinitely. The 120-day deadline to consider an item will be tolled during the suspension of business.

Section 3. City Council


For City Council meetings, the City will continue to advise and implement social distancing by limiting the capacity of the Council Chambers, providing an overflow room, attempting to limit the duration of the meeting, only conducting essential business, and limiting or suspending ceremonial items. The City will adhere to and implement the provisions of the Governor's Executive Order #N-25-20 related to the Brown Act and the utilization of technology to facilitate participation.

The foregoing Resolution was adopted by the Berkeley City Council on March 17, 2020 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Absent: None.

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

Attest:   
\_\_\_\_\_  
Mark Numalville, City Clerk



<u>Boards and Commissions</u>	<u>Meetings Held Under COVID Emergency (through 10/11)</u>	<u>Scheduled Meetings in October</u>	<u>Regular Mtg. Date</u>	<u>Secretary</u>	<u>Department</u>
Zoning Adjustments Board	10	1	2nd & 4th Thur.	Shannon Allen	PLD
Police Review Commission	9	1	2nd & 4th Wed.	Katherine Lee	CM
Fair Campaign Practices Commission	8	1	3rd Thur.	Sam Harvey	CA
Design Review Committee	5	1	3rd Thur.	Anne Burns	PLD
Landmarks Preservation Commission	5	1	1st Thur.	Fatema Crane	PLD
Open Government Commission	5	1	3rd Thur.	Sam Harvey	CA
Homeless Services Panel of Experts	4	1	1st Wed	Brittany Carnegie	HHCS
Disaster and Fire Safety Commission	3	1	4th Wed.	Keith May	FES
Parks and Waterfront Commission	3	1	2nd Wed.	Roger Miller	PRW
Planning Commission	3		1st Wed.	Alene Pearson	PLD
Public Works Commission	3	1	1st Thur.	Joe Enke	PW
Civic Arts Commission	2		4th Wed.	Jennifer Lovvorn	OED
Solano Avenue BID Advisory Board	2		Contact Secretary	Eleanor Hollander	OED
Elmwood BID Advisory Board	1		Contact Secretary	Kieron Slaughter	OED
Joint Subcom. on Implementation of State Housing Laws	1		4th Wed.	Alene Pearson	PLD
Mental Health Commission	1		4th Thur.	Jamie Works-Wright	HHCS
Personnel Board	1		1st Mon.	La Tanya Bellow	HR
Transportation Commission	1	1	3rd Thur.	Farid Javandel	PW
Animal Care Commission	0		3rd Wed.	Amelia Funghi	CM
Cannabis Commission	0		1st Thur.		PLD
Children, Youth, and Recreation Commission	0		4th Monday	Stephanie Chu	PRW
Commission on Aging	0		3rd Wed.	Richard Castrillon	HHCS
Commission on Disability	0		1st Wed.	Dominika Bednarska	PW
Commission on Labor	0		3rd Wed., alternate mo	Nathan Dahl	HHCS
Commission on the Status of Women	0		4th Wed.	Shallon Allen	CM
Community Environmental Advisory Commission	0		2nd Thur.	Viviana Garcia	PLD
Community Health Commission	0		4th Thur.	Roberto Terrones	HHCS
Energy Commission	0		4th Wed.	Billi Romain	PLD
Homeless Commission	0		2nd Wed.	Brittany Carnegie	HHCS
Housing Advisory Commission	0		1st Thur.	Mike Uberti	HHCS
Human Welfare & Community Action Commission	0		3rd Wed.	Mary-Claire Katz	HHCS
Loan Administration Board	0		Contact Secretary	Kieron Slaughter	OED
Measure O Bond Oversight Committee	0		3rd Monday	Amy Davidson	HHCS
Peace and Justice Commission	0		1st Mon.	Nina Goldman	CM
Sugar-Sweetened Beverage Product Panel of Experts	0		3rd Thur.	Dechen Tsering	HHCS
Youth Commission	0		2nd Mon.	Ginsi Bryant	PRW
Zero Waste Commission	0		4th Mon.	Heidi Obermeit	PW
					289



Lori Droste  
Berkeley Vice Mayor

## ACTION CALENDAR

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

**From:** Councilmember Lori Droste, Councilmembers Rigel Robinson, Rashi Kesarwani and Mayor Jesse Arreguín

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

### **RECOMMENDATION**

Reorganize existing commissions to reduce duplicative work among multiple commissions and streamline staffing responsibilities in light of reduced staffing capacity.

New Commission Name	Former Commissions to be combined into one
Environment	Zero Waste, Energy, CEAC, Animal Care
Parks, Recreation, Waterfront (Marina subcommittee)	CYRC + PRW
Peace, Justice, and Equity (with HWCAC legal oversight) <sup>1</sup>	Peace and Justice, Aging, Human Welfare Community Action
Sugar Sweetened Beverage Panel of Experts	Health and SSB
Measure O Housing Advisory Commission	Measure O, HAC
Measure P Homeless Panel of Experts	Homeless, Measure P

<sup>1</sup> Four of the nine Council appointees shall be members or officials of business, industry, labor, religious, welfare, education, or major groups and interests in the community, as required by Government Code Sections 12736(e), 12750(a)(2) and 12751. Six members shall be representatives of the poor, elected two from each of three districts established by the Council.

Public Works and Transportation	Transportation, Public Works
Local Economy and Labor	Labor, Loan Adjustment Board
Planning	Planning and Cannabis
<b>All other commissions will maintain their current structure:</b> 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, Personnel, Planning, Police Review/Accountability, Reimagining Public Safety, BART Community Advisory Group, Mental Health, Zoning Adjustments Board, and Youth	
Commissions that have sunset: JSISL, Traffic Circle Committee	

**ADDITIONAL CONSIDERATIONS TO DISCUSS**

- The role of the Design Review Committee
- The renaming of commissions established by ballot measure
- Which commission will oversee the CDBG funding overseen by Children, Youth, and Recreation?
- Are we able to consolidate the Cannabis Commission with Planning?
- If established, which department will oversee the Environmental Commission?
- If established, which department will oversee the Peace, Justice and Equity Commission?
- If established, which department will oversee the Local Economy and Labor Commission?
- Should we consider reducing the number of seats on the Youth Commission? There are currently five vacancies, four by BUSD.
- If established, how many seats should be retained on the SSB+Health Commission?
- If established, should BUSD appoint members of the Peace, Justice, and Equity Commission, especially considering it has to comply by governmental regulations that oversaw Human Welfare and Community Action (see footnote #1)

**PROBLEM/SUMMARY STATEMENT**

Demand for city workers staffing commissions is larger than the City’s ability to supply it at an acceptable financial and public health cost. Thirty-seven commissions require valuable city staff time and funding that could be better spent providing essential services. The COVID-19 pandemic has impacted the City of Berkeley in a myriad of ways, resulting in enormous once-in-a-lifetime socioeconomic and public health

impacts. While the City Manager and department heads are addressing how to best prepare and protect our residents, particularly our most vulnerable, they are also required to oversee an inordinate amount of commissions for a medium-sized city at a significant cost.

## **CURRENT SITUATION AND ITS EFFECTS**

### *Current Commission Structure*

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

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

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

Berkeley must have its own mental health commission because of its independent Mental Health Division. In order to receive services, the City needs to have to have an advisory board. Additionally, Berkeley's Community Environmental Advisory Commission is a required commission in order to oversee Certified Unified Program Agency (CUPA) under California's Environmental Protection Agency. Additionally, some commissions serve other purposes beyond policy advisories. The Children, Youth and Recreation Commission, Housing Advisory Commission, and the Human Welfare and Community Action Commission advise Council on community agency funding. However, some of the aforementioned quasi-judicial and state/federal mandated

commissions do not need to stand independently and can be combined to meet mandated goals.

*The Importance of Commissions*

Commissions serve a vital role in the City of Berkeley’s rich process of resident engagement. An analysis of agendas over the past several years shows that the commissions have created policy that have benefited the community in meaningful and important ways. In 2019, approximately two-thirds of commission items submitted to Council passed. From 2016-2019, an average of 39 items were submitted by commissions to Council for consideration.

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

*Commission Structures in Neighboring Jurisdictions*

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

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

Fremont	238,000	15	<a href="https://www.fremont.gov/76/Boards-Commissions-Committees">https://www.fremont.gov/76/Boards-Commissions-Committees</a>
Hayward	160,000	12	<a href="https://www.hayward-ca.gov/your-government/boards-commissions">https://www.hayward-ca.gov/your-government/boards-commissions</a>
Richmond	110,000	29	<a href="https://www.ci.richmond.ca.us/256/Boards-and-Commissions">https://www.ci.richmond.ca.us/256/Boards-and-Commissions</a>
San Mateo	105,000	7	<a href="https://www.cityofsanmateo.org/60/Commissions-Boards">https://www.cityofsanmateo.org/60/Commissions-Boards</a>
Sunnyvale	153,000	10	<a href="https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804">https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804</a>
Vallejo	122,000	17	<a href="http://www.ci.vallejo.ca.us/cms/one.aspx?pagelid=22192">http://www.ci.vallejo.ca.us/cms/one.aspx?pagelid=22192</a>

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

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

Commission Name	Overseeing Department (Total Commissions in Department)
Animal Care Commission	City Manager (7)
Civic Arts Commission	City Manager (7)
Commission on the Status of Women	City Manager (7)
Elmwood BID Advisory Board	City Manager (7)
Loan Administration Board	City Manager (7)
Peace and Justice Commission	City Manager (7)
Solano Ave BID Advisory Board	City Manager (7)
Cannabis Commission	Planning (8)
Community Environmental Advisory Commission	Planning (8)
Design Review Committee	Planning (8)
Energy Commission	Planning (8)
Joint Subcommittee on the Implementation of State Housing Laws	Planning (8)

Landmarks Preservation Commission	Planning (8)
Planning Commission	Planning (8)
Zoning Adjustments Board	Planning (8)
Children, Youth, and Recreation Commission	Parks (3)
Parks and Waterfront Commission	Parks (3)
Youth Commission	Parks (3)
Commission on Aging	Health, Housing, and Community Services (HHCS) (10)
Commission on Labor	HHCS (10)
Community Health Commission	HHCS (10)
Homeless Commission	HHCS (10)
Homeless Services Panel of Experts	HHCS(10)
Housing Advisory Commission	HHCS (10)
Human Welfare & Community Action Commission	HHCS (10)
Measure O Bond Oversight Committee	HHCS (10)
Mental Health Commission	HHCS (10)
Sugar-Sweetened Beverage Product Panel of Experts	HHCS (10)
Disaster and Fire Safety Commission	Fire (1)
Commission on Disability	Public Works (5)
Public Works Commission	Public Works (5)
Traffic Circle Task Force	Public Works (5)
Transportation Commission	Public Works (5)

Zero Waste Commission	Public Works (5)
Fair Campaign Practices Commission/Open Government Commission	City Attorney (1)
Personnel Board	Human Resources (1)
Police Review Commission	Police Review Commission Staff
Board of Library Trustees	Library (1)

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

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

*Policy Committee Structure Expands Opportunities for Public Input*

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

**Department and Policy Committee alignment**

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



**Staffing Costs**

Based upon preliminary calculations of staff titles and salary classifications, the average commission staff secretary makes roughly \$60-\$65/hour. Based upon recent interviews with secretaries and department heads, individual commission secretaries work anywhere from 8-80 hours a month staffing and preparing for commission meetings. To illustrate this example, a few examples are listed below.

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

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

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

**Productivity Losses and Administrative Burden**

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

impacted her ability to conduct homeless outreach. The Joint Subcommittee on the Interpretation of State Housing Laws is another example. Planners dedicate 50 hours a month to that commission. Meanwhile, this commission has limited ability in affecting state law and the City Attorney's office is responsible for interpreting state law. While this commission does important work on other issues, there is little nexus in interpreting state housing laws and could be disbanded and consolidated with an existing commission. If this commission were disbanded, the current planner could dedicate significant hours to Council's top priorities in Planning.

### **RATIONALE FOR RECOMMENDATION**

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

### **FISCAL IMPACTS**

Significant savings associated with reduced staffing.

### **CONTACT**

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**SOPHIE HAHN**

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## **SUPPLEMENTAL AGENDA MATERIAL**

### **Agenda & Rules Committee**

**Meeting Date:** February 22, 2021

**Item Number:** 12

**Item Description:** Draft Supplemental Materials for Item on Commission Reorganization

**Submitted by:** Councilmember Sophie Hahn

These draft materials are proposed for discussion purposes only.

This sketch is provided for discussion purposes. There is a lot of overlap between Droste and Hahn proposals from the last meeting where the Agenda Committee considered review of Commissions. This draft sketches a possible path forward that attempts to integrate suggestions from both proposals, as well as comments from other committee members and the public. It could result in 13 fewer Commissions, and would help address concerns of some of the most impacted City departments.

The following is provided for discussion purposes:

**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 possibly 18 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

**Suggested Commissions to Combine/Merge if Feasible**

- Homeless Commission & Measure P Panel of Experts (-1)
- HAC & Measure O Oversight Committee (-1)
- Fair Campaign Practices & Open Government (-1)
- Public Works & Transportation (-1)
- Energy, Zero Waste & CEAC (-2)
  - Create global *Commission on Climate and the Environment*
  - Cover all topics from COB Climate Action Plan + Elements of Resilience Plan
  - Include animals/insects/habitat/food
  - Include water/drought, sea level rise, etc.
  - Any and all other Climate and Environmental topics
  - Create standing committees for Zero Waste, Toxics (CEAC) and other topics being folded in, as well as for other key topics
- Consolidated/Expanded "Community Health Commission" (-1)
  - CHC

- SSBPE (Sugary Sweetened)
- Health-related elements of CEAC (lead, etc.)
- Broaden/revise to include a universal health-related focus
  
- Consolidated/Expanded “Civil Rights” or “Equity & Human Welfare” Commission (-1)
  - Aging
  - Equity
  - Anti-Poverty, including elements from Homeless Commission
  - Intersectionality
  - Will conduct HWCAC’s state and federal mandate - consolidate as much grant-making review and recommendations as possible in this Commission
  - Broaden/revise to include a universal equity and poverty/income-inequality focus

**Suggest to Retire**

- Cannabis (-1)
  - Reassign remaining functions (permit review, planning) to ZAB & PC; health considerations to CHC
- JSISSL (-1)
- Traffic Circle Task Force (-1)
- Animal Care (-1)
  - Fold climate-related animal issues into Climate & Environmental Action
- Youth (?) (-1)
  - Engage with BHS, Middle Schools, BCC, Y-Teen Center, etc. to create more meaningful programs and opportunities for young adults to participate in COB/Government

**Suggest to Create new Commission**

- Commission on a Just, Sustainable and Locally Based Economy (+1, -1 = No change)
  - Bring Loan Admin Board into/under this Commission

**Suggest to Keep as Stand-Alone, but revise/update Charters as needed**

- Status of Women
- Civic Arts
- Disability
- Peace & Justice
- Disaster & Fire
  - (Rework/Expand as “Disaster, Fire & Resilience” Commission, to include relevant topics from [COB Resilience Plan](#))
- Labor
- Mental Health
- Police Accountability
- Landmarks Preservation Commission

- Planning
- ZAB + Design Review
  - Look at procedural ways to shorten time projects spend at DR & ZAB combined
- Personnel
  
- Children, Youth and Rec
  - Consider expanding to include a youth participation element - hold quarterly youth “listening sessions”?
- Parks & Waterfront
- Reimagining Public Safety Task Force (Sunsets in 2022 but could be extended)
- All BIDs
- BOLT (Board of Library Trustees - not overseen by City Staff)

**Additional Thoughts/Considerations**

- Suggest requiring review of Commissions every 10/15 years, possibly done by a joint Council & Community panel - need to think about a process and timeline
- Need to decide process for making initial feasibility review and “sketch” of combined/revised charters for proposed mergers
- Need to decide criteria and process for review and potential revision of charters of continuing Commissions



Lori Droste  
Vice Mayor, District 8

February 1, 2021

**To:** Agenda and Rules Committee  
**From:** Vice Mayor Lori Droste  
**Subject:** Supplemental Item for Commission Reorganization in Light of COVID-19

This item is in response to Councilmember Hahn’s request that the Agenda and Rules committee provide specific recommendations on how to proceed with commission reorganization in light of COVID-19. The original legislation recommended to *“refer to the City Manager and every policy committee to agendize at the next meeting available to discuss commissions that are in their purview and make recommendations to the full Council on how to reorganize and address the various policy areas. Commission members should be notified and chairs should be invited to participate. Policy committee members are encouraged to consider the renaming of some commissions in order to ensure that all policy areas are addressed.”*

After consultation with many staff members and commissioners, an initial draft of recommendations are listed below to advise and align with Council’s policy committees.

To be clear, there is no proposal to eliminate the participation of commissions in Berkeley. Many commissions cover the same content area and this proposal is to ensure that commissions are heard in an effective manner and their charges aren’t redundant.

## **Public Safety**

1. Disaster and Fire Safety Commission
2. Police Accountability Board
3. Reimagining Public Safety Task Force (NICJR contract ends on June 30, 2022)

## **Facilities, Infrastructure, Transportation and the Environment**

1. Environmental Commission--combines CEAC, Zero Waste and Energy
2. Parks, Recreation and Waterfront--combines Children, Youth and Recreation with Parks and Waterfront--Marina subcommittee
3. Public Works and Transportation (combine the two? Ensure this commission can address concerns around traffic circles)

X sunset the Traffic Circle Task Force

## **Land Use and Economic Development**

1. Labor and Economic Development (combines Labor, Loan Administration Board and BID boards. Alternatively, BIDs can transition to boards so they don't have to be staffed. Legal question around BIDS...)
2. Housing Advisory and Measure O oversight (combines two commissions dealing with housing. Can we combine HAC and Measure O because the latter was a ballot initiative?)
3. figure out how to combine Design Review and Landmarks with qualified individuals
4. figure out with Planning staff how to best deal with Planning and ZAB given workloads

Civic Arts Commission (charter)--would civic arts better advise land use committee?

X sunset the Cannabis Commission

X sunset Joint Subcommittee on the Implementation of State Laws

## **Health, Life, and Equity**

1. Civil Rights Commission with a focused on intersectionality with non-staffed subcommittees (two appointees per councilmember, with youth mandate)
  - a. (will conduct HWCAC's state and federal mandate)
2. Community Health Commission and SSB Oversight--(Can we combine Health and SSB because the latter was a ballot initiative)?
3. Homeless Panel of Experts (folds in Homeless Commission--can we combine Homeless Panel of Experts and Homeless Commission because the former was a ballot initiative?)
4. Mental Health Commission (state/federal mandate)

X sunset Animal Care Commission



### **Agenda and Rules**

1. Fair Campaign Practices/Open Government Commission (ballot initiative)
2. Personnel Board (charter)
3. BOLT--(doesn't generally advise policy committees)

### **Budget and Finance**

Referrals must have budgetary impact and be referred to budget and finance.

# Conversation on Commissions

The following are preliminary thoughts to contribute to a discussion.  
This is not a “proposal.”

Conversation Points reflect a quick review of Commission charters/purposes/enabling legislation and not a deep dive into the work of each Commission.

# Framework

- Commissions play important role for community to have a voice
- Democracy is facing a crisis of confidence. Meaningful community participation promotes confidence, along with transparency and respect
- Commissions should be organized and supported to contribute meaningfully to Berkeley's wellbeing and to Council policy formation and review
- Commissions that are well organized/do meaningful work will always be a good use of time for Commissioners and Secretaries/Staff
- Good to periodically review the organization of our Commissions and their "charters" (charges, purposes, enabling legislation, etc.) to optimize for the Community, City and Commissioners, as well as for staff who support Commissions.

# Suggestion:

Consider baking-in a process for Council to review Commissions every 10 years to ensure Commissions and their charters remain vital and responsive to the community.

# Possible ways to Strengthen Commissions

(reflects input at last meeting)

- Strengthen/update charters
- Combine similar Commissions and expand/update a consolidated charter
- Increase # of people on a merged Commission (9/18)
- Create Standing Subcommittees so that important areas of emphasis are retained, and/or add Standing Subcommittees for other areas of emphasis.
- Consider requiring certain lived experience or qualifications for service on some commissions
- Consider adding non-voting members and/or official delegates from one Commission to another.
- Consider training for chairs and vice chairs

# Conversation points organized as follows:

- **SUGGESTED ADDS**
- **SUGGEST KEEPING AS STAND-ALONE + REVIEW & UPDATE CHARTERS**
- **CONSIDER TO MERGE/REWORK**

*Did not start with any numerical goals in mind. At end, counted up and it's 24.5+*

# SUGGESTED ADD (1)

**Commission on a Sustainable  
Locally-Based Economy**

# SUGGEST KEEPING AS IS + REVIEW & UPDATE CHARTER (16+ total)

- BIDS
- Status of Women
- Peace & Justice
- Disability
- Disaster & Fire (Resilience)
- Labor
- Mental Health
- Personnel
- ZAB
- Civic Arts
- Loan Admin Board
- PRC/Police Accountability Board
- CYRC – Children Youth and Recreation
- Parks & Waterfront
- Landmarks (LPC)
- Planning



# CONSIDER TO MERGE/REWORK (2)

- Create a “universal” HEALTH-focused commission (possibly still named Community Health Commission) and fold in
  - Sugar Sweetened Bev Panel of Experts
  - Health Considerations of CEAC
  - Broaden scope/lens on health
- Create a universal EQUITY & HUMAN WELFARE-focused commission (possibly named Commission on Equity & Human Welfare) and fold in
  - Aging
  - Homeless
  - Broaden scope/lens on EQUITY and ANTI- POVERTY
  - Consolidate more/all Community Grants Review into one Commission

# CONSIDER TO MERGE/REWORK (1)

Create global **Climate and Environmental Action** Commission focused on all elements of COB Climate Action Plan and other environmental and climate issues, and fold in:

- Energy
- Zero Waste
- Some elements of CEAC
- Animal Care (expanded - urban habitat, bees, birds, meat, etc.)
- Consider sending official non-voting delegates to Disaster & Emergency (Resilience) and Public Works/Transportation
- Consider doubling size of Commission and creating Standing Subcommittees

# CONSIDER TO MERGE/REWORK (1)

- Public Works + Transportation
  - Includes hardscape and funding elements of Transportation; environmental considerations at Climate & Environmental Action Commission + Delegate to bridge the two
  - Double size of PW/Transportation and manage with Standing Subcommittees?

# CONSIDER TO MERGE/REWORK (3)

- Measure P Panel of Experts + Homeless Commission
- Measure O Oversight + Housing Advisory Commission (HAC)
- FCPC – Fair Campaign Practices + Open Government (OGC)

# CONSIDER TO MERGE/REWORK (.5)

## Rework:

- Design Review – Maintain a separate Board of design experts, as currently configured, but have DRC and ZAB meeting simultaneously on major projects subject to Design Review
- Cannabis – Fold permitting elements into ZAB or Planning, and planning elements into Planning, and close out elements that are no longer relevant – major work of legalization is done. Require Mayor to establish a task force if major State, Local or Federal changes in view

# CONSIDER TO MERGE/REWORK

## Rework:

- Youth Commission
  - Consider adding a youth representative to every commission, appointed by Council, non-voting
  - Consider creating more direct and meaningful opportunities for participation in Government for High School aged youth (and possibly for BCC and CAL Students as well).
  - Consider creating a formal internship program for students to shadow CMs/Mayor/City Manager/City Attorney/City Auditor and Department heads, as well as other City Staff, and to do projects/internships with them.



Lori Droste  
Councilmember, District 8

**ACTION CALENDAR**  
June 30, 2020

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

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

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

**RECOMMENDATION**

- 1) Reorganize existing commissions with the goal of achieving 20 total commissions.
- 2) Reorganize existing commissions within various departments to ensure that no single department is responsible for more than five commissions.
- 3) Reorganize commissions within the Public Works Department to ensure Public Works oversees no more than three commissions.
- 4) Refer to the City Manager and every policy committee to agendaize at the next meeting available to discuss commissions that are in their purview and make recommendations to the full Council on how to reorganize and address the various policy areas. Commission members should be notified and chairs should be invited to participate. Policy committee members are encouraged to consider the renaming of some commissions in order to ensure that all policy areas are addressed.

## **PROBLEM/SUMMARY STATEMENT**

Demand for city workers staffing commissions is larger than the City's ability to supply it at an acceptable financial and public health cost. Thirty-seven commissions require valuable city staff time and funding that could be better spent providing essential services. The COVID-19 pandemic has impacted the City of Berkeley in a myriad of ways, resulting in enormous once-in-a-lifetime socioeconomic and public health impacts. While the City Manager and department heads are addressing how to best prepare and protect our residents, particularly our most vulnerable, they are also required to oversee an inordinate amount of commissions for a medium-sized city at a significant cost.

The City of Berkeley faces many challenges, including the COVID-19 pandemic and its resultant budget and staffing impacts. Prior to the onset of COVID-19, the City Council and staff spent significant Council time on items originating with the City's advisory commissions. As the Shelter in Place is gradually lifted, critical city staff will resume staffing these 37 commissions. As a result, too much valuable staff time will continue to be spent on supporting an excessive amount of commissions in Berkeley rather than addressing the basic needs of the City.

## **BACKGROUND**

### **Review of Existing Plans, Programs, Policies, and Laws**

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

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

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



12. Police Review Commission (ballot measure)
13. Sugar-Sweetened Beverages (ballot measure)

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

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

Comparable Bay Area City	Population (est.)	Number of Commissions	Links
Berkeley	121,000	37	<a href="https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/External%20Roster.pdf">https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3 - Commissions/External%20Roster.pdf</a>
Antioch	112,000	6	<a href="https://www.antiochca.gov/government/boards-commissions/">https://www.antiochca.gov/government/boards-commissions/</a>
Concord	130,000	14	<a href="https://www.cityofconcord.org/264/Applications-for-Boards-Committees-Comm">https://www.cityofconcord.org/264/Applications-for-Boards-Committees-Comm</a>
Daly City	107,000	7	<a href="http://www.dalycity.org/City_Hall/Departments/city_clerk/Commissions_Information/boards.htm">http://www.dalycity.org/City_Hall/Departments/city_clerk/Commissions_Information/boards.htm</a>
Fairfield	117,000	7	<a href="https://www.fairfield.ca.gov/gov/comms/default.asp">https://www.fairfield.ca.gov/gov/comms/default.asp</a>
Fremont	238,000	15	<a href="https://www.fremont.gov/76/Boards-Commissions-Committees">https://www.fremont.gov/76/Boards-Commissions-Committees</a>
Hayward	160,000	12	<a href="https://www.hayward-ca.gov/your-government/boards-commissions">https://www.hayward-ca.gov/your-government/boards-commissions</a>
Richmond	110,000	29	<a href="https://www.ci.richmond.ca.us/256/Boards-and-Commissions">https://www.ci.richmond.ca.us/256/Boards-and-Commissions</a>
San Mateo	105,000	7	<a href="https://www.cityofsanmateo.org/60/Commissions-Boards">https://www.cityofsanmateo.org/60/Commissions-Boards</a>

Sunnyvale	153,000	10	<a href="https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804">https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804</a>
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### Consultation and Outreach

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

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Fair Campaign Practices Commission/Open Government Commission	City Attorney (1)
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Police Review Commission	Police (1)
Board of Library Trustees	Library (1)

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

With the recent addition of policy committees, proposed legislation is now vetted by councilmembers in these forums. Each policy committee is focused on a particular

content area aligned with the City of Berkeley's strategic plan and is staffed and an advisory policy body to certain city departments. Members of the public are able to provide input at these committees as well. The policy committees currently have the following department alignment:

### **Department and Policy Committee alignment**

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

### **CRITERIA CONSIDERED**

#### **Effectiveness**

*How does this proposal maximize public interest?* For this analysis, the effectiveness criterion includes analysis of the *benefits* to the entire community equitably with specific emphasis on public health, racial justice and safety.

#### **Fiscal Impacts/Staffing Costs**

*What are the costs?* The fiscal impact of the proposed recommendation and various alternatives considered includes direct costs of commissions.

#### **Administrative Burden/Productivity Loss**

*What are the operational requirements or productivity gains or losses from this proposal?*

The administrative burden criterion guides the analysis in considering operational considerations and productivity gains and losses. While operational considerations and tradeoffs are difficult to quantify in dollar amounts, productivity losses were considered in its absence.

#### **Environmental Sustainability**

The environmental sustainability criterion guides legislation in order to avoid depletion or degradation of the natural resources and allow for long-term environmental quality.

## **ALTERNATIVES**

### **Alternative #1–The Current Situation**

The current situation is the status quo. The City of Berkeley would retain all commissions and no changes would be made.

### **Alternative #2–Collaborative Approach with Quantity Parameters**

This approach would specify a specific number (20) of commissions the City of Berkeley should manage and set parameters around individual department responsibilities. Furthermore, it requires a collaborative approach and outreach to address specific policy areas by referring it to the Council policy committees for further analysis and specific recommendations.

### **Alternative #3–Committee Alignment, Mandated and Quasi-Judicial Commissions**

This alternative would consist of five commissions aligned directly with the policy committees in addition to quasi-judicial bodies and ones required by charter, ballot measure or law.

- *Budget and Finance Commission*
- *Facilities, Infrastructure, Transportation, Environment and Sustainability Commission (state/federal mandate--CUPA)*
- *Health, Equity, and Life Enrichment*
- *Land Use and Economic Development*
- *Public Safety*
- Board of Library Trustees (charter)
- Civic Arts Commission (charter)
- Community Environmental Advisory Commission (state/federal mandate--CUPA)
- Fair Campaign Practices Commission/Open Government (ballot measure)
- Homeless Services Panel of Experts (ballot measure)
- Housing Advisory Commission (state/federal mandate)
- Human Welfare and Community Action (state/federal mandate)
- Landmarks Commission (quasi-judicial)
- Measure O Bond Oversight Committee (ballot measure)
- Mental Health Commission (state/federal mandate)
- Planning (quasi-judicial)
- Personnel (charter)
- Police Review Commission (ballot measure)
- Sugar-Sweetened Beverages (ballot measure)
- Zoning Adjustments Board (quasi-judicial)

#### **Alternative #4: Extreme Consolidation**

This alternative represents a prescriptive approach with maximum consolidation in content area and mandated commissions, absent charter amendments.

- Board of Library Trustees (charter)
- Business Improvement District (state/federal mandate)
- Civic Arts Commission (charter)
- Community Environmental Advisory Commission/Energy/Zero Waste (state/federal--CUPA)
- Fair Campaign Practices Commission/Open Government (ballot measure)
- Homeless Services Panel of Experts (ballot measure)
- Human Welfare and Community Action (state/federal mandate)
- Measure O Bond Oversight Committee (ballot measure)/Housing Advisory Commission (state/federal mandate)
- Mental Health Commission (state/federal mandate)
- Personnel (charter)
- Planning Commission (quasi-judicial and appeals)
- Board of Appeals (land use appeals)
- Police Review Commission (ballot measure)
- Health and Sugar-Sweetened Beverages (ballot measure)

#### **PROJECTED OUTCOMES (CRITERIA X ALTERNATIVES)**

	<b>Current Situation</b>	<b>Collaborative Approach</b>	<b>Policy Committee Alignment</b>	<b>Extreme Consolidation</b>
<b>Benefit/ Effectiveness</b>	medium	high	medium	low
<b>Cost</b>	high	medium	low	low
<b>Administrative Burden</b>	high	low	low	medium
<b>Relative Environmental Benefit</b>	low	medium	medium	high

#### **Current Situation and Its Effects (Alternative #1)**

##### *Effectiveness of the Current Situation*

Commissions serve a vital role in the City of Berkeley's rich process of resident engagement. An analysis of agendas over the past several years shows that the

commissions have created policy that have benefited the community in meaningful and important ways. In 2019, approximately two-thirds of commission items submitted to Council passed. From 2016-2019, an average of 39 items were submitted by commissions to Council for consideration. Every year roughly 15-18 (~40-45%) commissions do not submit any items for Council policy consideration in any given year. The reason for this varies. Some commissions don't submit policy recommendations (BIDs) and some commissions recommendations may not rise to Council level at all or come to Council as a staff recommendation (e.g. ZAB and DRC). Additionally, a few commissions struggle to reach monthly quorum as there are currently 64 vacancies on the various commissions, excluding alternative commissioners.

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

### *Staffing Costs*

Based upon preliminary calculations of staff titles and salary classifications, the average staff secretary makes roughly \$60-\$65/hour. Based upon recent interviews with secretaries and department heads, individual commission secretaries work anywhere from 8-80 hours a month staffing and preparing for commission meetings. To illustrate this example, a few examples are listed below.

Commission	Step 5 Rate of Pay	Reported Hours a Month	Total <b>Direct</b> Cost of Commission <b>per Month</b>
Animal Care	\$70.90	8	\$567.20
Landmarks Preservation Commission	\$57.96	80	\$4,636.80
Design Review Commission	\$52.76	60	\$3,165.60
Peace and Justice	\$60.82	32	\$1946.24

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

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

#### *Productivity Losses and Administrative Burden*

Current productivity losses are stark because of the sheer amount of hours of staffing time dedicated to commissions. As an example, in 2019 one of the City of Berkeley's main homeless outreach workers staffed a commission within the City Manager's department. She spent approximately 32 hours a month working directly on commission work. While this is not a commentary on a particular commission, this work directly impacted her ability to conduct homeless outreach. The Joint Subcommittee on the Interpretation of State Housing Laws is another example. Planners dedicate 50 hours a month to that commission. Meanwhile, this commission has limited ability in affecting state law and the City Attorney's office is responsible for interpreting state law. While this commission does important work on other issues, there is little nexus in interpreting state housing laws and could be disbanded and consolidated with an existing commission. If this commission were disbanded, the current planner could dedicate significant hours to Council's top priorities in Planning. This year's top Council priority is the displacement of Berkeley's residents of color and African Americans (Davila).

#### *Environmental Sustainability*

The current commission structure doesn't have a large impact on the environment but, in relative terms, is the most burdensome because of the potential vehicle miles travelled by hundreds of commissioners (VMT) and printing costs associated with a large number of commissions.



## **ALTERNATIVES CONSIDERED**

### **Effectiveness**

#### *Alternative #2--Collaborative approach*

While the outcome is unknown, a collaborative approach with a specified target quantity of commissions and departmental responsibility would likely yield significant benefit to the community. Due to the projected budget cuts, city staff will need to have more bandwidth to deliver baseline services and priority projects. Civic engagement will still be retained due to a myriad of ways to provide public input but more importantly, current commissioners and civic partners are invited to provide feedback to the policy committees for consideration. Additionally, this approach is a less prescriptive approach which allows Council to acknowledge that the current number of commissions is unsustainable and impacts baseline services. Instead of recommending specific commission cuts at this moment, this approach simply allows Council to state an appropriate number of commissions (20) and acknowledge the severe staffing impacts of the current configuration. Furthermore, twenty commissions is a reasonable starting point, especially when considering that most area cities that are approximately Berkeley's size have seven commissions.

#### *Alternative 3--Policy Committee Alignment*

This approach would yield some benefit in that commissions would reflect current policy committees and would directly advise those bodies. This is beneficial because commissions directly aligned with policy committees would be an independent civic replica of the appointed policy committee bodies. It further retains mandated commissions. However, this prescriptive approach doesn't allow for flexibility in retaining historically important commissions and it does not address the benefit of potentially consolidating two commissions that address the same policy content area. For instance, it may be possible to combine the sugar-sweetened beverage oversight panel with the Health, Life, and Equity commission or the CEAC with the Facilities, Infrastructure, Transportation, Environment and Sustainability.

#### *Alternative 4--Extreme Consolidation--*

This approach is the most drastic alternative and the overall effectiveness is likely low, mainly due to potential community backlash due to Berkeley's long history of civic engagement. Furthermore, the Planning Commission would likely become overburdened and less effective because land use appeals would have to be routed through the Planning Commission.

## **Costs/Fiscal Impact**

### *Alternative 2--Collaborative Approach*

The fiscal impact of the Collaborative Approach is unknown at this time because this recommendation does not prescribe specific commission consolidations or cuts. However, if commissions are reorganized such that Berkeley will have 20 instead of 38, there will be significant direct cost savings. One can reasonably assume that the direct financial cost could reduce to almost half the current amount.

### *Alternative 3--Policy Committee Alignment*

The fiscal impact of Policy Committee Alignment would yield significant savings due to commission consolidation. One can reasonably assume that the direct financial cost could reduce to more than half the current amount.

### *Alternative 4--Extreme Consolidation*

Extreme Consolidation would yield the most savings due to commission consolidation. One can reasonably assume that the direct financial cost would reduce to 25%-30% of the current amount spent on commission work.

## **Productivity**

### *Alternative 2--Collaborative Approach*

The most glaring impact on the current commission structure is administrative impacts and productivity. Whether City Council consolidates commissions or not, attributable salary costs will still exist. The primary benefit of pursuing the Collaborative Approach would center on productivity. The City of Berkeley is likely to garner significant productivity gains by specifying a target number of commissions overall and within departments. Using the Peace and Justice and Joint Subcommittee on the Interpretation of State Housing Laws examples above, more staff will be able to focus on core services and priority programs. Thousands of hours may be regained by dedicated staff to tackle the tough issues our community faces, especially in light of COVID-19 and concerns around racial equity.

### *Alternative 3--Policy Committee Alignment*

This alternative likely will yield the same productivity benefits as the collaborative approach, if not more. The City of Berkeley would likely garner significant productivity gains by specifying less than twenty commissions. Thousands of hours may be regained by dedicated staff to tackle the tough issues our community faces, especially in light of COVID-19 and concerns around racial equity.

#### *Alternative 4–Extreme Consolidation*

This alternative would likely provide the most productivity gains and lessen administrative burdens overall. However, there could be unintended consequences of productivity within the planning department absent additional policy changes. For example, the quasi-judicial Zoning Adjustments Board and Planning Commission agendas are packed year round. It is unclear whether eliminating one of these commissions would lessen the administrative burden and increase productivity in the Planning Department or whether those responsibilities would merely shift commissions. At the same time, the Planning Department could benefit from reducing commissions to increase productivity within the planning department.

### **Environmental Sustainability**

#### *Alternative 2–Collaborative approach*

This alternative doesn't have a large impact on the environment other than potential vehicle miles travelled by hundreds of commissioners (VMT) and printing costs. However, these environmental impacts could be cut in half with commission reorganization.

#### *Alternative 3--Policy Committee Alignment*

This alternative doesn't have a large impact on the environment other than potential vehicle miles travelled by hundreds of commissioners (VMT) and printing costs. However, these environmental impacts could be cut in half with commission reorganization.

#### *Alternative 4–Extreme Consolidation*

This alternative would have negligible impacts on the environment other than potential vehicle miles travelled by hundreds of commissioners (VMT) and printing costs.

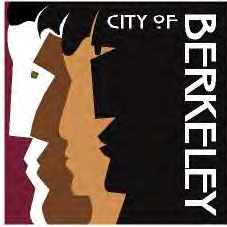
### **RATIONALE FOR RECOMMENDATION**

The Collaborative Approach is the best path forward in order to pursue Berkeley's commitment to

- Create affordable housing and housing support services for our most vulnerable community members
- Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment
- Champion and demonstrate social and racial equity
- Provide an efficient and financially-healthy City government
- Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities
- Foster a dynamic, sustainable, and locally-based economy
- Create a resilient, safe, connected, and prepared City

- Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community
- Attract and retain a talented and diverse City government workforce

The status quo—37 commissions— is too costly and unproductive. At the same time, civic engagement and commission work absolutely deserve an important role in Berkeley. Consequently, this legislation retains commissions but centers on overall community benefit, staff productivity, and associated costs. This is imperative to address, especially in light of COVID-19 and community demands for reinvestment in important social services.



Office of the City Manager

## **SUPPLEMENTAL AGENDA MATERIAL**

**Meeting Date: March 22, 2021**

**Item Number: 2**

**Item Description: Systems Alignment Proposal**

**Submitted by: Dee Williams-Ridley, City Manager**

The attached revised document contains nonsubstantive changes in word choice and framing. These changes were made to increase clarity and describe the impetus behind the proposal.



Office of the City Manager

February 8, 2021

To: Agenda and Rules Committee  
From: Dee Williams-Ridley, City Manager  
Re: **Systems Alignment Proposal**

The purpose of this memorandum is to propose a process to integrate various systems (e.g, budget, Strategic Plan, prioritization of referrals, etc.) to ensure that resources are appropriately allocated, to focus the organization and employees on those priorities established by the City Council and City Manager, and to enhance legislative and budget processes. Ultimately, aligning systems will help ensure our community's values as reflected in the policies of our City Council are implemented completely and efficiently, with increased fiscal prudence, while supporting more meaningful service delivery. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve vetting and costing of new projects and legislative initiatives to ensure success. In addition, the purpose of this proposal will align our work with the budget process.

### **EXECUTIVE SUMMARY**

The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. These changes support a clear and full realizing of City Council policies, programs, and vision. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
- Ensuring that Major Items that are adopted by City Council are vetted and clearly identify the resources needed for implementation,
- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.

## **PROPOSED PROCESS**

The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of “type” or origin will be subject to this process.

### **Step 1: Major Item Determination**

The systems alignment proposal outlines a process for Major Items, defined as meeting one or more of the below conditions:

- Item cannot be operationalized over time with existing resources.
- Item displaces an existing prioritized item.
- Item is not implementable with existing resources.
- Item is unable to sustain enforcement activities.
- Item is subject to legal challenge and/or pre-emption.
- Item requires additional or new full time equivalent (FTE) staff on either a temporary or permanent basis.
- Item requires additional or new infrastructure or technology costs.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item. At any time in the process, if evidence demonstrates that the initial determination of the proposal as a Major Item proves incorrect, then it is no longer subject to this process.

Special exemptions from this process, due to exigent circumstances, will allow a Major Item to be considered on its own schedule and not subject to the required steps and deadlines in this proposed process. Consideration of exempted Major Items must include trade off considerations to address impacts and/or delays to work already approved and/or underway. Exemptions may be granted for the following:

- grant deadline requirements
- public safety issues
- declared local emergencies

A Major Item must be submitted in time to appear on an agenda of the Agenda & Rules Committee meeting occurring no later than April 30 of every year. Any item submitted after that deadline, that does not meet an exemption, will be continued to the following year’s legislative process.

Major Items will be referred by the Agenda & Rules committee on a rolling basis. Major Items can move through the process on their own schedule provided that they meet the “no later than” deadlines.

### **Step 2: Policy Committee Review**

A Major Item, once introduced, will be referred to one of City Council’s Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.) by the Agenda and Rules Committee, for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the [Council Rules of Procedure and Order](#), Section III, Subsection 4, the Policy Committee will review for completeness and alignment with

Strategic Plan goals to ensure the Major Item report adequately includes budget implications, administrative feasibility, basic legal concerns, and staff resource demands. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

If the Major Item receives a negative or qualified negative recommendation, then it will be returned to the Agenda and Rules Committee to be placed on a City Council Agenda. When heard at a City Council meeting, the author can advocate for the Major Item to be sent to an Implementation Conference. If the Major Item does not receive a vote by the majority of City Council at this step, it becomes inactive for that year's legislative calendar but may be reintroduced for the next year's calendar.

City Council Policy Committees must complete review of all Major Items assigned to them no later than July 31 of each year.

### **Step 3: Implementation Conference (Vetting and Costing)**

At an Implementation Conference, the primary author will meet with the City Manager or designee, City Manager-selected staff subject matter experts, and where appropriate, the City Attorney or designee. The intended outcome of an Implementation Conference is a strong analysis containing all of the considerations and resources necessary to support implementation should Council choose to approve the Major Item. The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager and staff to better define the Major Item and identify more detailed fiscal and operational impacts, such as:

- Are there staff in-house with the appropriate skill set?
- Can this be absorbed by existing staff, staff time, and workload? If not, what is the estimated additional staffing need (e.g., percent FTE, average fully loaded cost for requisite classification, etc.)?
- Are the costs (staff and any other) one-time or ongoing?
- What is the tradeoff? Would the project/item(s) being "traded off" be delayed? If so, how long?
- Operationally, what services would be impacted? How?
- What are the short term impacts on services and/or staff?
- What are the longer term or domino effect impacts on services and/or staff?
- What are the benefits to the organization (e.g., products, services, and/or staff efficiencies)?
- What innovation, improvements, or response to current/new events does it offer/provide?
- Does it align to the Strategic Plan (i.e., reflect deeply held community values)?
- What legal issues or risks are raised by the Major Item and Options to Mitigate?
- What risk management issues are raised by the Major Item and Options to Mitigate?

The information discussed during the Implementation Conference will be summarized in the Council Report as part of a new fiscal impacts section, revised to be more robust as a fiscal and operational impacts section.



After the Major Item's author revises the original Council Report, including fiscal and operational impacts, based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process.

Implementation Conferences must be completed no later than August 31 of each year.

#### **Step 4: Initial Prioritization**

By July 31 of each year, the City Council Policy Committees will make a recommendation to Council on prioritization of the Major Items they have reviewed. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and strategic plan process.

#### **Step 5: City Council Approval and Final Prioritization**

Under this proposal, all Major Items that the City Council considers for approved prioritization must have (1) received a City Council Policy Committee review and recommendation, (2) received a City Council Policy Committee prioritization, (3) completed the Implementation Conference, and (4) been placed on the Agenda at a Council meeting in October for approval and prioritization. The full City Council will make four determinations: (1) whether to approve each Major Item, (2) overall prioritization of the item, (3) assignment of fiscal year for each Major Item, and (4) identification of projects or items to remove from existing workload to accommodate new Major Items.

If a Major Item does not receive the endorsement of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its review, approval, and prioritization process no later than November 30 of each year.

#### **Step 6: Budget & Strategic Plan Process**

During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Item priorities, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain bi-annual. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

The proposed process is depicted in Figure 1.

**Figure 1**

<b>Agenda &amp; Rules Committee</b>	Is this a Major Item?	Yes	No. Place on full Council Agenda.
<b>Policy Committee</b>	Positive recommendation?	Yes	
<b>Implementation Conf. Vetting and Costing</b>	Completed Fiscal & Operational impacts?	Yes	No. Continue vetting or withdraw.
<b>Policy Committee Initial Prioritization</b>	Received initial prioritization recommendation?	Yes	No. Becomes inactive for year.
<b>Full Council</b>	Majority approve and prioritize?	Yes	
<b>Budget &amp; Strategic Plan Process</b>	Major Items incorporated into Budget and Strategic Plan.		

**Next Steps**

Staff is in the process of reviewing existing referrals and projects for incorporation as Strategic Plan projects in the proposed budget based on staffing and resources (see Attachment 1). City Council may wish to review this backlog of work and consider whether any items should be deferred or cancelled, given the events of 2020, budgetary constraints, and the need to fit the work of the organization to its capacity and current Council priorities. The immediate next steps depend on the timing of systems alignment adoption. The key decision points will be

- What happens with adopted, open referrals?
- What do we do with those items Council has under consideration?

This could result in submitting open items and items under consideration to implementation conference or perhaps directly to prioritization, depending on timing and the existing budget and legislative cycles.

**Benefits**

The addition of an Implementation Conference will ensure that Major Items considered by Council are properly resourced, improving our City’s responsible management of fiscal resources. Analysis from the Implementation Conference will help Council to balance and consider each Major Item within the context of related programs and potential impacts (positive and negative). When considered holistically, new policy implementation can be supportive of existing work and service delivery.

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is

nearing completion when City Council's priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department's work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. The time when staff and City Council are asked to attend City Council Policy Committees and Implementation Conferences is limited to the first half of the calendar year, allowing both staff and City Council to efficiently calendar and plan accordingly. Finally, since implementation only occurs after operational considerations are reported, and funds are allocated, the resulting Major Item should move more quickly from idea to successful completion.

Attachment 1: Disposition of Referrals, Projects and Audits



Office of the City Manager

February 8, 2021

To: Agenda and Rules Committee  
From: Dee Williams-Ridley, City Manager  
Re: **Systems Alignment Proposal**

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### **EXECUTIVE SUMMARY**

The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
- Ensuring that Major Items that are adopted by City Council are vetted and clearly identify the resources needed for implementation,
- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.

## **PROPOSED PROCESS**

The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of “type” or origin will be subject to this process.

### **Step 1: Major Item Determination**

The systems alignment proposal outlines a process for Major Items, defined as meeting one or more of the below conditions:

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- Item is not implementable with existing resources.
- Item is unable to sustain enforcement activities.
- Item is subject to legal challenge and/or pre-emption.
- Item requires additional or new full time equivalent (FTE) staff on either a temporary or permanent basis.
- Item requires additional or new infrastructure or technology costs.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item. At any time in the process, if evidence demonstrates that the initial determination of the proposal as a Major Item proves incorrect, then it is no longer subject to this process.

Special exemptions from this process, due to exigent circumstances, will allow a Major Item to be considered on its own schedule and not subject to the required steps and deadlines in this proposed process. Consideration of exempted Major Items must include trade off considerations to address impacts and/or delays to work already approved and/or underway. Exemptions may be granted for the following:

- grant deadline requirements
- public safety issues
- declared local emergencies

A Major Item must be submitted in time to appear on an agenda of the Agenda & Rules Committee meeting occurring no later than April 30 of every year. Any item submitted after that deadline, that does not meet an exemption, will be continued to the following year’s legislative process.

Major Items will be referred by the Agenda & Rules committee on a rolling basis. Major Items can move through the process on their own schedule provided that they meet the “no later than” deadlines.

### **Step 2: Policy Committee Review**

A Major Item, once introduced, will be referred to one of City Council’s Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.) by the Agenda and Rules Committee, for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the [Council Rules of Procedure and Order](#), Section III, Subsection 4, the Policy Committee will review for completeness and alignment with

Strategic Plan goals to ensure the Major Item report adequately includes budget implications, administrative feasibility, basic legal concerns, and staff resource demands. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

If the Major Item receives a negative or qualified negative recommendation, then it will be returned to the Agenda and Rules Committee to be placed on a City Council Agenda. When heard at a City Council meeting, the author can advocate for the Major Item to be sent to an Implementation Conference. If the Major Item does not receive a vote by the majority of City Council at this step, it becomes inactive for that year's legislative calendar but may be reintroduced for the next year's calendar.

City Council Policy Committees must complete review of all Major Items assigned to them no later than July 31 of each year.

### **Step 3: Implementation Conference (Vetting and Costing)**

At an Implementation Conference, the primary author will meet with the City Manager or designee, City Manager-selected staff subject matter experts, and where appropriate, the City Attorney or designee. The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager and staff to better define the Major Item and identify more detailed fiscal and operational impacts, such as:

- Are there staff in-house with the appropriate skill set?
- Can this be absorbed by existing staff, staff time, and workload? If not, what is the estimated additional staffing need (e.g., percent FTE, average fully loaded cost for requisite classification, etc.)?
- Are the costs (staff and any other) one-time or ongoing?
- What is the tradeoff? Would the project/item(s) being "traded off" be delayed? If so, how long?
- Operationally, what services would be impacted? How?
- What are the short term impacts on services and/or staff?
- What are the longer term or domino effect impacts on services and/or staff?
- What are the benefits to the organization (e.g., products, services, and/or staff efficiencies)?
- What legal issues or risks are raised by the Major Item and Options to Mitigate?
- What risk management issues are raised by the Major Item and Options to Mitigate?

The information discussed during the Implementation Conference will be summarized in the Council Report as part of a new fiscal impacts section, revised to be more robust as a fiscal and operational impacts section.

After the Major Item's author revises the original Council Report, including fiscal and operational impacts, based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process.

Implementation Conferences must be completed no later than August 31 of each year.

#### **Step 4: Initial Prioritization**

By July 31 of each year, the City Council Policy Committees will make a recommendation to Council on prioritization of the Major Items they have reviewed. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and strategic plan process.

#### **Step 5: City Council Approval and Final Prioritization**

Under this proposal, all Major Items that the City Council considers for approved prioritization must have (1) received a City Council Policy Committee review and recommendation, (2) received a City Council Policy Committee prioritization, (3) completed the Implementation Conference, and (4) been placed on the Agenda at a Council meeting in October for approval and prioritization. The full City Council will make four determinations: (1) whether to approve each Major Item, (2) overall prioritization of the item, (3) assignment of fiscal year for each Major Item, and (4) identification of projects or items to remove from existing workload to accommodate new Major Items.

If a Major Item does not receive the endorsement of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its review, approval, and prioritization process no later than November 30 of each year.

#### ***Step 6: Budget & Strategic Plan Process***

During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Item priorities, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain bi-annual. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

The proposed process is depicted in Figure 1 below.

**Figure 1**

<b>Agenda &amp; Rules Committee</b>	Is this a Major Item?	Yes	No. Place on full Council Agenda.
<b>Policy Committee</b>	Positive recommendation?	Yes	
<b>Implementation Conf. Vetting and Costing</b>	Completed Fiscal & Operational impacts?	Yes	No. Continue vetting or withdraw.
<b>Policy Committee Initial Prioritization</b>	Received initial prioritization recommendation?	Yes	No. Becomes inactive for year.
<b>Full Council</b>	Majority approve and prioritize?	Yes	
<b>Budget &amp; Strategic Plan Process</b>	Major Items incorporated into Budget and Strategic Plan.		

**Next Steps**

Staff is in the process of reviewing existing referrals and projects for incorporation as Strategic Plan projects in the proposed budget based on staffing and resources (see Attachment 1). City Council may wish to review this backlog of work and consider whether any items should be deferred or cancelled, given the events of 2020, budgetary constraints, and the need to fit the work of the organization to its capacity and current Council priorities. The immediate next steps depend on the timing of systems alignment adoption. The key decision points will be

- What happens with adopted, open referrals?
- What do we do with those items Council has under consideration?

This could result in submitting open items and items under consideration to implementation conference or perhaps directly to prioritization, depending on timing and the existing budget and legislative cycles.

**Benefits**

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is nearing completion when City Council’s priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department’s work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their



projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. The time when staff and City Council are asked to attend City Council Policy Committees and Implementation Conferences is limited to the first half of the calendar year, allowing both staff and City Council to efficiently calendar and plan accordingly. Finally, since implementation only occurs after operational considerations are reported, and funds are allocated, the resulting Major Item should move more quickly from idea to successful completion.

Attachment 1: Disposition of Referrals, Projects and Audits



Office of the City Manager

January 28, 2021

To: Budget and Finance Policy Committee  
From: Dee Williams-Ridley, City Manager  
Submitted by: Melissa McDonough, Senior Management Analyst  
Subject: Disposition of Referrals, Projects, and Audits – No Action Required

Staff is in the process of reviewing existing referrals and projects for incorporation as Strategic Plan projects in the proposed FY 22 budget based on staffing and resources (see Attachment). During this time of pandemic and economic constraint, the existing backlog of approximately 509 items: 249 referrals, 75 open audit recommendations, and 185 Strategic Plan projects will need to be carefully considered, alongside other important current work such as:

- Administering the COVID-19 vaccine,
- Implementing recently approved ballot measures,
- Reimagining public safety,
- Measure T1 implementation,
- Vision 2050,
- Addressing homelessness,
- Upcoming labor negotiations, and
- Continuing to address COVID-19 impacts on public health, people's housing stability and livelihood, as well as the local economy.

The attached list summarizes the disposition of open referrals, projects, and audit recommendations, including wherever possible, indication of available budget and staffing resources. The Policy Committee may wish to review this backlog of work and consider whether any items should be deferred, or cancelled, given the events of 2020, budgetary constraints, the need to fit the work of the organization to its capacity and current Council priorities, and the age of some items (e.g., the oldest referral dates to a 2011 City Council meeting).

Please see the attached document and contact me with any questions, including requests for more information regarding any particular referral(s), project(s), or audit recommendation(s).

Attachment:

Disposition of Referrals, Projects, and Audits

Disposition of Referrals, Projects and Audits

**Disposition of  
Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
1	Council and Budget Referrals - Demand	Adopt a resolution in support of the Good Food Purchasing Program's core values and join San Francisco, Oakland, Los Angeles and Chicago as one of the first five cities nationwide to become a Good Food Purchasing partner, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices.	Adopt a resolution in support of the Good Food Purchasing Program's core values and join 28 public institutions across 14 U.S. cities, including San Francisco, Oakland, Los Angeles, Chicago, and Washington, D.C. to endorse Good Food Purchasing values, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices.	N/A	Draft	City Manager's Office	N	N	N	N	N	N	N
2	Council and Budget Referrals - Demand	Budget Referral: Youth Listening Campaign & Citywide Master Plan	Amended to include Youth Commission. In support of the 2020 Vision process and as part of the larger commitment of the City of Berkeley to its young people, we are proposing a planning process that centers the voices and needs of young people, their families and the people who support them day-in and day-out. The process would include: 1) A Listening Campaign that would include focus groups, surveys and one-on-one interviews to identify the experiences of, perspectives of, needs of and barriers for young people, ages 13-24, in securing and maintaining safety and well-being, achieving their goals and dreams, and having positive and supportive relationships with adults in their lives, including the schools and programs they participate in; 2) Use the results of the Listening Campaign to organize assemblies of young people, their families and the programs and providers they are connected to in order to collectively reflect on the results and identify potential services, programs, resources and policies that could respond to their needs, reduce barriers and harms and broaden what is available to support young people; and 3) Use the outcomes from the assembly process and Listening Campaign to partner with city staff in creating a Youth Master Plan.	N/A	Draft	City Manager's Office	Y	N	N	Pursuing grant funding for a similar initiative (Prop 64)	N	Y (if grant funding acquired)	Y (if grant funding acquired)

Note: All referrals are entered into the database as a "Demand" draft. If it is a short term referral, it is immediately converted into a "Project". For long term referrals, typically, once work has begun, they are converted from Demands to Projects.

**Disposition of  
Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
3	Council and Budget Referrals - Demand	Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews - Item A	1. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify the following concepts with respect to the declaration of a Local Emergency: a. A Local Emergency can only be declared by the Director of Emergency Services if a regular or special meeting and session of the City Council cannot be called due to physical impossibility of holding a meeting, because a quorum cannot be established, or because the urgency of the Local Emergency is such that waiting 24 hours for the City Council to convene a session and/or Special Meeting would endanger the community; b. Should the Director declare a Local Emergency without action of the City Council (due to one of the reasons stated at (a), above), the City Manager should inform councilmembers immediately and Council ratification of such action should occur at the first possible opportunity, even if it requires calling a Special Meeting and/or session of the Council; and c. The applicable statutory and legal standards (Federal, State and Local) for calling a Local Emergency shall be presented to the City Council when seeking declaration or ratification of a Local Emergency, along with facts to support meeting those standards, so that the City Council, likely acting under rushed and exigent circumstances, is able to make a carefully considered and fact-based determination that declaration of such Local Emergency conforms with the legal standards presented to it.	N/A	Draft	City Manager's Office	N	N	Y	N	N	Y (part of post-COVID work)	N
4	Council and Budget Referrals - Demand	Construct Additional Taxi Stands and Relocate One Stand Within the City	That the Council refer to the City Manager the construction of seven taxi stands in total and the relocation of one stand in the City to improve accessibility for pedestrians, create visibility, and increase profits for taxi drivers. These taxi stands should be constructed at the following sites: Two stands at Hotel Shattuck; Two stands at the Doubletree Hotel; Two stands at Telegraph & Bancroft or Durant & Telegraph; and One stand at Bancroft Hotel. In addition, the Ashby BART taxi stand shall be relocated closer to the station entrance on MLK Jr. Way.	N/A	Draft	City Manager's Office	N	N	N	N	N	N	N
5	Council and Budget Referrals - Demand	Create and Implement Additional Sensitivity Training Options for Taxi Drivers	That the Council refer to the City Manager the creation and implementation of one of the following two additional options for sensitivity trainings to allow for more accessibility for new and continuous taxi drivers. Firstly, an online sensitivity training course should be created and implemented in the City's current taxi checklist. Secondly, there should be a designated sensitivity training site readily accessible within the City.	N/A	Draft	City Manager's Office	N	N	N	N	N	N	N

**Disposition of  
Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
6	Council and Budget Referrals - Demand	Freedom from Domestic Violence as a Human Right Resolution	Adopt the Freedom from Domestic Violence as a Human Right Resolution. City Manager shall prepare a report within the next six (6) months on the policy and practice of City departments on domestic violence, including but not limited to, the Berkeley Police, the Berkeley Fire Department, and Health, Housing & Community Services, with respect to the status of domestic violence and the City's work to overcome domestic violence and support survivors. BE IT FURTHER RESOLVED that City departments shall work to incorporate this Resolution into their work.	N/A	Draft	City Manager's Office	N	N	N	N	N	Y	N
7	Council and Budget Referrals - Demand	Personal Delivery Service Franchise Agreements	Referral to the City Manager's Office to develop a program that would enable the City to consider franchise applications for personal delivery service companies involving personal delivery devices.	N/A	Draft	City Manager's Office	N	N	N	N	N	N	N
8	Council and Budget Referrals - Demand	Referral to City Manager to address the conversion of Not Available To Rent rental units to unregistered short term rentals and unregistered medium term rentals from 15 to 30 days	Referral to City Manager to address the apparent conversion of Not Available To Rent rental units to unregistered Short Term Rentals and unregistered medium term rentals from 15 to 30 days. Refer to Planning Permit Service Center, Code Enforcement, Finance Department, Rent Stabilization Board, and Host Compliance, to comprehensively review whether units that are not available for rent (NAR) are compliant with Rent Board Regulations, and short-term rental (STR) regulations.	N/A	Draft	City Manager's Office	N	Y	Y	N	N	Y	Y
9	Council and Budget Referrals - Demand	Referral to the Community Environmental Advisory Commission: Cigarette Butt Pollution Prevention Program in South Berkeley	Refer to the Community Environmental Commission (CEAC) AND THE CITY MANAGER to consider developing a Cigarette Butt Pollution Prevention Program for South Berkeley. Explore the following items: a) Location. Work with the local business associations, business owners, as well as other neighborhood and community organizations to identify key locations for cigarette butt receptacles. b) Operation. Work with local businesses to develop a system for cleanup and disposal of the contents of the receptacles. c) Cost. Identify any one-time costs associated with the program, including purchasing and installation of the receptacles. Identify any costs that should be set aside for maintenance. There should not be regular ongoing costs. CEAC should work with the businesses and neighborhoods to develop a community-based system to facilitate daily operations.	N/A	Draft	City Manager's Office	Y	N	N	N	N	Y	Y

**Disposition of  
Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
10	Council and Budget Referrals - Demand	Siting the African American Holistic Resource Center and Affordable Housing at 1890 Alcatraz	That the City Council refers to the City Manager to study the feasibility of using the city-owned property located at 1890 Alcatraz Avenue (currently temporary Mental Health Division offices) for the African American Holistic Resource Center (AAHRC) and also developing affordable housing on the site. The City Manager should report back on the costs and implementation steps to repurpose the property for the AAHRC using the AAHRC Feasibility study as a guide, including what physical improvements would need to be made, and cost for ongoing operations by a non-profit. The City Manager and Planning should also conduct an analysis of potential site capacity looking at site context and yield and report on how much housing could be developed on the site under current zoning, including the AAHRC on the ground floor. Additionally, the City Manager and Planning Commission should incorporate the Community Preference policy in selecting applicants for the affordable housing units created by this project. AAHRC Steering Committee to be consulted during implementation.	N/A	Draft	City Manager's Office	N	Y	Partial	Pursuing grant funding	N	N	N
11	Council and Budget Referrals - Demand	Urgent Item: Create an Interjurisdictional Group Violence Intervention Program "GVI," or "Operation Ceasefire," to Reduce Gun Violence	Refer to the Community Engagement Process for Reimagining Public Safety creation of a Group Violence Intervention Program (GVI), or "Operation Ceasefire," that will assemble a Berkeley-centered interjurisdictional working group of community members, law enforcement personnel, and supportive services providers to address gun violence.	N/A	Draft	City Manager's Office	N	Y	Y	N	N	Y	Y
12	Council and Budget Referrals - Demand	City Manager Referral to Update City's Municipal Code To Increase Competitiveness of Taxi Industry	That the Council refer to the City Manager to update the City's municipal code sections 9.52.020, 9.52.070, 9.04.020, and 9.04.035 to reflect the following items, in order to increase the competitiveness of our local taxi industry: 3. Allow the annual vehicle inspection to be conducted by either a city employee or an ASI-certified mechanic.; 4. Construct a general policy that would allow taxi stands to operate near newly constructed and existing hotels in the city of Berkeley.; 5. Move the Ashby BART Taxi Stand outside of the BART station to neighboring M.L.K. Jr. Way, in order to increase visibility for taxis.; 6. Extend the exemption of the Low Emission Requirements for vans to taxis due to the unavailability of similarly sized hybrid vehicles.; 7. Extend the validity period of taxi driver ID permits to three years, replacing the current policy of yearly renewals. In addition, all existing permits to January 1, 2018 should perform a net renewal on January 1, 2021.; 8. Waive insurance payments for taxi drivers who must take a leave of absence in case of emergency.; 9. Evaluate the Taxi Driver Association's proposal that the city of Berkeley should change the entire renewal process, including renewal of both physical and mechanical inspections, business licenses, and taxi driver IDs, from one year to three years.	N/A	Draft	City Manager's Office	N	N	N	N	N	N	N

**Disposition of  
Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
13	Council and Budget Referrals - Demand	Use of Gender Neutral Language in City Documents	Refer to the City Manager to: 1. Develop and return to Council with a procedural and financial plan to modify all appropriate City forms to include an optional field for personal gender pronouns (she/her, he/him, they/them, and space to specify other). 2. Develop and return to Council with a procedural and financial plan to revise the Berkeley Municipal Code to replace all instances of gendered pronouns with the singular "they," and amend Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 regarding grammatical interpretation to indicate that whenever a gender neutral personal pronoun is used, it shall be deemed to include the feminine and masculine also.	N/A	Draft	City Manager's Office	N	N	N	N	N	N	N
14	Council and Budget Referrals - Demand	Companion Report: Ban on Receipts Made with Bisphenol A (BPA) and Other Phenols	Take no action on the Community Health Commission recommendation to adopt an ordinance to ban the use of thermal paper by 2020 and instead implement a community education effort about methods for reducing exposure to BPA-treated thermal paper. Approved the recommendation with the amendment requesting that staff conduct a survey to determine how many businesses are using receipts with BPA.	N/A	Draft	City Manager's Office/Health, Housing & Community Services	N	N	N	N	N	Data Pending	Data Pending
15	Council and Budget Referrals - Demand	Revitalization of the Civic Center Park Fountain	Refer to the City Manager to work with the Turtle Island Fountain Project in developing a plan to revitalize the fountain at Martin Luther King Jr. Civic Center Park and consider this referral as part of the Civic Center Park visioning RFP.	N/A	Draft	City Manager's Office/Office of Economic Development/Parks, Recreation & Waterfront	N	Y	Partial	N	N	Y	Y
16	Council and Budget Referrals - Demand	Ronald V. Dellums Fair Chance Access to Housing Ordinance; Adding BMC Chapter 13.106	1. Adopt a first reading of the Ronald V. Dellums Fair Chance Access to Housing Ordinance and; 2. Direct the City Manager to take all necessary steps to implement this chapter including but not limited to developing administrative regulations in consultation with all relevant City Departments including the Rent Stabilization Board, preparing an annual implementation budget, designating hearing officers and other necessary staffing for administrative complaint, exploring the development of a compliance testing program similar to that used by the Seattle Office of Civil Rights, developing timelines and procedures for complaints, conducting outreach and education in partnership with the Alameda County Fair Chance Housing Coalition, and referring program costs to the June budget process.	N/A	Draft	City Manager's Office/Rent Board/Health, Housing & Community Services	N	Y	N	N	N	Y	N
17	Council and Budget Referrals - Demand	6. City Manager Referral: Standardize Finance Categories of Software and Exclusively Internet Companies	Refer to the City Manager creating one simple clear standard for categorizing software companies and exclusively internet companies that do business in Berkeley	N/A	Approved	Finance	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
18	Council and Budget Referrals - Demand	Ban-the-Box for Employers Doing Business with the City of Berkeley	Request that the City Manager draft language requiring businesses doing business with the City of Berkeley to eliminate disclosure of conviction history prior to receiving a conditional offer of employment.	N/A	Approved	Finance	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending



**Disposition of  
Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
19	Council and Budget Referrals - Demand	City Manager Referral: Improvements to Berkeley's Very Low Income Tax Relief Refund Program	Refer to the City Manager to make improvements to Berkeley's Very Low Income Refund Program.	N/A	Approved	Finance	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
20	Council and Budget Referrals - Demand	Comprehensive Investment Policy based on ESG Principles	Refer to the City Manager to consider the integration of ESG (environmental, social and governance) principles into the current City of Berkeley Investment Policy framework and return to Council with a recommendation.	N/A	Approved	Finance	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
21	Council and Budget Referrals - Demand	Referral Response: Gender Pay Equity	1. Direct staff to draft an ordinance related to an equal pay vendor preference for city contractors who demonstrate equal pay for male and female employees (gender based on self-identification) 3. Develop an equal pay certification program for city contractors.	N/A	Draft	Finance	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
22	Council and Budget Referrals - Demand	Socially Responsible Banking Services for the City of Berkeley	Request that the City Manager initiate a process for proposals from providers of banking services that uses criteria articulated in the 2013 process, but adds and emphasizes criteria related to ethical business practices. Ask for an extension of the existing contract with Wells Fargo should additional time be needed. Also, include consideration of provisions of a socially responsible banking policy such as elements of social and environmental justice, requirement for a code of fair treatment, low pay inequity between executives and rank and file, and support for human rights.	N/A	Approved	Finance	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
23	Council and Budget Referrals - Demand	City Manager Referral to Improve Fire Safety Standards for Rebuilt Fire-Damaged Structures	Refer to the City Manager to require repair and replacement of fire damaged buildings to be brought up to current fire safety standards.	N/A	Submitted	Fire & Emergency Services	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending

**Disposition of  
Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
24	Council and Budget Referrals - Demand	Companion Report: Smoke-Free Multi-Unit Housing Ordinance Policy and Enforcement Modifications	On September 29, 2020, the Health, Life Enrichment, Equity & Community Committee made a qualified positive recommendation to send the item to Council including the following referrals: 1. Refer to staff to explore expanding the Ordinance to buildings with one unit; 2. Refer to staff to explore and consider improvements in the interface between the residential and commercial non-smoking Ordinances in mixed-use buildings; 3. Refer to staff to create a web-based complaint filing mechanism/service; 4. Refer to staff to create special protocols for chronic situations and to consider including requirements for better air filtration and purification as well as other measures to effectively manage chronic cases; 5. Refer to staff to study the infraction and enforcement mechanisms and determine if they have any benefits and to consider other potential enforcement end points; 6. Refer to staff to look for opportunities for bias in enforcement and mechanisms to better guard against bias while still allowing for maximum action to resolve legitimate complaints; 7. Refer to staff to propose funding sources for enforcement; 8. Refer to staff to collect demographic data around complaints and targets of complaints (as much as possible); and 9. To return to Council with Ordinance amendments to accomplish the following: (a) amend or remove the 10-day language element (b) modify or remove the 2-complainant rule if warranted (c) adjust for the medical cannabis state law changes, (d) propose any and all other improvements beneficial to the Ordinance.	N/A	Draft	Health, Housing & Community Services	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
25	Council and Budget Referrals - Demand	Companion Report: The SSBPPE Commission's Proposed Policy to Refrain from Procuring, Selling, and Serving Sugar-Sweetened Beverages	Refer both Item 26a and 26b to the City Manager and request that the City Manager draft an ordinance for consideration by the City Council. Original Comm Recommendation: "...adopt an Ordinance amending the Administrative Code to direct the City of Berkeley departments and City food services contractors to refrain from: 1. Procuring sugar-sweetened beverages with City funds; 2. Selling sugar-sweetened beverages on City property, including in vending machines; and 3. Serving sugar-sweetened beverages at City meetings and events on City property."	N/A	Draft	Health, Housing & Community Services	N	Y	N	N	N	Y	N
26	Council and Budget Referrals - Demand	Developing a Mechanism to Facilitate an Improved Homeless Point-In-Time Count	The Homeless Commission recommends to Council that Council refer to staff to assign an intern or seek a volunteer affiliation, through an educational institution, to conduct outreach to, and engage with, community stakeholders including homeless advocates and persons who are experiencing or have experienced homelessness, to identify how homeless persons can be more thoroughly counted during the upcoming 2021 Berkeley Homeless Point-In-Time count.	N/A	Draft	Health, Housing & Community Services	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending

**Disposition of  
Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
27	Council and Budget Referrals - Demand	Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services [Part c]	<p>State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units.</p> <p>The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center:</p> <p>c. Based on recommendations from the Health, Housing and Community Services Department, the Housing Advisory Commission, Measure O Bond Oversight Committee, Commission on Aging, and taking into consideration requirements and restrictions associated with potential funding sources, create recommendations to Council regarding levels of affordability, unit sizes, on-site services and other features to be included in a senior housing and social services development, including senior living housing types. These recommendations will be presented to the City Council to inform the issuance of an RFP.</p>	N/A	Draft	Health, Housing & Community Services	N	N	N	N	N	N	N
28	Council and Budget Referrals - Demand	Home Share Pilot Program Recommendation	Item 26a moved to the Consent Calendar to refer to the City Manager the possibility of working within existing similar programs such as Safe Home and Ashby Village.	N/A	Draft	Health, Housing & Community Services	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
29	Council and Budget Referrals - Demand	Referral to the City Manager and the Housing Commission to Consider Creating a Dedicated Revenue Stream from Campus Area Projects to Fund Housing for Homeless and Extremely Low Income Students, and Drafting a Letter Encouraging Exploration of University Funding streams for student housing	Refer to the City Manager and Housing Commission to consider in partnership with the proposed density bonus in the campus area and other policies directed at increasing student housing, creating a dedicated revenue stream to fund housing for homeless and extremely low income students using methods of identifying eligible students based on one or more of the following criteria: EOP, FAFSA, Pell Grant, Work Study qualified, family income or other verifiable status as well as similar categories applicable to graduate students.	N/A	Draft	Health, Housing & Community Services	Y	N	N	N	N	N	N

**Disposition of  
Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
30	Council and Budget Referrals - Demand	Budget Referral: Transportation to Support Mobility-Impaired Individuals Experiencing Homelessness who are Engaged in Rehousing and other Services	"Refer to the budget process to allocate funds to provide transportation for mobility-impaired individuals experiencing homelessness who are engaged with rehousing and other services through the STAIR Center, The Hub, or other City of Berkeley-funded homeless services. Refer to staff to determine needs and establish the best method for providing transit services to mobility-impaired individuals, and to also consider potential transit needs of other individuals engaged with rehousing and homeless services. For the mobility-impaired, options include, but are not limited to, helping one or more service providers to purchase or lease wheelchair-accessible vehicle(s), or to repair or retrofit currently owned vehicle(s), providing additional vouchers for existing Paratransit services, providing additional taxi scripts (as recommended by the Homeless Commission), or contracting with a suitable transportation service. Also consider making mobility services and transportation available during enforcement activities, both for people and belongings. Consistent with the Americans with Disabilities Act (ADA), vehicles purchased, leased, or otherwise procured for the mobility-impaired should include the option of/access to a boarding device (e.g. lift or ramp) so that a passenger who uses a wheelchair or mobility device can reach a securement location onboard."	N/A	Draft	Health, Housing & Community Services	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
31	Council and Budget Referrals - Demand	Paid Family Leave Policy in Berkeley to Supplement California Paid Family Leave Program	That the City Council adopt this policy and refer to the City Manager and City Attorney to amend the proposed ordinance based on the recommendations of the Paid Family Leave (PFL) Subcommittee and to conform to legal and code consistency requirements.	N/A	Draft	Human Resources	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending

**Disposition of  
Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
32	Council and Budget Referrals - Demand	Whistleblower Ordinance - Revised materials (Supp 2)	The purpose of this proposal is to protect the whistleblowers from many forms of retaliation, including but not limited to discrimination, harassment, intimidation, alienation, and in some cases even termination. The following recommended actions can be considered to comply with the aforementioned purpose: 1. Adopt the attached ordinance that provides legal safeguards which protect whistleblowers from retaliation. 2.a. Assign the responsibilities to a current city department to accept and investigate such reports/complaints from whistleblowers within the existing resources. Or b. Create a separate unit within the department or establish a contract with an independent contractor to be managed by the city department to accept and investigate such reports/complaints from current employees and the public. Or c. Establish a contract with an independent contractor to provide a "hotline" that would then turn the complaint over to the city unit for further investigation.	N/A	Approved	Human Resources	N	Y	N	N	Y	Y	N
33	Council and Budget Referrals - Demand	Referral to the City Manager to consider the videotaping of Planning Commission meetings	That the City Council refer to the City Manager to consider ways of videotaping the Planning Commission meetings in the same manner as Zoning Adjustment Board meetings.	N/A	Draft	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
34	Council and Budget Referrals - Demand	City Manager Referral: Consider Mitigations for Minimum Wage Increases to Support Small Businesses and Non-Profits by Addressing Parking, Permit and High Rents Issues	Refer to the City Manager to consider mitigations for minimum wage increases to support small businesses and non-profits by attempting to address parking and permits. Request that the Office of Economic Development report on other methods to mitigate the impacts of minimum wage increases on small businesses.	N/A	Approved	Office of Economic Development	N	N	N	N	N	Data Pending	Data Pending
35	Council and Budget Referrals - Demand	Solano Avenue Economic Development Study	Refer to the City Manager to undertake a comprehensive study of the Solano Avenue Commercial District, to provide baseline information for future strategic planning and business development and initiatives that will result in increased tax revenues for the City of Berkeley, and to report to the Council on a priority basis, at an upcoming worksession.	N/A	Draft	Office of Economic Development	N	N	N	N	N	Y	N
36	Council and Budget Referrals - Demand	Vitality of University Avenue	Refer to the City Manager and Economic Development to analyze storefront vacancies on University Avenue and make recommendations on how to create a more vibrant streetscape on our main boulevard.	N/A	Draft	Office of Economic Development	N	N	N	N	N	N	N

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37	Council and Budget Referrals - Demand	Budget Referral: Increasing Safety at San Pablo Park	3. Re-initiate classes for daycare providers who use San Pablo Park out of the Frances Albrier Community Center: Historically, the City provided a variety of classes on safety and recreation for daycare providers who use San Pablo Park. This referral includes re-establishing a series of courses that daycare providers find useful based on gathering their input. One such course requested was sheltering in place in the situation of an active shooter.	N/A	Draft	Parks, Recreation & N Waterfront		Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
38	Council and Budget Referrals - Demand	Consider Fire Safety Options for Fire Pit at Codornices Park	Referral to the Parks & Waterfront Commission to consider safety options regarding the future of the fire pit at Codornices Park. Please consider 1) Complete removal of fire pit or 2) Manufacture of a cover that can be secured and locked.	N/A	Approved	Parks, Recreation & Y Waterfront		Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
39	Council and Budget Referrals - Demand	Evaluation of Possible Ban on New Planting of Certain Tree Species	Take action to either: a) Direct the City Manager to proceed with Option 1, and continue the City's current practice regarding tree plantings on City property, which currently do not include Eucalyptus, and Monterey Pine (except at the Marina).-OR- b) Adopt a Resolution as described in Option 2 that would ban the new planting of certain tree species on City property. -OR-c) Direct the City Manager to develop an ordinance for Council adoption that bans the new planting of certain tree species on both public and private property, and includes enforcement mechanisms.	N/A	Approved	Parks, Recreation & N Waterfront		Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
40	Council and Budget Referrals - Demand	Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley	1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information. 2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments.	N/A	Draft	Parks, Recreation & Y Waterfront		Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
41	Council and Budget Referrals - Demand	Refer the City Manager to Improve the Current Tree Ordinance and Seek Funding Opportunities to Plant More Trees in the City	That the Council refer the City Manager to improve the current tree ordinance to protect more trees, develop policy on street tree/hardscape conflicts, encourage more community initiative and participation in the maintenance and care of our street trees and seek potential funding opportunities to plant more trees in Berkeley and funds to maintain new and existing trees on public property.	N/A	Draft	Parks, Recreation & N Waterfront		Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending

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42	Council and Budget Referrals - Demand	2-Lane Option on Adeline St. between MLK Way and Ward St.	Refer to the City Manager to analyze the potential for a major redesign of the section of Adeline St. between MLK Way and Ward St., to improve the public space to increase safety for pedestrians, cyclists, and people living with disabilities, while also meeting the needs of public transit and emergency vehicles and to also consider potential use of portions of the redesign area for use as a shared community plaza. The analysis should prioritize a 2-lane option that reduces the width of the street and creates many benefits for our community and include exploration of demonstration projects for study. Specific project designs should be reviewed by the Transportation Commission. Refer \$250,000 to the budget process to fund this important project.	N/A	Draft	Planning	N	N	Y	Y	N	Y	Y
43	Council and Budget Referrals - Demand	Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals	1. Refer to the City Manager to come up with a program to clarify existing short term rental regulations in areas that have proven confusing to hosts, guests and tenants. 2. Refer ordinance considering Short Term Rental regulations including host platform responsibilities and possible remedies for violating the ordinance simultaneously to the Land Use, Housing and Economic Development Committee and the Planning Commission.	N/A	Draft	Planning	Y	N	N	N	N	Y	N
44	Council and Budget Referrals - Demand	Berkeley Electric Mobility Roadmap - Electric Mobility Implementation Working Group	Adopt a Resolution approving the Berkeley Electric Mobility Roadmap and refer to the City Manager to form an Electric Mobility Implementation Working Group, including community stakeholders, relevant commissions, to prioritize, support, and track implementation of the other actions of this plan, including identification of funding sources for implementation.	10.00	Draft	Planning	N	Y	N	N	N	Y	N
45	Council and Budget Referrals - Demand	Berkeley Opportunity Zone Displacement Mitigation Zoning Overlay	Direct the City Manager and refer to the Planning Commission to create one or several zoning overlays, and/or recommend any mechanism, which protects Berkeley residents living in one or all of Berkeley's Federal Opportunity Zones from gentrification and displacement. Overlays and/or recommendations may also confer community benefits, including but not limited to: affordable housing, supportive social services, green features, open space, transportation demand management features, job training, and/or employment opportunities.	N/A	Draft	Planning	Involves Planning Commission	N	N	N	N	N	N
46	Council and Budget Referrals - Demand	Bird Safe Berkeley Requirements	Refer to the Planning Commission and the City Manager to consider the attached ordinance amending Berkeley Municipal Code Title 23C, adding a new Chapter 23C.27 establishing bird safety requirements for new construction and significant renovations and a new Chapter 23C.28 establishing a dark skies ordinance, for review and approval.	N/A	Draft	Planning	Involves Planning Commission	N	N	N	N	Y	Y

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47	Council and Budget Referrals - Demand	City Manager and Planning Commission Referral: Facilitate Primarily Student Housing by a Twenty Feet Height Increase and Adjust Floor Area Ratio in the R-SMU, R-S and R-3 Areas Only From Dwight to Bancroft and From College to Fulton	Refer to the City Manager and Planning Commission to facilitate primarily Student Housing by amending the Zoning Ordinance to add a twenty feet height increase and adjust Floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft and from College to Fulton.	50.00	Approved	Planning	Y	Y	Y	N	N	Y	Y
48	Council and Budget Referrals - Demand	City Manager and Planning Commission's Referral: Enable Implementation of Council Approved Floor Area Ratio in the Telegraph Commercial District between Dwight and Bancroft by Amending the Zoning Ordinance	Refer to the City Manager and Planning Commission an immediate implementation strategy to bring the City Zoning Ordinance in compliance with the policy adopted by City Council to increase Floor Area Ratio (FAR) in the Telegraph Commercial District between Dwight and Bancroft - COUNCIL DIRECTION ON COMMUNITY BENEFITS NEEDS FOLLOW UP WORK AND REPORT TO COUNCIL	50.00	Approved	Planning	Y	Y	Y	N	N	Y	Y
49	Council and Budget Referrals - Demand	Companion Report: Conducting an Analysis of Increasing Inclusionary Housing over Affordable Housing Mitigation Fee	Refer to the City Manager to conduct a feasibility analysis for the recommendations by the Homeless Commission as part of the existing referral to examine potential reforms to the Affordable Housing Mitigation Fee.	N/A	Draft	Planning	Involves Planning Commission	Y	Y	N	N	Y	N
50	Council and Budget Referrals - Demand	Creating Additional Administrative Powers of Zoning Officer to Grant or Recommend New Permits as Related to Code Enforcement	Refer to the City Manager and Berkeley Planning Commission to explore the creation of a mechanism that would explicitly allow staff new discretionary powers to prevent applicants from being granted new residential permits until they have abated outstanding noncompliance issues or code violations in other buildings they own in Berkeley within a reasonable time frame or taken good faith measures to commence doing so.	N/A	Draft	Planning	N	N	N	N	N	Y	N
51	Council and Budget Referrals - Demand	Creating Additional Administrative Powers of Zoning Officer to Grant or Recommend New Permits as Related to Code Enforcement DMND0002545	Refer to the City Manager and Berkeley Planning Commission to explore the creation of a mechanism that would explicitly allow staff new discretionary powers to prevent applicants from being granted new residential permits until they have abated outstanding noncompliance issues or code violations in other buildings they own in Berkeley within a reasonable time frame or taken good faith measures to commence doing so.	N/A	Draft	Planning	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
52	Council and Budget Referrals - Demand	Customer Service Improvements to Land Use Permit Process	Direct staff to make structural improvements to the Zoning Ordinance, communication improvements to better explain complex technical and procedural elements to the public, and organizational improvements to the Land Use Planning Division; and authorize the issuance of a request for proposals (RFP) for the selection of consultants to make structural improvements to the Zoning Ordinance and develop graphic communication elements in an amount not to exceed \$300,000.	N/A	Approved	Planning	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending



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53	Council and Budget Referrals - Demand	Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services. [Parts a and b]	State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units. The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center: a. Refer to the City Manager to conduct a basic analysis of the development potential for the West Berkeley Service Center site including build-out scenarios for a three-, four-, five-, six- and seven-story building at the site, using Mixed-Use Residential (MUR), West Berkeley Commercial (C-W), and Multiple-Family Residential (R-3) Development Standards. Each buildout scenario should reflect base project conditions, and conditions if a Density Bonus is granted including waivers and concessions, or if Use Permits are used to modify standards. The scenarios should also incorporate space on the ground floor for resident amenities, supportive social services, and community space. The results of the development scenarios will be presented to the City Council and Planning Commission.	N/A	Draft	Planning	N	N	N	N	N	N	N
54	Council and Budget Referrals - Demand	Direct the City Manager to Draft an Ordinance to Waive Certain Fees for Berkeley Housing Trust Fund Projects and Send a Letter to BUSD Board of Education Requesting Consideration of a Waiver of School Facility Fees for Berkeley Housing Trust Fund Projects	1. Direct the City Manager to draft an ordinance establishing automatic waiver of certain administrative, permit, impact and other fees for projects receiving City of Berkeley Housing Trust Fund (HTF) monies and submit a draft within 90 days for Council approval. Fee waivers shall apply to all HTF projects that have not yet been issued a building permit, and should include, but not be limited to: a. Waiver of internal, staff-time-related permit, inspection, and other fees; and c. Notwithstanding the above, fees to cover City "out of pocket" costs, fees passed-through to other agencies, and fees necessitated by CEQA should not be waived.	N/A	Approved	Planning	N	N	Y	N	N	Y	Y
55	Council and Budget Referrals - Demand	Enable Internal Renovation of a Residence That Does Not Increase the Footprint As an AUP if the Building is an Historic Non-Conforming Use in the Percent of Lot Coverage	Refer to the Planning Commission to enable an AUP for the renovation of an existing residence, rather than a Use Permit, in the following circumstances: 1. The renovation does not increase the percentage of lot coverage; 2. The residence is an pre-existing non-conforming use in the percentage of lot coverage; 3. The renovation does not appear to create an intensification of use; 4. No change to the building envelope.	N/A	Draft	Planning	Y	N	N	N	N	Y	N

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56	Council and Budget Referrals - Demand	Encouraging Long-Term Tenant Stability	Facilitate the ability of long-term tenants to purchase their residence by referring to the City Manager to amend BMC 21.28.080 as it pertains to the Affordable Housing Mitigation fee as follows: If the property contains 4 units or fewer, the affordable housing mitigation fee for a unit that is and has been occupied by an owner as his or her principal place of residence for at least 5 consecutive years immediately prior to the date of conversion or sale, including as a tenant in that unit immediately prior to ownership, shall be reduced by 50 percent.	N/A	Draft	Planning	N	N	N	N	N	N	N
57	Council and Budget Referrals - Demand	Fossil Fuel Free Berkeley	Refer to the Energy Commission and Transportation Commission consideration of the proposed resolution or similar action to further implement the Climate Action Plan and establish the goal of becoming a Fossil Fuel Free Berkeley, and further consider: <ul style="list-style-type: none"> <li>Establishing a date by which we are committed to being a Fossil Fuel Free City.</li> <li>Opposing further transportation of oil, gas, and coal.</li> <li>Fully implementing Berkeley Deep Green Building, raising the citywide LEED certification requirement above the current LEED Silver, and applying the same requirements to newly constructed city facilities, and major renovations.</li> <li>Requiring all future City government procurements of vehicles to minimize emissions, and establishing a goal and plan for transitioning the city's vehicle fleet to all electric vehicles</li> <li>Establishing a goal and plan for transitioning to 100% renewable energy for municipal operations and a community wide goal of 100% reductions by 2030.</li> <li>Formally opposing the recent expansion of offshore drilling by the Trump Administration.</li> <li>Calling for region-wide solutions to carbon emissions, including rapid adoption of renewable energy sources, affordable densification of cities and low-emissions public transportation infrastructure.</li> </ul>	N/A	Approved	Planning	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
58	Council and Budget Referrals - Demand	Item E - Short-Term Referral to the Planning Commission and Design Review Committee to Research and Draft an Urban Forestry Ordinance Requiring Tree Planting Upon Completion of New Residential Construction and Certain Alterations	Six-month referral to the Planning Commission to research and draft an Urban Forestry Ordinance requiring tree planting upon completion of new construction, excluding single-family homes and ADUs, as well as construction in High Hazard Fire Zones. The Planning Commission should consider the following: <ul style="list-style-type: none"> <li>Appropriate tree planting requirements for new construction, with the goal of increasing the tree canopy in Berkeley.</li> <li>Appropriate species requirements.</li> <li>Establishing a Tree Planting Fund to support increased tree planting throughout Berkeley.</li> </ul>	N/A	Draft	Planning	N	N	N	N	N	N	N

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59	Council and Budget Referrals - Demand	Missing Middle Housing Report	Refer to the City Manager to prepare a report to the Council of examining methods, including potential revisions to the zoning code, that may foster a broader range housing types across Berkeley, particularly missing middle housing types (duplexes, triplexes/fourplexes, courtyard apartments, bungalow courts, townhouses, etc.), in areas with access to essential components of livability like parks, schools, employment, transit, and other services. Given the range of requests included in this referral, it is expected that responding to the referral will require a combination of field research, consultation with design professionals and other cities and agencies, and community outreach and engagement. Council requests that staff initiate this work as soon as possible.	N/A	Draft	Planning	N	N	Deferred	N	N	Y	N
60	Council and Budget Referrals - Demand	Mitigating Impacts of Outdoor Air Quality on Indoor Air Quality in Berkeley	Refer the item to the Planning Commission to consider the analyses presented here, and the draft provided in Appendix II, to create new Standard Conditions of Approval (SCA) for new building construction near major sources of air pollution, to achieve an acceptable level of indoor air quality (IAQ) for sensitive receptors.	N/A	Draft	Planning	N	N	N	N	N	N	N
61	Council and Budget Referrals - Demand	Rectify Discrepancy Regarding Inclusionary Units in Live/Work Housing	Refer amendments to the Berkeley Municipal code (Sections 23C.12 and 23E.20.080) to rectify discrepancies over how Live/Work Unit inclusionary requirements are governed, both for rental and owner occupied units, to the Planning Commission.	50.00	Draft	Planning	Involves Planning Commission	Y	Y	N	N	Y	N
62	Council and Budget Referrals - Demand	Refer the Civic Arts Commission's recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses.	Refer the Civic Arts Commission's recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses. This action was adopted as part of the Cannabis Ordinance amendments.	N/A	Draft	Planning	Y	N	N	N	N	Y	N
63	Council and Budget Referrals - Demand	Refer to the City Manager the design of a companion Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements to low-income residents	Refer to the City Manager the design of a Companion Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements for low income residents	10.00	Draft	Planning	N	Y	N	Y	N	N	Y
64	Council and Budget Referrals - Demand	Refer to the City Manager to add a condition to Zoning Board Approved permits to bring attention to the Pay Transparency policy to project applicants, and consider these Pay Transparency Ordinance amendments	That the Council refer to the City Manager to add a condition to Zoning Board Approved permits in order to bring attention to the Pay Transparency policy to project applicants, and consideration of amendments to the Pay Transparency Ordinance.	N/A	Draft	Planning	N	N	N	N	N	Y	N

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65	Council and Budget Referrals - Demand	Refer to the Planning Commission an amendment to BMC Chapter 23C.12.020 (Inclusionary Housing Requirements - Applicability of Regulations) and the Affordable Housing Mitigation Fee Resolution to Close a Loophole for Avoiding the Mitigation Fee through Property Line Manipulation	1) Refer to the Planning Commission an amendment to BMC Section 23C.12.020 (Inclusionary Housing Requirements – Applicability of Regulations) and BMC Section 22.20.065 (Affordable Housing Mitigation Fee) to close a loophole allowing prospective project applicants to avoid inclusionary affordable housing requirements for projects by modifying property lines so that no lot is large enough to construct five or more units; the Commission should return to Council with a report by April 30, 2019. 2) Refer to the Planning Commission to consider modifying the structure of in-lieu fees for owner-occupied developments to a flat per-unit fee, as with rental developments, or a per square foot fee; the Commission should return to Council with a report. 3) Refer to the Housing Advisory Commission to assess the appropriateness of the fee level as suggested in the proposed amendments to BMC 23C.12. 4) The Planning Commission is to consider the following language from the item submitted at the meeting: It is possible that the new fee structure will be adopted prior to the Housing Advisory Commission approving the level of the fee. In this instance, those projects that opt to pay the in-lieu fee and are permitted after the new fee structure is adopted but before the new fee level is adopted shall be given the choice of paying the current fee level, or the one that is adopted.	50.00	Approved	Planning	Y	Y	Y	N	N	Y	N
66	Council and Budget Referrals - Demand	Refer to the Planning Commission and Housing Advisory Commission to Research and Recommend Policies to Prevent Displacement and Gentrification of Berkeley Residents of Color and African Americans	Refer to the Planning Commission and Housing Advisory Commission to research and recommend policies to prevent displacement and gentrification of Berkeley residents of color. Recommended policies should include real solutions. The Commission should do the following: - Develop a policy to address the erosion of People of Color (POC), including the African American sector of our Berkeley society. - Develop rules and regulations to halt the loss of People of Color including the African American communities. - Develop a "right to return" for Berkeley's People of Color including the African American communities who have been displaced by these economic and social developments, especially those who continue to be employed in our City, even after having to relocate beyond our boundaries. - Solicit expert and lived experience testimonies regarding displacement and gentrification. - Recommend alternatives to prevent displacement and gentrification of our valued Berkeley citizens of color and African Americans. Hold public workshops on the subject.	10.00	Draft	Planning	Y	Y	N	N	N	N	N
67	Council and Budget Referrals - Demand	Referral Response: Expanding community engagement within work to address Climate Impacts	Refer to the City Manager to continually advance engagement around community-driven, equitable climate solutions, and to seek external resources to enable increased community engagement of impacted communities around equitable climate solutions	20.00	Draft	Planning	N	Y	N	N	N	N	N

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68	Council and Budget Referrals - Demand	Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses	Refer to the Planning Commission modifications to the Zoning Ordinance that are designed to streamline the zoning review process for new or expanding small businesses in Berkeley.	N/A	Draft	Planning	Y	N	N	N	N	Y	Y
69	Council and Budget Referrals - Demand	Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses (Beer/Wine in M Dist)	Refer to staff and the Planning Commission to consider amendments related to beer and wine sales in the M District.	N/A	Draft	Planning	Involves Planning Commission	N	N	N	N	Y	N
70	Council and Budget Referrals - Demand	Referral to City Manager to Return to Council with an Amnesty Program for Undocumented Secondary Units	Referral to City Manager to Return to Council with an Amnesty Program for Undocumented Secondary Units using the guiding framework presented in the Background.	N/A	Draft	Planning	N	N	N	N	Y	N	N
71	Council and Budget Referrals - Demand	Referral to Planning Commission: City-Wide Green Development Requirements	Refer to the Planning Commission, Energy Commission, and the Community Environmental Advisory Commission to consider requiring the same Green Building and Transportation Demand Management (TDM) measures required in the Commercial Downtown Mixed Use District (C-DMU) for projects of 75 units or more throughout the City of Berkeley's commercial zoning districts. The commissions are to consider the standards as outlined in the report which would apply to larger projects city-wide and pertain to: bicycle parking spaces, vehicle sharing spaces, Residential Parking Permits, required parking spaces, LEED rating, Stopwaste Small Commercial Checklist standards, and transportation benefits. In addition, the commissions are to also consider the following 1. that transit passes would only be required for projects within a quarter of a mile of a bus stop; 2. a square-footage threshold, in addition to the unit threshold, for projects to which the requirements would apply, 3. the validity of the LEED certification; and 4. the impact on the financial feasibility of proposed requirements on the development of housing and affordable housing in particular.	N/A	Approved	Planning	Y	Y	Y	N	N	Y	Y
72	Council and Budget Referrals - Demand	Referral to Planning Commission: Guiding Development on San Pablo Avenue	Refer to the Planning Commission the development of a Plan to guide development on San Pablo Avenue.	N/A	Draft	Planning	Y	N	N	Y	Y	N	N
73	Council and Budget Referrals - Demand	Referral to the City Manager and Planning Commission: Update BMC Chapter 22.16 Development Agreement Procedures	Refer to the City Manager and Planning Commission to review and update the Berkeley Municipal Code Chapter 22.16 Development Agreement Procedures to create a streamlined process that maximizes community benefits and conforms to State law.	N/A	Draft	Planning	N	Y	N	N	N	Y	Y

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74	Council and Budget Referrals - Demand	Referral to the Community Environmental Advisory Commission and the City Manager: Anti-Idling Ordinance	Refer to the Community Environmental Advisory Commission and the City Manager to explore developing an anti-idling ordinance. The ordinance should limit vehicle engine idling when a vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment; and prohibit all unattended private passenger motor vehicles from idling. The ordinance should outline enforcement and citation procedures. The Commission and the City Manager should develop appropriate exceptions for commercial vehicles. Any funds received through enforcement of the ordinance should accrue to the General Fund to provide additional funding for sustainability efforts. The Community Environmental Advisory Commission and the City Manager should review the District of Columbia's anti-idling regulations (attached to report) to aide in the development of the ordinance.	N/A	Approved	Planning	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
75	Council and Budget Referrals - Demand	Referral to the Energy Commission to Hold a Series of Public Outreach and Educational Meetings Regarding Electrification	Refer to Berkeley's Energy Commission to hold two separate special public outreach and educational meetings regarding electrification in new buildings by July 31, 2019: 1. A meeting regarding multi-family, mid/high-rise buildings, including those with ground floor commercial; 2. A meeting regarding commercial buildings (without housing), including manufacturing.	N/A	Approved	Planning	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
76	Council and Budget Referrals - Demand	Referral to the Planning Commission to Allow 4 Temporary Zoning Amendments to Increase Student Housing in the Southside Area	Refer to the City Manager and the Planning Commission to consider conversion of existing commercial space for residential use between College Avenue and Fulton Street and Bancroft Way to Dwight Way.	N/A	Approved	Planning	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
77	Council and Budget Referrals - Demand	Referral to the Planning Commission to Allow Non-commercial Use on Ground Floor	Refer to the Planning Commission an amendment to the Zoning Ordinance to create a use permit process to allow non-commercial use on the ground floor in appropriate locations, where commercial might otherwise be required.	N/A	Approved	Planning	Y	Y	Y	N	N	Y	Y
78	Council and Budget Referrals - Demand	Referral to the Planning Commission to Consider Amendments to the Zoning Ordinance and "Mini-Dorm" Ordinance	Referral to the Planning Commission to: 1. Amend the mini-dorm ordinance to enable the conversion of an accessory structure into an office (which is also considered a bedroom) without the required public hearing process under the mini-dorm regulations, as long as there are no other alterations to the subject property, and 2. Consider amendments to the Zoning Ordinance and "Mini-Dorm" Ordinance to provide more flexibility for accessory buildings on properties that are developed with single-family residences. ADD: Issues raised in supplemental memo.	N/A	Draft	Planning	Involves Planning Commission	N	N	N	N	Y	N
79	Council and Budget Referrals - Demand	Wildland Urban Interface Fire Safety and Fire Safety Education	Commission Referral #5 revised to read: 5. Refer to the Planning Commission to consider Accessory Dwelling Units (ADUs) in the Very High Hazard Fire Zone to review public safety issues especially relevant to the risk of WUI fires. Amend Section 23D.10 to incorporate greater public safety considerations to be met before issuing an Administrative Use Permit (AUP);	N/A	Submitted	Planning	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending

**Disposition of  
Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
80	Council and Budget Referrals - Demand	Zoning Ordinance Modification for Elmwood Commercial District	Refer to the Planning Commission to amend Chapter 23E.44, C-E Elmwood Commercial District Provisions to allow for amusement device arcades with a Tier 2 Administrative Use Permit (for spaces >3,000 Sq. Ft.) and a Zoning Certificate (for spaces < 3,000 Sq. Ft.). Proposed ordinance language for changes to Table 23E.44.030 are attached to the report.	75.00	Draft	Planning	Y	Y	N	N	N	Y	Y
81	Council and Budget Referrals - Demand	100% Sustainable Trips by 2040	Adopt the attached Resolution, setting a goal of achieving 50% increase in trips taken by sustainable modes by 2030 and 100% by 2040, and refer to the Community Environmental Advisory Commission, the Energy Commission, and the Transportation Commission to develop relevant proposals and recommendations for accomplishing that goal.	N/A	Draft	Planning & Public Works	Y	Y	N	Y	N	N	N
82	Council and Budget Referrals - Demand	Campus-City National Night Out. Revised to be a Referral with no specific date - Revised materials (Supp 1)	Adopting a Resolution to refer the campus-city National Night Out event to the City Manager to help reduce crime in the campus area.	N/A	Draft	Police	N	N	N	N	N	N	N
83	Council and Budget Referrals - Demand	Extend the Berkeley Police Drone Moratorium for One Additional Year	Extend the moratorium on the use of unmanned aircraft systems, or "drones," by the Berkeley Police for one additional year. REFERRAL: Approved recommendation amended to request that the City Manager return to Council with a policy on the use of drones by Berkeley Police.	N/A	Approved	Police	N	N	N	N	N	N	N
84	Council and Budget Referrals - Demand	Improving Hate Crimes Reporting and Response	Refer to the City Manager to review the following proposals and implement new systems for reporting and response to hate incidents and crimes: -Develop a Hate Crimes Reporting Hotline (modeled after the San Francisco District Attorney's hotline) to be staffed by the Berkeley Mental Health Division or a non-profit community partner. The Hotline will provide support for victims and those reporting hate crimes/incidents, and direct victims to resources and how to report hate crimes or incidents. Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline. -Explore adding hate crimes to the BPD Online Crime Reporting System to allow individuals to report specific hate related criminal acts or incidents. - Launch a public information campaign including the production of informational videos, posters, and ads in different languages about what is a hate crime and how to report it to Berkeley Police. -Conduct proactive outreach and develop partnerships with religious leaders, community service providers and organizations that work with groups which have historically been the target of hate crimes/incidents. -Refer to the Police Review Commission to review existing BPD policy on hate crimes (BPD Policy 319), request a report from BPD on hate crimes statistics and its implementation of BPD Policy 319, and review: privacy policies/procedures for reporting; culturally appropriate personnel structures to respond to incidents that will encourage reporting, reduce fear and provide support. The creation of accessible and multilingual	N/A	Draft	Police	N	N	N	N	N	N	N

**Disposition of  
Referrals, Projects, and Audits**

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85	Council and Budget Referrals - Demand	Referral: Measures to Address Traffic Enforcement and Bicycle Safety	2. Refer to the City Manager to establish the opportunity for bicyclists to participate in a ticket diversion program that would provide safety education as an alternative to monetary fines related to other infractions, and to ensure integration of Vision Zero principles in implementation of state Office of Traffic Safety grants. Staff should consider either the creation of a City of Berkeley-operated ticket diversion program or cooperation with ticket diversion programs operated by neighboring jurisdictions.	N/A	Draft	Police	N	Y	Y	Y	N	Y	Y
86	Council and Budget Referrals - Demand	31. City Manager Referral: Refer CPTED Streetscape for Action and Exploration of Grant or Other Funding Opportunities to Find the Funds to Construct the Proposed Improvements	Refer the Crime Prevention Through Environmental Design (CPTED) streetscape to the City Manager for action and exploration of grant or other funding opportunities to find the funds to construct the proposed improvements.	N/A	Approved	Public Works	N	N	N (However, some components of the Telegraph CPTED proposal might be incorporated into the federally funded Southside Complete Streets project as funding allows)	N	N	N	N
87	Council and Budget Referrals - Demand	48. City Manager Referral: Preparations to Apply for Telegraph Pedestrian Safety Funds (Continued from December 3, 2013)	Refer to the City Manager to apply for Telegraph Ave pedestrian safety funds and to produce a preliminary plan for Telegraph pedestrian safety improvements as requested by the Telegraph Merchants Association.	N/A	Approved	Public Works	N	N	N (However, pedestrian safety improvements between Bancroft and Dwight are included in the federally funded Southside Complete streets project)	Y	N	N	N
88	Council and Budget Referrals - Demand	9. Portable Sign Pilot Program	Refer to the City Manager, the Commission on Disability, and the Transportation Commission for consideration the expansion of the existing portable sign program that enables businesses to place portable signs on sidewalks and medians.	N/A	Approved	Public Works	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
89	Council and Budget Referrals - Demand	City Manager Referral: Updating Graffiti Ordinance and Policies Based on a Review of San Francisco's New Ordinance	Refer to the City Manager and the Public Works and Parks and Recreation Commissions to create an ordinance that revises Berkeley's policies regarding graffiti, focusing on prevention and enforcement of regulations.	N/A	Submitted	Public Works	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending



**Disposition of  
Referrals, Projects, and Audits**

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90	Council and Budget Referrals - Demand	City Manager Short-Term Referral: To Change Telegraph Avenue Parking Signs to Allow Parking All Times	That the Council refer to the City Manager to eliminate the no parking signs on Telegraph Avenue between Bancroft and Dwight.	N/A	Draft	Public Works	N	Y	N	N	N	Y	
91	Council and Budget Referrals - Demand	Conceptual Study for Undergrounding Utility Wires in Berkeley From: Public Works Commission, Disaster and Fire Safety Commission, and Transportation Commission	That Council approve the following items: 1. Conceptual Study for undergrounding utility wires in Berkeley (the "Undergrounding Plan"). 2. Proceed with Phase 3 of the Undergrounding Plan. We want to emphasize the importance for Berkeley to actively participate in the current California Public Utilities Commission review of the Rule 20 program.	N/A	Draft	Public Works	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
92	Council and Budget Referrals - Demand	Consideration of Universal Design Standards in City Projects	Refer to the City Manager to make the consideration of Universal Design features an explicit and listed criteria for all projects undertaken by the city, including the many upcoming projects to be funded through Measure T1.	N/A	Approved	Public Works	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
93	Council and Budget Referrals - Demand	Considering Multi-year Bidding Processes for Street Paving	1. Restate the recommendation approved at the December 11, 2018 Council meeting to create a two-year bidding process for street paving to realize savings by (a) reducing by 50% City staff time devoted to bidding and contracting processes over each two year period and (b) benefitting from reduced pricing which may be available for larger contracts that offer greater economies of scale and reduce contractors' bidding and contracting costs. 2. Short-term referral to the City Manager to explore the possibility, feasibility, costs, and benefits of bidding in increments of up to 5 years to encompass entire 5-year paving plans, or other ideas to more rationally and cost-effectively align the paving plan with budget cycles and reduce costs associated with frequent bid cycles for relatively small contracts.	N/A	Approved	Public Works	N	N	N	N	N	Y	Y
94	Council and Budget Referrals - Demand	Creation and Adoption of a Transit Streets Cooperative Agreement with the Alameda-Contra Costa (AC) Transit District	Refer to the City Manager the Creation and Adoption of a Transit Streets Cooperative Agreement with the Alameda-Contra Costa (AC) Transit District.	N/A	Draft	Public Works	N	N	N	N	N	Y	Y
95	Council and Budget Referrals - Demand	Electric Vehicles for the City Fleet	Request that the City Manager return to the Council with a Fleet Climate Action Plan for transition to all-electric vehicles (EVs) or plug-hybrids for the City fleet. The plan could: 1. set annual targets for greenhouse gas (GHG) reductions from City fleet operations in support of the City's Climate Action Plan; 2. require replacing all non-emergency vehicles and all possible emergency vehicles with EVs or plug-in hybrids by April 1, 2025, with an interim goal of a certain percent by April 1, 2018; 3. require conversion wherever possible to hybrid vehicles in cases where EVs or plug-in hybrids are not yet feasible; and 4. consider the Additional Measures as described in the report.	N/A	Approved	Public Works	N	Y	N	Y	Y	N	Y

**Disposition of  
Referrals, Projects, and Audits**

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96	Council and Budget Referrals - Demand	Farmers' Markets Investments	Refer to the City Manager to initiate improvements and changes to support the Berkeley Farmers' Markets that would address growing public safety and access concerns while enhancing the shopping experience and benefit the markets.	N/A	Draft	Public Works	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
97	Council and Budget Referrals - Demand	Installation of Solar Panels at the Donna Spring Animal Shelter Parking Area	Request that the City Manager pursue grant funding for a solar installation at the Donna Spring Animal Shelter parking area.	N/A	Approved	Public Works	N	N	N	N	N	Y	N
98	Council and Budget Referrals - Demand	Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley	1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information. 2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments.	N/A	Draft	Public Works	N	N	N	N	N	N	N
99	Council and Budget Referrals - Demand	Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley	1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information. 2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments.	N/A	Draft	Public Works	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
100	Council and Budget Referrals - Demand	Prioritizing Pedestrians at Intersections	Refer to the City Manager and the Transportation Commission the development of policies to improve the pedestrian crossing experience and reduce pedestrian wait times at intersections with "beg buttons," potentially by activating pedestrian crossing signaling with every cycle (as opposed to the current situation, which only activates crossing signals when a button is pushed). Consider the development of a pedestrian-driven intersection improvement process to address signaling and timing inadequacies.	N/A	Draft	Public Works	N	Y	N	N	N	N	Y

**Disposition of  
Referrals, Projects, and Audits**

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101	Council and Budget Referrals - Demand	Providing Wheelchair Charging Opportunities for Homeless Individuals	Refer to the City Manager to develop policies which will provide accessible, reliable opportunities for homeless individuals with disabilities to charge power wheelchairs. Refer to the City Manager to research existing conditions of homeless individuals with disabilities; barriers to charging power wheelchairs; related consequences; and potential City actions to provide accessible, reliable wheelchair charging. Refer to the City Manager to assemble a policy to be reviewed and implemented.	50.00	Work in Progress	Public Works	Y	Y	N	N	N	N	N
102	Council and Budget Referrals - Demand	Referral: Develop a Bicycle Lane and Pedestrian Street Improvements Policy	1) Refer to the City Manager to develop a comprehensive ordinance with input from the Public Works & Transportation Commissions governing a Bicycle Lane and Pedestrian Street Improvements Policy that would: <ul style="list-style-type: none"> <li>• Require simultaneous implementation of recommendations in the City's Bicycle and Pedestrian Plans when City streets are repaved, if one or more of the following conditions are met: <ul style="list-style-type: none"> <li>• Bicycle Plan recommendations can be implemented using quick-build strategies that accommodate transit operations.</li> <li>• Pedestrian Plan recommendations can be implemented using quick-build strategies that accommodate transit operations.</li> <li>• The Bicycle Plan recommends studying protected bike lanes as part of a Complete Street Corridor Study in the Tier 1 Priority list.</li> <li>• Improvements are necessary to comply with the Americans with Disabilities Act.</li> <li>• Encourage the use of quick builds by expediting quick-build projects under \$1 million.</li> <li>• "Quick-build" is defined as projects that a) require non-permanent features such as bollards/paint/bus boarding islands, b) make up less than 25 percent of the total repaving cost for that street segment, and c) can be a component of a Complete Street Corridor Study that includes evaluation after installation.</li> <li>• Require staff to report progress back to Council every two years.</li> </ul> </li> </ul>	N/A	Draft	Public Works	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
103	Council and Budget Referrals - Demand	Referral: Electric Moped Ride-Share Franchise Agreement	Refer to the City Manager to rename the existing One-Way Car Share Program as the One-Way Vehicle Share Program and to amend the Program to include administrative requirements and parking permit fees for motorized bicycles that are affixed with license plates and require a driver's license for individuals to operate them (mopeds), in coordination with the City of Oakland.	N/A	Draft	Public Works	N	Y	Y	N	N	Y	Y
104	Council and Budget Referrals - Demand	Referral: Measures to Address Traffic Enforcement and Bicycle Safety	3. Refer to the City Manager to develop a plan to calm and divert motor vehicle traffic on bicycle boulevards to provide people who bicycle and walk a safe, comfortable and convenient mobility experience by adding or reconfiguring stop signage and other traffic calming measures, per the recommendations of the 2017 Bicycle Plan.	N/A	Draft	Public Works	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending

**Disposition of  
Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
105	Council and Budget Referrals - Demand	Referral: Measures to Address Traffic Enforcement and Bicycle Safety DMND0003830	3. Refer to the City Manager to develop a plan to calm and divert motor vehicle traffic on bicycle boulevards to provide people who bicycle and walk a safe, comfortable and convenient mobility experience by adding or reconfiguring stop signage and other traffic calming measures, per the recommendations of the 2017 Bicycle Plan.	N/A	Draft	Public Works	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
106	Council and Budget Referrals - Demand	Referral: Report on Public Realm Pedestrianization Opportunities [Transportation Commission]	Refer to the Transportation Commission to generate a report on potential public realm pedestrianization opportunities in Berkeley.	N/A	Draft	Public Works	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
107	Council and Budget Referrals - Demand	Referral: Telegraph Shared Streets	Refer to the City Manager to develop and return to Council with a plan to implement the shared streets proposal outlined in the Telegraph Public Realm Plan, including identification of potential regional funding sources for the project, in consultation with appropriate transportation agencies.	N/A	Draft	Public Works	N	N	N (May be able to partially fund some components as part of Southside Complete Streets)	N	N	N	N
108	Council and Budget Referrals - Demand	Zero Emission Vehicle Requirements for City Fleet	Refer to the City Manager the finalization of a policy which would require all new purchases of light-duty passenger vehicles to be electric vehicles or plug-in hybrids, and require the City-owned light-duty passenger vehicle fleet to be 100% electric vehicles or plug-in hybrids by the mid-2020s. This policy would be based on the City & County of San Francisco's zero-emission light-duty passenger vehicle policy, and the report to Council should identify any additional costs associated with electric vehicles or plug-in hybrids, potentially accelerated fleet turnover, and necessary charging infrastructure on City lots.	N/A	Submitted	Public Works	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
109	Council and Budget Referrals - Project	Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F	1) determine if the City can require businesses to post notices on their website	0.00	Not Started	City Attorney	N	N	N	N	N	Y	N
110	Council and Budget Referrals - Project	Dynamex Decision Impact and Compliance on Minimum Wage Ordinance and Paid Sick Leave Ordinance	That the City Council refers to the City Manager and the Labor Commission to ensure the Berkeley Minimum Wage Ordinance (MWO) and Paid Sick Leave Ordinance are interpreted and enforced in a manner consistent with the holdings in Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018) 4 Cal.5th 903.	67.00	Work in Progress	City Attorney	N	Y	N	N	N	Y	Y

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Referrals, Projects, and Audits**

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111	Council and Budget Referrals - Project	Personal Liability Protection for Small Businesses	1. Direct the City Manager and City Attorney to draft and submit to the City Council for consideration an emergency ordinance to prohibit the enforcement of personal liability provisions in commercial leases and commercial rental agreements in the City of Berkeley for lessees/renters who have experienced financial impacts related to the Covid-19 pandemic. 2. Direct the City Manager to conduct outreach to all commercial tenants regarding any protections enacted by the City Council, with a particular focus on businesses that were required to stop serving food or beverages (e.g., restaurants, bars); close to the public (e.g., hair salons, barbershops, tattoo parlors); cease operations (e.g., gyms, fitness centers); or sharply limit operations (e.g., schools, retail shops, nurseries) due to the COVID-19 crisis.	33.00	Work in Progress	City Attorney	N	N	N	N	N	Y	Y
112	Council and Budget Referrals - Project	Private Parking Lot Regulations	Refer to the City Manager the development of an ordinance that would allow parking lot operators to manage their parking facilities so as to meet the needs of local businesses and their customers.	0.00	Deferred	City Attorney	N	N	N	N	N	Y	N
113	Council and Budget Referrals - Project	Prohibition on the Resale of Used Combustion Vehicles in 2040	On November 18, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to refer to the City Manager for review of the attached ordinance prohibiting the resale of used, existing combustion-powered vehicles beginning in 2040, to the extent legally possible.	0.00	Not Started	City Attorney	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
114	Council and Budget Referrals - Project	Supplemental Paid Family Leave	2) refer to the City Manager to draft an ordinance regarding retaliation against employees using state family leave, including a private right of action provision.	50.00	Work in Progress	City Attorney	N	Y	N	N	N	Y	Y
115	Council and Budget Referrals - Project	Referral Response: Including Climate Impacts in City Council Reports	Request that the City Manager update the templates and associated training materials to add "Climate Impacts" in the "Environmental Sustainability" section of reports to the City Council, and codify the changes in Appendix B in the next update to the Berkeley City Council Rules of Procedure. This recommendation is a partial response to a January 21, 2020 referral, sponsored by Councilmembers Davila and Bartlett, to require that all City Council items and staff reports include "climate impacts" in addition to environmental sustainability.	25.00	Work in Progress	City Clerk	N	Y	N	N	N	Y	Y

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116	Council and Budget Referrals - Project	Referral: Commission Low-Income Stipend Reform	Refer to the City Manager to develop and return to Council with a plan to improve equity, accessibility, and representation in City of Berkeley commissions by modernizing the low-income stipend program, and in doing so consider: 1. Increasing the annual household income cap for stipend eligibility from \$20,000 to align with the 50% Area Median Income (AMI) guidelines for Alameda County and reflect household size, and updating it annually with the latest HUD data. 2. Increasing the low-income stipend from \$40 to \$78 per meeting, and updating it annually with the City of Berkeley minimum wage to correspond to compensation for 2.5 hours of work.	0.00	Not Started	City Clerk	N	Y	N	N	N	Y	Y
117	Council and Budget Referrals - Project	Administrative Changes Related to Taxicabs	Request the City Manager consider the following administrative changes, in order to increase the competitiveness of the taxi industry: 1. Reduce the annual vehicle inspection fee from \$88 to \$45 and the re-inspection fee from \$45 to \$25.; 2. Increase the maximum amount of free taxi scrip that drivers are able to redeem each week from the current limit of \$400 to \$800 (if taxi scrip is redeemed twice per week, the maximum amount redeemed at once should be raised to \$400 from \$200).; 3. Consolidate all taxi-related undertakings, including customer service and taxi scrip redemption, to one office located at 1947 Center Street, Berkeley, CA 94704.; 4. Reduce the burden of the current mandatory sensitivity training course for taxi drivers, by exploring an option to complete the course online instead of in San Francisco, which costs \$50 and imposes onerous logistical costs. For example, available courses can be found at <a href="http://www.equo.co.uk/11-Taxi-Drivers">http://www.equo.co.uk/11-Taxi-Drivers</a> .; 5. Clarify in writing that taxi-drivers may purchase collective insurance instead of individual insurance. This will allow drivers to accumulate a more substantial fund to cover individual crashes, pay less per person, and reap similar benefits as rideshare drivers (who are insured by Transportation Network Companies) do.	0.00	Work in Progress	City Manager's Office	N	N	N	N	N	N	N

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118	Council and Budget Referrals - Project	City of Berkeley Neighborhood Services and Outreach Program (formerly "Amend April 26, 2018 Referral Regarding Sidewalks Policies ")	In light of the 9th Circuit Court of Appeal's September 4, 2018 ruling in Martin v. City of Boise, refer to the City Manager further analysis of Council's April 26, 2018 proposed "Regulations for Sitting, Lying, Dogs and Objects on Sidewalks and in Parklets" and analysis of Berkeley's existing regulations and practices, including but not limited to ordinances, administrative regulations, training protocols and other policies and practices, related to use and limits to use of sidewalks, parklets, streets, parks and other City property. Refer to the City Manager to collaborate with the offices of the Mayor and Councilmember Hahn to amend existing and, as necessary, draft new policies and procedures compliant with the above analysis, and report back to Council with recommendations for compliant policies.	50.00	Work in Progress	City Manager's Office	N	N	N	N	N	N	N
119	Council and Budget Referrals - Project	Denouncing Presidential Executive Order to Build a Border Wall and Urging the City of Berkeley to Divest from Companies Supporting or Participating in the Construction of a Border Wall; Revised materials	Adopt a Resolution denouncing the presidential executive order to build a wall along the U.S.-Mexico border and recommend that the City of Berkeley divest from any companies involved in the construction of a border wall.	0.00	Not Started	City Manager's Office	N	N	N	N	N	N	N
120	Council and Budget Referrals - Project	Enforce Bi-Weekly (Once Every Two Weeks) Residential Cleaning Measures to Address Encampments and Promote Clean Streets in Berkeley	Refer to the City Manager to promote equitable street cleaning practices and require biweekly (once every two weeks), cleanings of populated encampment sites in Berkeley and adjacent residential neighborhoods. In order to determine where City Staff should prioritize residential cleaning services, the City Manager should establish a radius around the campsites. When encampments are on non-City owned property, such as Caltrans, the City should bill the appropriate agency for the cost of staff and materials.	50.00	Work in Progress	City Manager's Office	Y	Y	Y	N	N	Y	Y
121	Council and Budget Referrals - Project	Non-Criminal Options for Enforcement of Sidewalk Regulations	Refer to the City Manager the development of non-criminal options for the enforcement of Berkeley laws and regulations related to use of public space that: Reduce, delay or, if possible, eliminate criminal penalties; Offer positive alternatives; and Ensure that the City has effective tools for enforcement of laws and regulations. While ensuring effective enforcement, options should delay or avoid pursuing infractions and misdemeanors and provide options to cure violations through positive actions such as mandated and verified community service, education, or participation in social service programs.	10.00	Work in Progress	City Manager's Office	N	N	N	N	N	N	N

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Referrals, Projects, and Audits**

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122	Council and Budget Referrals - Project	Public Toilet Policy	Refer to the City Manager to develop the following "Neighborhood Public Toilet Policy": Develop a process in which residents can obtain a permit for a neighborhood public toilet via an official petition; Residents should contact the City via 311 to obtain an official petition form to apply for a permit; In order to obtain the permit, the petition should be signed by at least 51% of residential addresses and business owners within the nearest two block radius of the proposed public toilet site; The City shall not fund or contribute to the financing of the public toilets or their maintenance.	85.00	Past Due	City Manager's Office	N	Y	N	N	N	Y	N
123	Council and Budget Referrals - Project	Recommendations Related to Code Enforcement and Receivership Actions	On November 25, 2019, the Health, Life Enrichment, Equity & Community Committee took action to send an item to Council with a positive recommendation that for purposes of understanding the issues and identifying potential changes to the City's codes, policies, and procedures the committee recommends the following: a. That the City Manager provide an information session to the City Council regarding the various ways in which code enforcement issues have been brought to the attention of the City over the last 5 years; b. How various code enforcement issues at residential properties are currently handled; c. Timeframe and mechanisms for achieving code compliance at residential properties; d. Any existing assistance programs available to support property owners found to have code violations; e. Specific learnings/changes in City practices resulting from the Leonard Powell receivership case; f. Other information deemed relevant and appropriate to understand the City's current code enforcement practices for residential properties Additionally, the Policy Committee requests that the Mayor call a special meeting of the City Council for purposes of a forum based on the recommendations provided by Councilmember Bartlett as the draft plan for a public meeting on receivership. And third, the Committee requests from the City Manager a specific reply on creating a mechanism to provide legal and technical assistance to independent third parties for	25.00	Work in Progress	City Manager's Office	N	Y	N	N	N	Y	N



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Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
124	Council and Budget Referrals - Project	Referral Responses: Managing Recreational Vehicle (RV) Parking	<p>The City of Berkeley seeks to implement all laws and ordinances in a fair and humane manner.</p> <p>To that end, we refer to the City Manager for consideration the following guidelines to help ensure enforcement of revised RV parking restrictions allowed under Ordinance No. 7,643-N.S. (BMC Section 14.40.120) is conducted with outreach, including information and resource guides and written notice.</p> <p>Further, we refer to the City Manager to quickly establish a three-month permit program (with possibility for renewal), to be offered on a one-time basis to existing priority populations and we refer to the Health, Life Enrichment, Equity &amp; Community Policy Committee to establish basic criteria for a standard two-week permitting process.</p> <p>The City Council reiterates its February 28, 2019 referral to identify and develop a temporary RV site to serve highly vulnerable populations, as well as a regional non-profit RV site, and to develop a program to allow private entities to host RVs on their property.</p>	0.00	Work in Progress	City Manager's Office	N	Y	N	N	N	Data Pending	N
125	Council and Budget Referrals - Project	Referral to City Manager to establish Recreational Vehicle Waste Discharge Facility on City Property and Referral to FY 2020/21 Budget Process	1. Refer to the City Manager to establish a recreational vehicle waste discharge facility on City property and equitable administrative fee program, and 2. Refer costs associated with the facility to the FY 2020/21 Budget Process. Include consideration of 1) method of pump out; 2) cost; 3) locations; and 4) capacity.	0.00	Pending	City Manager's Office	N	N	Partial	N	N	Y	Y
126	Council and Budget Referrals - Project	Supporting Worker Cooperatives and Referral to City Manager to Develop a Worker Cooperative Ordinance (Continued from January 12, 2016 – Item includes revised materials.)	<p>Adopt a Resolution to support worker cooperatives, and refer to the City Manager to develop a Worker Cooperative Ordinance, which includes:</p> <p>1. Revising the existing Buy Local contracting preference and adding a worker cooperative preference; 2. Revising the business permit application; 3. Incentivizing existing businesses to convert to cooperatives; 4. Creating business tax and land use incentives, and 5. Developing educational materials.</p>	75.00	Work in Progress	City Manager's Office	N	Y	Y	N	N	Y	Y
127	Council and Budget Referrals - Project	Urgency Item: Safety for All: The George Floyd Community Safety Act - City Attorney and Manager Analysis of Contractual and Legal Barriers to Public Safety Reform	Direct the City Manager and City Attorney to analyze contractual and legal barriers to public safety reform including police union contracts, vendor contracts, state and federal laws, to determine barriers to accountability and substantive reform. In addition, direct the City Manager and City Attorney to evaluate elements in the proposed police review commission charter amendment, that can be implemented by the City Council.	10.00	On Hold	City Manager's Office	N	N (On hold, pending Reimaging Police)	N	N	N	N	N

**Disposition of  
Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
128	Council and Budget Referrals - Project	Companion Report: Effective Enforcement of Safe Lead-Paint Practices - Update on Amendments	Based on the intent of the recommendation from the Community Environmental Advisory Commission (CEAC) for the City to expand enforcement of unsafe lead paint practices, refer to the City Manager to: - Coordinate with the Alameda County Healthy Homes Program to clearly identify roles and responsibilities for expanding enforcement of unsafe lead practices, and to explore options for sharing resources that can support expanded local enforcement; - Identify what resources, staff capacity, and program structure would be required to expand City enforcement of unsafe lead practices; - Continue current work to educate building permit applicants and contractors about safe lead paint practices; train and certify all City of Berkeley Building and Housing Inspectors in lead paint safety; respond to, investigate, and enforce safe lead paint practices as needed; and administer the Public Health Division's Childhood Lead Poisoning Prevention Program; and - Provide an update to City Council within one-year that identifies progress and next steps for expanding enforcement of unsafe lead practices. Additions: Request that the City Manager return to Council as soon as possible with recommendations on staffing for robust enforcement and internal restructuring for inspections. Options for noticing and distributing disclosure information. Enforcement by the City or the County, if feasible.	0.00	Pending Not On Schedule	City Manager's Office/Health, Housing & Community Services/Planning	N	N	N	N	N	N	N
129	Council and Budget Referrals - Project	Funding Streetlight Near South East Corner of Otis Street	Approved recommendation revised to change the item to a budget referral and refer an assessment of feasibility to fund construction of a streetlight on the corner of Otis near Ashby to the City Manager.	0.00	Not Started	City Manager's Office/Public Works	N	N	Data Pending	N	N	Data Pending	Data Pending
130	Council and Budget Referrals - Project	Community Microbond Initiative. Revised materials (Supp 2)	Refer to the 2018 prioritization process to direct the City Manager to produce a report outlining steps required if the City were to implement a Pilot Project for the Community Microbond Initiative within 90 days. Consider including a community engagement component (such as a survey) to identify a project for the pilot, identify City staff who would be involved in the Pilot Project, analyze the cost structure to the City, clarify the process to identify, select and collaborate with relevant vendors, and outline any and all other necessary steps to achieve a Pilot Microbond offering. Consider including the following requirements for a proposed RFP: Vendor(s) selected should have municipal bond underwriting capabilities; Vendor(s) selected should have experience with blockchain technology	90.00	Work in Progress	Finance	N	Y	Y	N	N	Y	Y
131	Council and Budget Referrals - Project	Develop Ordinance Prohibiting Companies Participating in the Construction of a Border Wall from Contracting with the City of Berkeley	Direct the City Manager to develop an ordinance prohibiting companies involved in the construction of a border wall from contracting with the City of Berkeley. Return to Council with the proposed ordinance within 90 days.	25.00	Pending Not On Schedule	Finance	N	Y	Y	N	N	Y	Y

**Disposition of  
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132	Council and Budget Referrals - Project	Accessory Dwelling Unit Ordinance Updates	Action: M/S/Carried (Hahn/Wengraf) to adopt the item as written in Supplemental Reports Packet #1 and including the following changes. <ul style="list-style-type: none"> <li>• Remove the language regarding view protections.</li> <li>• Add new #9 on hillside heights measurements where no previous structure exists.</li> <li>• Add "and any other solutions" to #5 regarding parking.</li> <li>• Include the referral from Item 15 with this referral.</li> </ul> 01/14/21 (SM for DB) Restricted allowances due to state law. Solution may be incorporated into Safe Passages.	90.00	Work in Progress	Fire & Emergency Services	N	Y	Y	N	Y	Y	N
133	Council and Budget Referrals - Project	Commission Referral: Recommendation to Install an Outdoor Public Warning System (Sirens) and Incorporate It Into a Holistic Emergency Alerting Plan	Recommend that City of Berkeley explore evaluating locations to install and maintain an outdoor public warning system (sirens) as a supplement to other alert and warning technologies within our boundaries and coordinated with abutting jurisdictions and Alameda County, and refer the item to the November budget discussion. 01/14/21 (SM for DB). Funding identified in Measure FF	10.00	Work in Progress	Fire & Emergency Services	Y	Y	Y	N	N	Y	Y
134	Council and Budget Referrals - Project	Immediate Measures to Address Fire Safety and Prevention [Non-RRV Prioritization Process]	Refer to the City Manager to study and evaluate, in consultation with relevant Commissions, the following fire safety and prevention measures on a priority basis. After study and evaluation, implement or, where additional resources may be required, recommend implementation and sources of funding. 1. Complete the Berkeley Fire Department's comprehensive Evacuation Plan and publicize evacuation routes and protocols on a priority basis. 2. Increase outreach efforts to sign up residents for the Alameda County Emergency Alert program. 3. Review and update the City's existing Fire Safety ordinances, including BMC 12.50 Fire Inspection Program. 4. Consider implementation of a siren warning system, similar to Oakland's Emergency Siren system. 5. Review and, as necessary, strengthen coordination and communication with Oakland, East Bay Regional Parks (EBRP), Alameda County, Contra Costa and other neighboring Fire Department and emergency response service providers. 6. Expand programs and practices to reduce fire hazards and fuel loads and ensure clearance for utility lines on both public and private property as outlined in the report. 01/14/21 - Programs to be funded by FF (SM for DB).	10.00	Not Started	Fire & Emergency Services	Y	Y	Y	N	N	Y	N

**Disposition of  
Referrals, Projects, and Audits**

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135	Council and Budget Referrals - Project	Referral to Develop Comprehensive Plan for Disaster Preparedness and Post-Disaster Rebuilding with Respect to Multi-Family Housing [Non-RRV Prioritization Process]	Refer to applicable City departments and commissions the development of a comprehensive plan for both disaster preparedness and post-disaster rebuilding with respect to multi-family housing. As part of the plan, applicable departments and commissions should explore how applicable ordinances (e.g., Demolition Ordinance, Relocation Ordinance, Rent Stabilization Ordinance) may interface with rebuilding efforts in the event of a major disaster and make recommendations to amend or clarify them as appropriate. The referral can be added to existing referrals concerning disaster preparedness item and prioritized as appropriate.	0.00	Not Started	Fire & Emergency Services	Y	N	N	N	N	N	N
136	Council and Budget Referrals - Project	Referral to the Disaster and Fire Safety Commission and the City Manager: Five Year Plan for Expanded Disaster Preparedness Services [Non-RRV Prioritization Process]	Refer to the Disaster and Fire Safety Commission and the City Manager's office to explore developing a five year plan for expanded disaster preparedness services.	0.00	Work in Progress	Fire & Emergency Services	Y	N	N	N	N	N	N
137	Council and Budget Referrals - Project	Adding Threat of Displacement of a Berkeley Resident to the Current Income Qualification Guidelines Which Would Place an Applicant in Priority Status for BMR (Below Market Rate) Units [Housing Action Plan]	Refer to the City Manager adding to income qualification the status of pending displacement of a Berkeley resident or family, for priority eligibility for BMR units.	0.00	Not Started	Health, Housing & Community Services	N	Y	Y	Y	N	Y	Y
138	Council and Budget Referrals - Project	Cigarette and Tobacco Litter Ordinance; Referral to Community Health Commission	Referral to the Community Health Commission to establish an ordinance that would diminish pollution from cigarettes waste similarly to San Francisco's Cigarette Abatement Fee Ordinance.	0.00	Work in Progress	Health, Housing & Community Services	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
139	Council and Budget Referrals - Project	Community Impact of Future Changes to Services at Sutter Health Alta Bates Ashby Campus	Refer to the Community Health and Disaster and Fire Safety Commissions to evaluate potential community impacts of changes to services at the Sutter Health Alta Bates Ashby campus in the coming years.	0.00	Work in Progress	Health, Housing & Community Services	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
140	Council and Budget Referrals - Project	Companion Report and Referral Response: Creation of a Small Sites Program	4) Request that the Council and Housing Advisory Commission receive copies of small sites loan applications along with staff's corresponding analysis and decision. 6) Refer further consideration of a long-term small sites program to the City Manager and the Housing Advisory Commission. 7) Refer the small sites program to the November budget update and next biannual budget planning cycle in 2019.	0.00	Work in Progress	Health, Housing & Community Services	Y	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending

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Referrals, Projects, and Audits**

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141	Council and Budget Referrals - Project	Companion Report: Support for Oregon Park Senior Apartments - [Housing Action Plan]	Refer the Housing Advisory Commission's recommendation that staff work with Oregon Park Senior Apartments (OPSA) to the Council prioritization process so that the Council can evaluate this recommendation in the context of other recommendations for the use of Housing & Community Services staffing resources. Adopted with the following conditions: 1. Oregon Street Park Apartments will conduct a financial audit. 2. Oregon Street Park Apartments will conduct a full assessment of the structure of the building and the facility needs. 3. Oregon Street Park Apartments will hire a property manager to oversee the financials and the property. 4. The City will commit to holding the fines in abeyance until such time that conditions 1-3 are completed.	0.00	Not Started	Health, Housing & Community Services	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
142	Council and Budget Referrals - Project	Disposition of City-Owned, Former Redevelopment Agency Property at 1631 Fifth Street	Refer the item to the City Manager to explore City uses of the property for housing and homelessness services and needs, or other uses, and review the remediation needs of the property.	0.00	Pending	Health, Housing & Community Services	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
143	Council and Budget Referrals - Project	Health Equity & Innovation District	Referral to the Planning Commission, the Community Health Commission, the Commission on Aging, and the City Manager to establish a Health Equity & Innovation District (HID). The goal of the HID is to reduce chronic racial health disparities and improve the overall public health strategy of Berkeley by fostering innovations in healthcare delivery, improving resiliency, and strengthening the integration of health services and systems. The HID is intended to draw investment and grant opportunities, as well as to explore the expansion of scope of practice for medical providers.	0.00	Work in Progress	Health, Housing & Community Services	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
144	Council and Budget Referrals - Project	Healthy Checkout Ordinance	2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program.	25.00	Work in Progress	Health, Housing & Community Services	N	Y	N	N	Y	Y	
145	Council and Budget Referrals - Project	Providing our Unhoused Community in the City of Berkeley with Menstrual Products	3. Direct the City Manager to use existing homeless services funding to develop and deploy a program to provide a broad spectrum of menstrual products, including but not limited to, feminine hygiene, pads, tampons, underwear, and other related products, both through the City's outreach direct services, as well as through the community based homeless services providers. Additionally, require some elements of this program be deployed immediately, with a full program deployment within six months.	10.00	Work in Progress	Health, Housing & Community Services	N	Y	N	N	N		Y
146	Council and Budget Referrals - Project	Refer to the City Manager's Office and Budget Referral: Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the Homeless	Refer to the City Manager's office and the HAC to develop a second dwelling unit/accessory dwelling unit Pilot Project as an additional strategy to provide housing for homeless persons and families.	0.00	Not Started	Health, Housing & Community Services	Y	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending

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147	Council and Budget Referrals - Project	Referral to Commission on Labor: Amendments to Living Wage Ordinance (BMC 13.27)	Refer to the Commission on Labor the following suggested amendments to the Living Wage Ordinance, Berkeley Municipal Code Chapter 13.27: 1. Amend Section 13.27.050.A to allow an employee the right to opt out of an employer provided medical benefit plan and still receive the higher compensation amount (currently \$15.99 per hour) as cash in lieu if they provide proof of alternative coverage under a medical benefit plan. 2. Amend the posting requirements, retaliation, complaint process, and enforcement sections to conform to the language in the recently adopted Minimum Wage Ordinance.	0.00	Work in Progress	Health, Housing & Community Services	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
148	Council and Budget Referrals - Project	Referral to the City Manager: Adopt Section 8 Landlord Incentives [Housing Action Plan]	Refer to the City Manager the adoption of the following measures to encourage landlords to accept Section 8 and Shelter + Care vouchers: 1. Create a list of qualified, efficient and affordable contractors vetted by the City, and a discount or waiver of permit fees, to support bringing their unit(s) to code; 2. Provide legal and/or mediation support, offered either through the City or a partner, in negotiating Landlord/Tenant disputes out-of-court; 3. Allow parcel and/or property tax reductions based on the percentage of property or units that are currently Section 8 and/or decided during annual Section 8 inspection; and 4. Identify organizations who can support financial literacy and management for Section 8 tenants, including establishing bank accounts with direct deposit to Landlords. We ask City staff to research and develop a proposal of options for implementing these within the next six months.	0.00	Not Started	Health, Housing & Community Services	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
149	Council and Budget Referrals - Project	Referral to the Labor Commission and the Commission on the Status of Women: Paid Family Leave Ordinance Revised materials	Refer the attached ordinance for consideration by to the Labor Commission and the Commission on the Status of Women to help in the development of a Paid Family Leave Ordinance for the City of Berkeley. The Labor Commission shall be responsible for conducting a public hearing to collect community input on the attached draft legislation. The Labor Commission shall conduct outreach and invite relevant stakeholders to attend, including representatives from small business associations, chambers of commerce, Berkeley employers, and Berkeley employees. The Commission on the Status of Women shall be responsible for research and overall project management. The Commissions shall jointly prepare a report for submission to Council summarizing both commissions' suggestions and the community's suggestions for changes that should be made to the attached legislation.	0.00	Work in Progress	Health, Housing & Community Services	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending

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150	Council and Budget Referrals - Project	Small Sites Acquisition Program and Tenant Opportunity to Purchase [Housing Action Plan]	Refer to the City Manager the implementation of the following strategies to preserve existing affordable housing and prevent displacement: 1. Create a Small Sites Program to assist non-profits in acquiring existing properties that considers the following criteria: a. Targets 5-25 unit multi-family buildings, particularly properties with strong potential for conversion to resident ownership, those in which no-fault evictions have been filed, or those at high risk of speculative purchase. b. Allocates \$1-2 million from multiple funding sources. Such sources could include Measure A1 and U1 funds, Section 8 vouchers, and the MTC NOAH program. c. Includes administrative guidelines for a streamlined allocation process that will ensure an expedited commitment and funding process. Such commitments could include a letter of commitment from the City when non-profit organizations are placing an option on a property, or a small grant to make a down payment. 2. Review and develop an ordinance modeled after Washington D.C.'s Tenant Opportunity to Purchase Act that offers existing tenants the first right of refusal when property owners place rental property on the sale market, which can be transferred to a qualifying affordable housing provider.	50.00	Work in Progress	Health, Housing & Community Services	N	Y	N	N	N	N	N
151	Council and Budget Referrals - Project	Workforce Housing Affordability Plan [Housing Action Plan]	Refer to the City Manager the addition of a new workforce housing option to the inclusionary housing law that raises the percentage of inclusionary units by allowing the production of more subsidized units at a reduced subsidy per unit. Additionally, request that the City Manager return with "affordable by design" suggestions to help address the underproduction of middle-income units in Berkeley.	0.00	Not Started	Health, Housing & Community Services	N	Y	Y	N	N	Y	Y
152	Council and Budget Referrals - Project	Workforce Housing for Berkeley Unified School District Personnel [Housing Action Plan]	Request the City Manager to direct staff to investigate the feasibility of developing workforce housing, in conjunction with Berkeley Unified School District, for teachers and employees. This investigation should include research into what other California cities (such as San Francisco, Oakland, Santa Clara and San Mateo County) are considering as part of their pursuit of school district workforce housing.	0.00	Not Started	Health, Housing & Community Services	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
153	Council and Budget Referrals - Project	Budget Referral: Remediation of Lawn Bowling, North Green and Santa Fe Right-of-Way, FY2020-2021	Refer to the November 2019 AAO consideration of at least \$150,000 and up to remediate the Lawn Bowlers, North Green and Santa Fe Right-of-Way in advance of Request for Proposal (RFP) for these areas that potentially could provide much needed affordable alternative housing. Refer to the Homeless Services Panel of Experts to consider Measure P funds for remediation purposes for these properties.	0.00	Not Started	Health, Housing & Community Services	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending

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Referrals, Projects, and Audits**

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154	Council and Budget Referrals - Project	Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F	2) analyze the impacts of artificial flavorings/additives and advise if any further regulations are necessary	0.00	Pending	Health, Housing & Community Services	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
155	Council and Budget Referrals - Project	Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F	2) direct the Berkeley Public Health Department to review the issue of flavored cannabis products for combustion or inhalation, and cannabis products whose names imply that they are flavored, and review any additional ingredients that may be hazardous, whether natural or artificial, including vitamin E acetate in inhalation products, and make recommendations for action.	0.00	Pending	Health, Housing & Community Services	Y	Y	Y	N	Y	Y	Y
156	Council and Budget Referrals - Project	Companion Report: Health Study to be Conducted by the Public Health Division to Gather Data on Health Conditions, Health Disparities and Mortality Rates of Berkeley's homeless	Send a letter to Alameda County requesting data on deaths of identified homeless individuals.  Contact Alameda County request that they explore the feasibility of recording homelessness as a data point in death records and/or making investments to begin tracking this information locally.	50.00	Work in Progress	Health, Housing & Community Services	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
157	Council and Budget Referrals - Project	Open Doors Initiative: City Worker and First Time Affordable Homebuyer Program	That the City Council refer the City Manager and Housing Advisory Committee to explore mechanisms to support homeownership by City of Berkeley employees and further refer to City Manager to prepare a report detailing available first-time homeownership and low-income homeowner programs that might be available for implementation in the City of Berkeley. Analysis to include the new Self-Help Housing Program and the provisions of AB 101.	0.00	Not Started	Health, Housing & Community Services	Y	N	N	N	N	Y	Y
158	Council and Budget Referrals - Project	Voluntary Time Off on Statewide Election Days for City Employees	Refer to the City Manager to designate Statewide Election Days as VTO days, and refer to the 2x2 Committee to discuss coordinating City and District policy on holidays, in particular Election Day.	80.00	Work in Progress	Human Resources	N	Y	Y	N	Y	Y	N
159	Council and Budget Referrals - Project	Expanding the Downtown Arts District	1. Request the Planning Commission examine expanding the boundaries of the current Downtown Arts District Overlay as well as the allowable active ground-floor uses. 2. Request the City Manager consider the Downtown Arts District as part of the update to the Berkeley Arts and Culture Plan.	95.00	Work in Progress	Office of Economic Development	N	Y	N	N	N	Y	Y



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160	Council and Budget Referrals - Project	Path to Permanence for Outdoor Dining and Commerce Permits Granted Under COVID-19 Public Health Emergency Declaration	On November 2, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to the City Council with the recommendation language as amended by the committee. The revised recommendation language includes: Refer to the City Manager to develop a program and, if necessary, ordinance language to facilitate the transition of temporary outdoor dining and commerce permits that were obtained under the City's declaration of emergency to permanent status. - Consider criteria for transitioning spaces for Public vs. Private outdoor use. - Consider the structural, materials, safety and other criteria for temporary vs. permanent outdoor spaces. - Consider costs and benefits of private outdoor spaces adjacent to specific businesses on customer access, parking availability, parking revenues, and all other factors. - Consider Merchant opt-out vs. opt-in: To encourage and support the use of outdoor commerce, upon the conclusion of the City declaration of emergency, outdoor commerce permit holders might automatically be transitioned to permanent permit status unless the permit holder chooses to remove the installation, or the City might reach out to temporary permit holders and offer an opt-in or quick transition program. - Consider Fees and potential Fee waivers for temporary spaces transitioning to permanent status: Fees associated with the minor encroachment permits or sidewalk seating typically necessary for outdoor dining and commerce permits could be waived for all temporary permits. Consider Postponing	10.00	Work in Progress	Office of Economic Development	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
161	Council and Budget Referrals - Project	Referral to the Civic Arts Commission to Consider the Creation and Selection of a Flag for the City of Berkeley	Refer to the Civic Arts Commission to select a flag for the City of Berkeley from submissions from the public.	0.00	Work in Progress	Office of Economic Development	Y	N	Y	N	N	Y	Y
162	Council and Budget Referrals - Project	Referral to the Civic Arts Commission to create interactive family-friendly art attractions	Refer to the Civic Arts Commission to create interactive family-friendly art attractions in the City of Berkeley.	0.00	Work in Progress	Office of Economic Development	Y	Y	Y	N	N	Y	Y
163	Council and Budget Referrals - Project	Referral to the Civic Arts Commission to develop a grant program available for arts and cultural organizations to support retaining and improving creative spaces for artists	Referral to the Civic Arts Commission to prioritize within their current Work Plan creating a process for awarding competitive grants to Berkeley-based arts and cultural organizations that will help support their ability to stay in Berkeley.	11.00	Work in Progress	Office of Economic Development	Y	Y	Y	N	N	Y	Y
164	Council and Budget Referrals - Project	Evaluation of Possible Ban on New Planting of Certain Tree Species	Take action to either: a) Direct the City Manager to proceed with Option 1, and continue the City's current practice regarding tree plantings on City property, which currently do not include Eucalyptus, and Monterey Pine (except at the Marina).-OR- b) Adopt a Resolution as described in Option 2 that would ban the new planting of certain tree species on City property. -OR-c) Direct the City Manager to develop an ordinance for Council adoption that bans the new planting of certain tree species on both public and private property, and includes enforcement mechanisms.	0.00	Work in Progress	Parks, Recreation & Waterfront	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending

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Referrals, Projects, and Audits**

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165	Council and Budget Referrals - Project	Referral to the City Manager: Equitable Access to Greenspace	Refer to the City Manager to explore developing a plan for increasing Equitable Access to Greenspace in Berkeley. Future parks and greenspace investments should be targeted at reducing disparities in access to greenspace. Criteria to consider should include: ☐ Geographical distance and square footage of available greenspace ☐ Income levels of area residents, which may impact their ability to afford non-public facilities and/or transportation to green spaces ☐ The proportion of youth, seniors and disabled people unable to travel to more distant facilities The City may utilize recommendations from the report "Berkeley Parks Planning for an Equitable Future" produced by the Parks and Waterfront Commission's Subcommittee on Planning. The City should also consider the work of San Francisco's Green Connections (see <a href="http://sf-planning.org/green-connections">http://sf-planning.org/green-connections</a> ) which promotes the presence and attractiveness of walking and bike paths to green spaces in order to encourage their use. The City should investigate strategies for expanding park capacity including assessing prime areas for developing new parks and greenspaces, such as in the Adeline Corridor and Santa Fe ROW. The Adeline Corridor Plan must consider and account for increasing greenspace in the Southeast Quadrant of Berkeley, and explore innovative ways for integrating greenspace into our urban environment. To implement these recommendations, the City should explore public private funding partnerships as well as community partnerships with Berkeley residents, community	0.00	Work in Progress	Parks, Recreation & N Waterfront		Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
166	Council and Budget Referrals - Project	Authorize Installation of Security Cameras at the Marina and Request an Environmental Safety Assessment	Adopt the following recommendations in order to address the recent dramatic uptick in reported crime incidents at the Berkeley marina: -Request that the City Manager install security cameras and signage as expeditiously as possible as a long-term safety measure; -Refer to the City Manager to perform an environmental safety assessment of the Berkeley marina with particular attention to the berther parking areas. Cameras will not use facial recognition or biometric software.	90.00	Work in Progress	Parks, Recreation & N Waterfront		Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
167	Council and Budget Referrals - Project	27. Green Affordable Housing Package (Continued from October 6, 2015)	Refer that the Planning Commission and City Manager investigate the following two policies as ways to reduce barriers for the creation of affordable housing. City Council requests that commissions and staff address and propose solutions and/or an implementation plan using the recommendations in the report by September 1, 2016. Policy 1: Designate units and funding for affordable housing by prioritizing housing over parking spaces in new developments. Policy 2: Remove the structural and procedural barriers to creating more housing.	90.00	Work in Progress	Planning	Involves Planning Commission	Y	Y	N	N	Y	Y
168	Council and Budget Referrals - Project	City Manager Referral: Facilitate the Local Implementation of Senate Bill 1413 and Expedite the Development of Teacher and School Employee Housing [Housing Action Plan]	Refer to the City Manager to work with the Planning to facilitate the local implementation of Senate Bill 1413 in an effort to expedite the development of housing for teacher and school employees in Berkeley.	0.00	Not Started	Planning	N	N	N	N	N	Y	N

**Disposition of  
Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
169	Council and Budget Referrals - Project	Classify Home Occupation Activities Receiving Five or Fewer Visits as Moderate Impact Home Operation (PDF)	Refer to the City Manager that the zoning code for Moderate Impact Home Operation (Moderate Impact HO) be amended to include home occupation activities receiving five or fewer visits weekly, requiring an AUP rather than a Use Permit with public hearing.	90.00	Work in Progress	Planning	Involves Planning Commission	Y	N	N	N	Y	Y
170	Council and Budget Referrals - Project	Deferral of Remaining Permit Fees for 2009 Addison Street	Refer to the City Manager to conduct a feasibility analysis and develop an MOU with the Berkeley Repertory Theater to defer \$720,000 in remaining permit and inspection fees for Berkeley Repertory Theater's housing project at 2009 Addison Street (leaving flexibility for timing, setting of interest, schedule of payments, and fund sources).	0.00	Not Started	Planning	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
171	Council and Budget Referrals - Project	Partial Response to Council Referral on Deep Green Building Initiative - Recommendation for Dedicated Revenue Stream to Incentivize Residential Energy Efficiency and Electrification	City Council refers to staff a request to conduct an analysis to identify and develop a set of programs and policies consistent with the Climate Action Plan to incentivize residential energy efficiency and electrification investments, based on a cost benefit analysis to determine highest value energy-saving measures. This recommendation supports the Deep Green Building Initiative referral from the Council to the Energy Commission. Council further refers \$50,000 to the budget process for the staff work and analysis.	20.00	Work in Progress	Planning	N	Y	Y	Y	N	Y	Y
172	Council and Budget Referrals - Project	Permit Service Center Improvements	Refer to the City Manager to include in current efforts to improve the Land Use Permitting process the following proposals to increase the efficiency and outreach of the Permit Service Center, making the permitting process easier for staff and applicants alike. Specific proposals to consider include: 1. Website improvements for tracking of permits, calculating permit fees, and applying online; 2. Case Managers for coordinated intake of permit applications and materials; 3. Informational materials including an improved user guide and infographics modeled after BizGrid; 4. Customer service improvements at the Center including a fast track line, kiosks, and an online appointment booking system.	50.00	Work in Progress	Planning	N	Y	Y	N	N	Y	Y
173	Council and Budget Referrals - Project	Planning Commission Referral for a Pilot Density Bonus Program for the Telegraph Avenue Commercial District to Generate Revenue to House the Homeless and Extremely Low-Income Individuals	Refer a City Density Bonus policy for the Telegraph Avenue Commercial District to the Planning Commission to generate in-lieu fees that could be used to build housing for homeless and extremely low-income residents.	25.00	Work in Progress	Planning	Involves Planning Commission	Y	Y	N	N	Y	Y
174	Council and Budget Referrals - Project	Providing Requested Direction to the City Manager and Planning on the Number of Cannabis Retail Establishments and the Creation of an Equity Program	That the Council provides requested direction to the Planning on how to proceed with the Equity Program recommended by the Cannabis Commission in the October 9, 2018 staff report; with the following specifications: Recommendation of creating 1 new dispensary license for equity applicants. It is envisioned as new licenses are created, such as, delivery, manufacturing, and micro-business, permits will be reserved for equity applicants for each new category.	25.00	Work in Progress	Planning	Involves Planning Commission, Cannabis Commission	N	N	N	N	Y	N

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Referrals, Projects, and Audits**

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175	Council and Budget Referrals - Project	Referral to the Planning Commission to Allow 4 Temporary Zoning Amendments to Increase Student Housing in the Southside Area	Refer to the City Manager and the Planning Commission to consider conversion of existing commercial space for residential use between College Avenue and Fulton Street and Bancroft Way to Dwight Way.	50.00	Work in Progress	Planning	Y	Y	Y	N	N	Y	Y
176	Council and Budget Referrals - Project	Short Term Referral to Expedite Components of the More Student Housing Now Resolution, and budget referral to the annual appropriation ordinance adoption	Short term referral to the City Manager and the Planning to promptly move forward with components of the More Student Housing Now Resolution that do not require additional CEQA review, amend existing City ordinances and policies that prevent the implementation of SB 1227, and provide a budget referral to the annual appropriation ordinance adoption that would allocate the necessary resources as determined by the Planning Staff.	50.00	Work in Progress	Planning	Involves Planning Commission	Y	Y	N	N	Y	Y
177	Council and Budget Referrals - Project	Tiny Homes and Tiny Home Communities as Homeless Housing Options [Housing Action Plan]	2. Refer the item to the City Manager for further research and analysis. The creation of Tiny Homes on public or private property for long-term use and/or as habitable dwellings with facilities intended as a homeless program would require modifications to the existing zoning and building codes and additional program requirements to ensure such developments are moving clients out of homelessness.	0.00	Not Started	Planning	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
178	Council and Budget Referrals - Project	Zoning Ordinance Amendments to Increase the Floor Area Ration (FAR) and Building Heights in Portions of the Telegraph Avenue Commercial (C-T) District; Amending BMC Chapter 23E.56; REFERRAL: refer to the City Manager to develop community benefit requirements, with a focus on labor practices and affordable housing	Adopt first reading of an Ordinance amending the Zoning Ordinance, Berkeley Municipal Code Chapter 23E.56, Telegraph Commercial District (C-T) to increase the floor area ration and building heights in portions of the Telegraph Avenue Commercial (C-T) District.	50.00	Work in Progress	Planning	Involves Planning Commission	Y	Y	N	N	Y	Y
179	Council and Budget Referrals - Project	ZORP   Customer Service Improvements to Land Use Permit Process	Direct staff to make structural improvements to the Zoning Ordinance, communication improvements to better explain complex technical and procedural elements to the public, and organizational improvements to the Land Use Planning Division; and authorize the issuance of a request for proposals (RFP) for the selection of consultants to make structural improvements to the Zoning Ordinance and develop graphic communication elements in an amount not to exceed \$300,000.	30.00	Work in Progress	Planning	Involves Planning Commission	Y	Y	N	N	Y	Y
180	Council and Budget Referrals - Project	City Manager Referral: Expanding Gun Safety Measures in Berkeley	Refer to the City Manager to consider the following ordinances: 1. Banning Unsecured Firearms And Ammunition Located In Unattended Vehicles In The Public Right Of Way And "Public Places" As Defined In The Ordinance; and 2. Requiring That City-Issued Firearms In Unattended Vehicles Be Secured.	30.00	Work in Progress	Police	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
181	Council and Budget Referrals - Project	City Manager Referral: Plan for Lighting and Signage at the Ohlone Greenway at Cedar, Rose, and Hopkins	Refer to the City Manager to develop a plan to improve the lighting and signage (e.g. stop signs) at the Ohlone Greenway crossing at Cedar, Rose, and Hopkins, particularly for bicycle transit.	0.00	Work in Progress	Public Works	N	Y	N	Y	N	Y	Y
182	Council and Budget Referrals - Project	Four Way Stop Signs on Eighth Street at Carleton Street and Pardee Street	Refer to the City Manager a proposal to install stop signs at the intersections of Eighth Street and Carleton Street and Eighth Street and Pardee Street.	2.00	Work in Progress	Public Works	N	N	N	N	N		N

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Referrals, Projects, and Audits**

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183	Council and Budget Referrals - Project	Refer to City Manager to look into adopting an ordinance requiring a permit process for scooter sharing companies to operate on public streets	Refer to the City manager to look into adopting an ordinance establishing a pilot Powered Scooter Share Permit Program for 24 months, requiring a permit issued by the Director of Public Works, establishing a fee for the issuance of the permit, establishing administrative penalties for failure to obtain a permit or violation of permit requirements, providing a procedure for the assessment and collection of administrative penalties for permit violations or parking or leaving standing an unpermitted powered scooter subject to the pilot Powered Scooter Share Permit Program on a sidewalk, street, or other public right-of-way.	50.00	Work in Progress	Public Works	N	Y	Y	N	N	Y	Y
184	Council and Budget Referrals - Project	Referral to Consider Caregiver Parking in Residential Shared Parking Pilot	Refer to the City Manager and Transportation Commission to consider a pilot program for caregiver parking permits in RPP zones in the goBerkeley Residential Shared Parking Pilot.	25.00	Pending On Schedule	Public Works	Y	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
185	Council and Budget Referrals - Project	Referral to the City Manager: Prioritize Climate Action Plan's Policy to Redesign/Rebuild the Berkeley Transfer Station and Material Recovery Facility into a State of the Art Zero Waste Facility	Referral to the City Manager: Prioritize the City of Berkeley's Climate Action Plan's policy to redesign/rebuild the Berkeley Transfer Station and the material recovery facility into a state of the art Zero Waste facility.	0.00	Work in Progress	Public Works	N	Y	Y	N	N	Y	Y
186	Council and Budget Referrals - Project	Referral to the Public Works Department and the City Manager: Finishing the installation of Sculpture Lighting into Adjacent Street Lights for the William Byron Rumford Statue on Sacramento and Julia St.	Refer to the City Manager a request to finish the installation of sculpture lighting into adjacent street lights for the William Byron Rumford statue on Sacramento and Julia Street. Refer to the Public Works Department for its installation.	25.00	Work in Progress	Public Works	N	Y	Y	N	N	Y	Y
187	Council and Budget Referrals - Project	Request for Information Regarding Current Status and Progress on Traffic Mitigations at Dwight Way and California Street	Refer to the City Manager a request for information regarding the current status and progress on traffic mitigations and pedestrian safety improvements at the intersection of Dwight Way and California Street.	0.00	Not Started	Public Works	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	N
188	Council and Budget Referrals - Project	Residential Preferential Parking (RPP) Program Reform and Expansion	2. Refer to the City Manager to explore options to amendments to the ordinance related to the cap on permits for situations such as caregivers, child care, and others.	25.00	Work in Progress	Public Works	N	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
189	Council and Budget Referrals - Project	Restrict Parking in the Hills Hazardous Fire Area (Continued from January 12, 2016)	Refer to staff the design of a parking restriction program in the Hills Fire Zone to ensure access for emergency vehicles and to allow for safe evacuations in an emergency and to hold public meetings to get community input in the design of such a program.	10.00	Work in Progress	Public Works	N	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
190	Council and Budget Referrals - Project	Special RPP Designation, Grant Street between Ohlone Park and Delaware Street	Request the City Manager to designate a special "no 2-hour parking grace period" residential permit parking zone for the one cul-de-sac block of Grant Street between Ohlone Park and Delaware Street. Also, request to provide Council with an Info Report on the process and perform increased enforcement.	0.00	Work in Progress	Public Works	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending

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Referrals, Projects, and Audits**

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191	Council and Budget Referrals - Project	Adopt a Spot Initiative for Volunteer Stewardship of Public Spaces	Refer to the Public Works Commission and Parks and Waterfront Commission to develop an Adopt A Spot initiative; specifically outlining potential environmental benefits, program costs, staffing. Rationale: -Adopt a Spot programs enable a network of volunteer residents to assist in city maintenance and clean up efforts which have great impact using minimal City staff/funding. -Vision 2050 will include stormwater and watershed management goals, both of which this program would support.	75.00	Work in Progress	Public Works/Parks, Recreation & Waterfront	Y	Y	Y	N	N	Y	N
192	Council and Budget Referrals - Project	Wildland Urban Interface Fire Safety and Fire Safety Education	To address long term fire, earthquake and disaster preparedness, response, and safety: Refer all of the Proposed Measures from the Commission's report to the City Manager for review by the Fire Department, Public Works, Parks, Recreation & Waterfront and other affected departments to be considered and prioritized along with: Councilmember Bartlett's November 28, 2017 referrals, Councilmember Hahn's January 30, 2018 referrals, and The January 2018 Conceptual Study to Underground Utility Wires. All of these measures should be reviewed, evaluated and prioritized by the City Manager. Report the City Manager's prioritization to Council.	0.00	Work in Progress	Fire & Emergency Services	Y	Y	Y	N	N	Y	N
193	Council and Budget Referrals - Project	Treatment of women in custody at Santa Rita Jail	Refer to the Commission on the Status of Women the alleged offensive treatment of women in custody at Santa Rita Jail, as reported below with the aim of ensuring that searches of women not be conducted in the presence of men (be they male officers or inmates) and any other changes in protocol that might be needed to ensure appropriate policies are followed during searches of women in custody.	0.00	Work in Progress	City Manager's Office	Y	Data Pending	N	N	N	Data Pending	N
194	Council and Budget Referrals - Project	Traffic Circle Vegetation Maintenance Policy	Refer to Parks and Waterfront Commission and the Transportation Commission to establish a city/community task force to: a) Evaluate the City's current traffic circle vegetation policy and b) Conduct a community led process to update that policy to ensure pedestrian/bicycle/vehicle safety and preserve community efforts to beautify traffic circles.	0.00	Not Started	Parks, Recreation & Waterfront	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
195	Council and Budget Referrals - Project	Non-Citizen Voting in Berkeley Elections Refer to Peace and Justice Commission	Refer to the Peace and Justice Commission to consider preparation of an amendment to the Berkeley City Charter to be presented to the voters in Berkeley that would allow a non-citizen resident the right to vote in Berkeley city elections.	0.00	Not Started	City Manager's Office	Y	N	N	N	N	Data Pending	N
196	Council and Budget Referrals - Project	Referral to Peace and Justice Commission to Further Protections for Immigrants and Religious Minorities	Adopt a Resolution referring to the Peace and Justice Commission to: 1. Identify entities involved in attempts to create databases and registries used to target immigrants and religious minorities, and make recommendations to the City Council on divesting from such entities; and 2. Identify all service providers to US Immigration and Customs Enforcement, and make recommendations to the City Council on prohibiting city investment in such service providers.	0.00	Not Started	City Manager's Office	Y	N	N	N	N	N	N

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197	Council and Budget Referrals - Project	Referral to the Peace & Justice Commission: Examine Internet Communications Platforms Servicing Berkeley	Referral to the Peace & Justice Commission to examine the internet communications platforms servicing Berkeley to assess whether they are propagating or promoting racism and/or discrimination.	0.00	Not Started	City Manager's Office	Y	N	N	N	N	Data Pending	N
198	Council and Budget Referrals - Project	Accessory Dwelling Unit Ordinance Updates	Refer to the Planning Commission to consider additional elements for Berkeley's Accessory Dwelling Unit Ordinance (BMC 23C.24), on an expedited basis, and refer to the Disaster and Fire Safety Commission bullet point #5, relating to potential obstruction of emergency vehicles, and request that their recommendations be sent directly to the Planning Commission to inform the Planning Commission's review and recommendations. Amendments: Remove the language regarding view protections; Add new #9 on hillside heights measurements where no previous structure exists; Add "and any other solutions" to #5 regarding parking; Include the referral from Item 15 with this referral.	0.00	Not Started	Fire & Emergency Services	Y	Y	Y	N	Y	Y	Y
199	Council and Budget Referrals - Project	Amending Chapter 19.34 of the Berkeley Municipal Code to Expand Automatic Gas Shut-Off Valve Requirements in Multifamily, Condominium and Commercial Buildings Undergoing Renovations and to All Existing Buildings Prior to Execution of a Contract for Sale or Close of Escrow	Refer to the Disaster and Fire Safety Commission to consider an ordinance amending Berkeley Municipal Code (BMC) 19.34.040 to expand requirements for automatic natural gas shut-off valves or excess flow valves in multifamily, condominium and commercial buildings undergoing renovations and in all existing buildings prior to execution of a contract for sale or close of escrow. Ask the Commission to consider other triggers as appropriate. 01/14/21 (SM for DB) DFSC recommendation to be reviewed by Planning prior to going to Council.	90.00	Work in Progress	Fire & Emergency Services	Y	Y	N	N	N	Y	N
200	Council and Budget Referrals - Project	Comprehensive Study of Emergency Services Call Center, Staffing and Development Systems  Revised Materials	Refer to the City Manager and the Disaster and Fire Safety Commission to work with the Berkeley Fire Department and Berkeley Firefighters Association to investigate the Department's current practices and determine the feasibility of implementing a criteria-based dispatching system that allocates staffing based on need and risk, ensures that calls are prioritized based on acuity, and more efficiently delivers the appropriate allocation of resources to every 911 call. Include Alta Bates ER closure in analysis.	0.00	Work in Progress	Fire & Emergency Services	Y	Y	Y	N	N	Y	Y
201	Council and Budget Referrals - Project	Referral to the Disaster and Fire Safety Commission and the City Manager: Five Year Plan for Expanded Disaster Preparedness Services	Refer to the Disaster and Fire Safety Commission and the City Manager's office to explore developing a five year plan for expanded disaster preparedness services.	0.00	On Hold	Fire & Emergency Services	Y	N	N	N	N	N	N
202	Council and Budget Referrals - Project	Amending BMC Chapter 9.04: Tax Rate for Non-Medical Cannabis Businesses	2) refer to the Community Health Commission to study the health effects of cannabis and possible funding recommendations for allocating the tax revenue;	0.00	Not Started	Health, Housing & Community Services	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
203	Council and Budget Referrals - Project	First They Came for the Homeless Encampment	to refer Item 38a back to the Homeless Commission with the chart of questions provided by Council and request that the commission develop a more specific policy that is broadly applicable.	0.00	Not Started	Health, Housing & Community Services	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending

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204	Council and Budget Referrals - Project	Homeless Youth Policy	Refer to the City Manager, the Homelessness Commission, and the Labor Commission to develop a Homeless Youth Policy for the City of Berkeley.	0.00	Not Started	Health, Housing & Community Services	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
205	Council and Budget Referrals - Project	Homeless Youth Policy	Refer to the City Manager, the Homelessness Commission, and the Labor Commission to develop a Homeless Youth Policy for the City of Berkeley.	0.00	Work in Progress	Health, Housing & Community Services	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
206	Council and Budget Referrals - Project	Mobile Shower Referral	Refer to the Homeless Commission and City Manager the establishment of a mobile shower unit in Berkeley and assess the feasibility/cost of such a project in comparison to existing programs.	50.00	Work in Progress	Health, Housing & Community Services	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
207	Council and Budget Referrals - Project	Moderate-Income Housing Strategies [Housing Action Plan]	Forward these strategies to the Housing Advisory Commission (HAC) and staff for follow-up as appropriate: 1. Renter Strategies: Encourage homeowners to rent out unused rooms. Encourage homeowners to build Accessory Dwelling Units (ADU's) that could be rented to tenants. 2. Owner/Renter Strategies: Continue to study the use of a small sites strategy to maintain affordability in existing housing. Commit to securing one site as a small sites case study that could be replicated. Encourage and support new development that is owned and financed in less traditional ways, including expanded use of land trusts, cooperative form of ownership, and other approaches, such as co-housing and collaborative housing. Promote construction of affordable housing on surplus public land, particularly for BUSD teachers and staff. 3. Allocation of New Funding Sources: Inform Berkeley residents of the new Measure A1 funds that will be available from the County to assist moderate-income homeowners. Allocate a portion of the Measure U1 funds for moderate-income housing development.	0.00	Not Started	Health, Housing & Community Services	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
208	Council and Budget Referrals - Project	Neighborhood Preference in Affordable Housing to Reduce the Impact of Displacement and Ellis Act Evictions (Continued from March 29, 2016) [Housing Action Plan]	Refer to the City Manager and Planning Commission an ordinance to clarify existing preferences in allocating City affordable housing units to Berkeley residents living within ½ mile of any new development and tenants evicted under the Ellis Act, expand the second category of preference for eligible tenants displaced under the Ellis Act to include certain tenants displaced through an Owner Move-In or (Measure Y) eviction.	0.00	Work in Progress	Health, Housing & Community Services	Y	Y	Y	Y	N	Y	Y
209	Council and Budget Referrals - Project	Referral to the Health Commission to Consider a "Deemed Approved Ordinance"	Refer to the Health Commission to consider a Concurrent Sales of Gasoline and Alcoholic Beverages Law regulating the concurrent sales of gasoline and alcoholic beverages. Deem such establishments approved, subject to their adherence to certain standards of behavior.	0.00	Not Started	Health, Housing & Community Services	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending



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210	Council and Budget Referrals - Project	Decriminalizing Entheogenic Plants	Refer to the Community Health Commission to consider the possibility of de-prioritizing enforcement of laws relating to entheogenic plants and fungi by persons over 21 years of age. Consider potential health and community benefits and concerns, as well as possible policy variations with regard to possession, use, growing/production, and sales; quantities involved; use while driving; use during pregnancy and other possible "special circumstances considerations."	0.00	Not Started	Health, Housing & Community Services	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
211	Council and Budget Referrals - Project	Housing for a Diverse, Equitable and Creative Berkeley: Proposing a Framework for Berkeley's Affordable Housing	Refer to the Housing Advisory Commission, the Measure O Bond Oversight Committee, and the Homeless Services Panel of Experts to consider the proposed Housing for a Diverse, Equitable and Creative Berkeley framework (the "Framework") and return comments for consideration at a Special Meeting of the City Council in the early fall, to inform a final version the City Council will adopt to guide Berkeley's affordable housing policies, programs and projects through 2030. The item is further amended to add a "Draft" notation, remove the phrase "rather than for profit-maximizing companies" from Section II, and remove reference to the 50% goal.	0.00	Not Started	Health, Housing & Community Services	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
212	Council and Budget Referrals - Project	Local Construction Workforce Development Policy	Policy Recommendation: That the City Council refer to the Commission on Labor to address the shortage of qualified local construction workers; worker retention, and elevated labor costs through the creation of a construction workforce development policy. This local workforce development policy will encourage housing and nonresidential development applicants to require contractors to utilize apprentices from state-approved, joint labor-management training programs, and to offer employees employer-paid health insurance plans. The policy will help stabilize regional construction markets; and enhance productivity of the construction workforce Berkeley needs to meet its General Plan's build-out goals.	0.00	Not Started	Health, Housing & Community Services	Y	N	N	N	N		N
213	Council and Budget Referrals - Project	Local Construction Workforce Development Policy	Policy Recommendation: That the City Council refer to the Commission on Labor to address the shortage of qualified local construction workers; worker retention, and elevated labor costs through the creation of a construction workforce development policy. This local workforce development policy will encourage housing and nonresidential development applicants to require contractors to utilize apprentices from state-approved, joint labor-management training programs, and to offer employees employer-paid health insurance plans. The policy will help stabilize regional construction markets; and enhance productivity of the construction workforce Berkeley needs to meet its General Plan's build-out goals.	0.00	Not Started	Health, Housing & Community Services	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending

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214	Council and Budget Referrals - Project	Refer on a Short Term Basis to the Planning Commission Close a Loophole for Avoiding the Mitigation Fee through Property Line Manipulation and to Consider Modifying the In Lieu Fee Structure for Owner Occupied Units; Refer to the Housing Advisor Commission to Assess the Rate of a Fixed Per-Unit Fee for Owner-Occupied Developments	1. Refer to the Planning Commission an amendment to BMC Section 23C.12.020 (Inclusionary Housing Requirements – Applicability of Regulations) and BMC Section 22.20.065 (Affordable Housing Mitigation Fee) to close a loophole allowing prospective project applicants to avoid inclusionary affordable housing requirements for projects by modifying property lines so that no lot is large enough to construct five or more units; the Commission should return to Council with a report by April 30, 2019. 2. Refer to the Planning Commission to consider modifying the structure of in-lieu fees for owner-occupied developments to a flat per-unit fee, as with rental developments, or a per square foot fee; the Commission should return to Council with a report. 3. Refer to the Housing Advisory Commission to assess the appropriateness of the fee level as suggested in the proposed amendments to BMC 23C.12. 4. The Planning Commission is to consider the following language from the item submitted at the meeting: It is possible that the new fee structure will be adopted prior to the Housing Advisory Commission approving the level of the fee. In this instance, those projects that opt to pay the in-lieu fee and are permitted after the new fee structure is adopted but before the new fee level is adopted shall be given the choice of paying the current fee level, or the one that is adopted.	0.00	Not Started	Health, Housing & Community Services	Y	N	Y	N	N	Y	Y
215	Council and Budget Referrals - Project	Refer to the City Manager and the Housing Advisory Commission to Consider Reforming the Affordable Housing Mitigation Fee	Refer to the City Manager, the Planning Commission, and the Housing Advisory Commission to consider possible reforms to the Affordable Housing Mitigation Fee, including adopting a per-square-foot fee structure, potentially on a geographic basis.	0.00	Not Started	Health, Housing & Community Services	Y	Y	Y	N	N	Y	Y
216	Council and Budget Referrals - Project	Refer to the Planning Commission and Housing Advisory Commission to Research and Recommend Policies to Prevent Displacement and Gentrification of Berkeley Residents of Color and African Americans	Refer to the Planning Commission and Housing Advisory Commission to research and recommend policies to prevent displacement and gentrification of Berkeley residents of color. Recommended policies should include real solutions. The Commission should do the following: - Develop a policy to address the erosion of People of Color (POC), including the African American sector of our Berkeley society. - Develop rules and regulations to halt the loss of People of Color including the African American communities. - Develop a "right to return" for Berkeleyans, including the African American communities who have been displaced by these economic and social developments, and those who continue to be employed in our City, even after having to relocate beyond our boundaries. - Solicit expert and lived experience testimonies regarding displacement and gentrification. - Recommend alternatives to prevent displacement and gentrification of our valued Berkeley residents of color and African Americans. Recommendation includes a request for public workshops.	0.00	Not Started	Health, Housing & Community Services	Y	N	Y	Y	N	Y	Y

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217	Council and Budget Referrals - Project	Small Sites Loan Program Recommendations	4. Request that the Council and Housing Advisory Commission receive copies of small sites loan applications along with staff's corresponding analysis and decision. 6. Refer further consideration of a long-term small sites program to the City Manager and the Housing Advisory Commission. 7. Refer the small sites program to the November budget update and next biannual budget planning cycle in 2019.	0.00	Not Started	Health, Housing & Community Services	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
218	Council and Budget Referrals - Project	Referral: Telegraph Crosswalk Art Installations	Refer to the Civic Arts Commission to develop and return to Council with a plan to: 1. Create a public contest to design new crosswalk art on Telegraph at the intersections of Bancroft, Durant, Channing, Haste, and Dwight Streets. 2. Build the winning design on the intersections.	0.00	Not Started	Office of Economic Development	Y	N	Y	N	N	Data Pending	Y
219	Council and Budget Referrals - Project	Replacement Mural for Center for Independent Living (CIL)	Request the Arts Commission to consider, with CIL representatives, potential locations and suggestions for a new mural to replace that which was at the CIL Telegraph site.	0.00	Not Started	Office of Economic Development	Y	N	Y	N	N	Data Pending	Y
220	Council and Budget Referrals - Project	Consider Fire Safety Options for Fire Pit at Codornices Park	Referral to the Parks & Waterfront Commission to consider safety options regarding the future of the fire pit at Codornices Park. Please consider 1) Complete removal of fire pit or 2) Manufacture of a cover that can be secured and locked.	0.00	Not Started	Parks, Recreation & Waterfront	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
221	Council and Budget Referrals - Project	Direction to the Children, Youth, and Recreation Commission: Tackle the Summer Learning Loss for Elementary School Children	Direct the Children, Youth, and Recreation Commission to tackle the summer learning loss for low-income elementary children through: 1. Consolidation, Education, & Outreach as outlined in the report; and 2. Assessment & Policy Recommendations as outlined in the report.	0.00	Not Started	Parks, Recreation & Waterfront	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
222	Council and Budget Referrals - Project	Pollinators and Habitat (Commission Referral)	Adopt three referrals that will deepen Berkeley's commitment to protecting pollinator plants and establishing habitats that will protect pollinators and our environment: 2. Refer to Public Works Commission and Parks and Waterfront Commission consideration of how to incorporate pollinators and habitat into the Adopt-A-Spot initiative referred on April 2, 2019. (COMMISSION REFERRAL) Parts 1 and 3 referred to City Manager	0.00	Not Started	Parks, Recreation & Waterfront	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
223	Council and Budget Referrals - Project	Potential Recreational Opportunities at Willard Park and Pool	Refer the issue of recreational opportunities in the vicinity of Willard Park to the City Manager, Parks and Waterfront Commission and the 2X2 Committee of the City Council and the Board of Education to determine the best course of action for increased recreational equity in South Berkeley, including but not limited to the re-opening of Willard Pool. Authorize staff to develop cost estimates for a minimal level of repairs to get Willard Pool operational.	0.00	Work in Progress	Parks, Recreation & Waterfront	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending

**Disposition of  
Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
224	Council and Budget Referrals - Project	Referral to the City Manager and Parks and Waterfront Commission to Create a Policy to Establish a Commemorative Tree Program	Refer to the City Manager and the Parks and Waterfront Commission the creation of a policy establishing a Commemorative Tree Program, similar to the City's Park Bench Donation Policy.	0.00	Not Started	Parks, Recreation & Waterfront	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
225	Council and Budget Referrals - Project	Referral to the Parks and Waterfront Commission: Greg Brown Park	Recommend that the Parks and Waterfront Commission consider initiating a community process regarding the reopening of Greg Brown Park. Conduct a public hearing and invite relevant stakeholders – including neighbors, representatives from the Berkeley Police and the Parks, Recreation, and Waterfront Department. Include an assessment of any funding requirements and/or public safety concerns. Prepare a report for submission to Council summarizing feedback from the public hearing and the commission's recommendations.	0.00	Not Started	Parks, Recreation & Waterfront		Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
226	Council and Budget Referrals - Project	Ban on Receipts Made with BPA and Other Phenols	Refer to the Health Commission and the Community Environmental Advisory Commission to consider an Ordinance to ban the manufacture, distribution, sale, or use of receipt paper that contains BPA or other phenols, and request that the commissions conduct at least one public hearing that includes invitations to local business associations.	0.00	Not Started	Planning	Y	N	N	N	N	Y	N
227	Council and Budget Referrals - Project	COUNCIL DIRECTION ON COMMUNITY BENEFITS NEEDS FOLLOW UP WORK AND REPORT TO COUNCIL   City Manager and Planning Commission Referral: Facilitate Primarily Student Housing by a Twenty Feet Height Increase and Adjust Floor Area Ratio in the R-SMU, R-S and R-3 Areas Only From Dwight to Bancroft and From College to Fulton	Refer to the City Manager and Planning Commission to facilitate primarily Student Housing by amending the Zoning Ordinance to add a twenty feet height increase and adjust Floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft and from College to Fulton.	50.00	Work in Progress	Planning	Involves Planning Commission	Y	Y	N	N	Y	Y
228	Council and Budget Referrals - Project	Housing Accountability Act	Refer to the City Manager, Planning Commission, Zoning Adjustments Board, and Design Review Committee to consider the following actions, and others they may find appropriate, to address the potential impacts of the Housing Accountability Act and to preserve local land use discretion: 1. Amend the General Plan and Zoning Ordinance to adopt numerical density and/or building intensity standards that can be applied on a parcel-by-parcel basis in an easy and predictable manner. These would constitute reliable and understandable "objective general plan and zoning standards" that would establish known maximum densities. This could be done across the board or for specified districts. 2. Devise and adopt "objective, identified written public health or safety standards" applicable to new housing development projects. 3. Adopt "design review standards that are part of 'applicable, objective general plan and zoning standards and criteria". 4. Quantify and set objective zoning standards and criteria under the first sentence of Government Code Section 65589.5(j) for views, shadows, and other impacts that often underlie detriment findings.	25.00	Work in Progress	Planning	Involves Joint Subcommittee for the Implementation of State Housing Laws	N	Y	Y	Y	N	N

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Referrals, Projects, and Audits**

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229	Council and Budget Referrals - Project	Referral to Planning Commission to Amend Zoning Ordinance (non-commercial ground floor)	Refer to the Planning Commission an amendment to the Zoning Ordinance to create a use permit process to allow non-commercial use on the ground floor where commercial might otherwise be required.	25.00	Work in Progress	Planning	Y	Y	Y	N	N	Y	Y
230	Council and Budget Referrals - Project	Referral to the Community Environmental Advisory Commission and the City Manager: Anti-Idling Ordinance	Refer to the Community Environmental Advisory Commission and the City Manager to explore developing an anti-idling ordinance. The ordinance should limit vehicle engine idling when a vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment; and prohibit all unattended private passenger motor vehicles from idling. The ordinance should outline enforcement and citation procedures. The Commission and the City Manager should develop appropriate exceptions for commercial vehicles. Any funds received through enforcement of the ordinance should accrue to the General Fund to provide additional funding for sustainability efforts. The Community Environmental Advisory Commission and the City Manager should review the District of Columbia's anti-idling regulations (attached to report) to aide in the development of the ordinance.	0.00	Not Started	Planning	Y	N	N	N	N	Y	N
231	Council and Budget Referrals - Project	Referral to the Community Environmental Advisory Commission and the City Manager: Anti-Idling Ordinance	Refer to the Community Environmental Advisory Commission and the City Manager to explore developing an anti-idling ordinance. The ordinance should limit vehicle engine idling when a vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment; and prohibit all unattended private passenger motor vehicles from idling. The ordinance should outline enforcement and citation procedures. The Commission and the City Manager should develop appropriate exceptions for commercial vehicles. Any funds received through enforcement of the ordinance should accrue to the General Fund to provide additional funding for sustainability efforts. The Community Environmental Advisory Commission and the City Manager should review the District of Columbia's anti-idling regulations (attached to report) to aide in the development of the ordinance.	50.00	Work in Progress	Planning	Y	N	N	N	N	Y	N
232	Council and Budget Referrals - Project	Referral: Update the definition of "Research and Development"	Refer to the Planning Commission to update the definition of "Research and Development."	0.00	Not Started	Planning	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
233	Council and Budget Referrals - Project	Removing Plastic Microfibers From The Water Supply: A Referral to the Community Environmental Advisory Commission	Refer to the Community Environmental Advisory Commission to assess the City's capacity to participate in an outreach program informing residents of the harmful nature of microfibers. Revised to add that the Council will send a letter to EBMUD requesting a report on EBMUD's water sourcing measures in drought years; and that the letter will be submitted to Council as an information item.	0.00	Not Started	Planning	N	N	N	N	N	Y	N

**Disposition of  
Referrals, Projects, and Audits**

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234	Council and Budget Referrals - Project	Refer the Police Review Commission to create training requirements for Police Review Commissioners	Request that the Police Review Commission establishes mandatory training requirements for Police Review Commissioners, with input from the Police Review Commission Officer and Chief of Police. Recommendation amended to request that the commission consult with the City Manager regarding the training.	0.00	Not Started	Police Review Commission	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
235	Council and Budget Referrals - Project	Refer the Police Review Commission to extend time period to impose discipline on Berkeley Police officers pursuant to Police Review Commission findings	Recommend that the Council refer to the Police Review Commission to extend the time limit for Police Review Commission investigations and notification of discipline from the current limit to one calendar year.	0.00	Not Started	Police Review Commission	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
236	Council and Budget Referrals - Project	City Manager Referral: Improving the City's Elevator Ordinance	Referral to the City Manager and Commission on Disability to improve the City's Elevator Ordinance by addressing the concerns of the disabled community.	0.00	Not Started	Public Works	Y	N	N	N	N	Y	N
237	Council and Budget Referrals - Project	Oversized Vehicle Restrictions on Bicycle Boulevards	Refer to the Transportation Commission a draft ordinance amending Berkeley Municipal Code Chapter (BMC) 14.56.050 to prohibit commercial trucks exceeding five tons gross vehicle weight from utilizing streets comprising the bicycle boulevards network. Request that the commission work with business associations, the size limitations, the streets subject to the restrictions, and the clarifications added by Councilmember Wengraf related to emergency vehicles.	0.00	Not Started	Public Works	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
238	Council and Budget Referrals - Project	Pavement of Derby Street and Ward Street between Telegraph Ave and Shattuck Ave	That the Council refers consideration of the paving of Derby St. and Ward St. between Shattuck Ave and Telegraph Ave to the Public Works Commission in order to repair these deteriorating streets that serve as a part of a major commuter corridor which both individual drivers and buses use in their daily commute.	0.00	Not Started	Public Works	Y	N	N	N	N	N	Y
239	Council and Budget Referrals - Project	Protected Pedestrian Walkways	Refer to the City Manager and request that the Transportation Commission review and craft potential policy solutions—including but not limited to open or covered protected walkways—to improve pedestrian accessibility immediately surrounding construction or sidewalk upgrades.	0.00	Not Started	Public Works	Y	N	N	N	N		
240	Council and Budget Referrals - Project	Reassessing Traffic Calming Policy	Refer to the Transportation Commission to re-evaluate the City's qualifying criteria and ranking and prioritization process for traffic calming, by considering the following possibilities, among other changes that would promote safe residential streets and maximize the public health benefit of the traffic calming program: -Lowering the speed limit criteria to read "where the 85th percentile speed profile is greater than the speed limit" instead of "greater than 5 mph over the speed limit." -Taking alignment with the City's bicycle and pedestrian plans into account.	0.00	Not Started	Public Works	Y	N	N	N	N		
241	Council and Budget Referrals - Project	Refer the Transportation Commission to consider incentives for the public to use sustainable modes of transportation similar to Bologna, Italy	Refer to the Transportation Commission to create incentives for members of the public to cycle, walk and take public transport as opposed to driving.	0.00	Not Started	Public Works	Y	N	N	N	N	N	N

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Referrals, Projects, and Audits**

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242	Council and Budget Referrals - Project	Refer to the City Manager, Disability Commission, and Planning Commission to Develop an Ordinance Requiring New Residential Buildings to Provide Auto-door Openers and Roll-in Showers	Refer to the City Manager, Disability Commission, and Planning Commission to require new residential buildings in Berkeley to include essential wheelchair-accessible modifications such as auto door openers and roll-in showers.	0.00	Work in Progress	Public Works	Y	N	N	N	N	N	N
243	Council and Budget Referrals - Project	Refer to the Commission on Disability to examine the impacts that the parking citation system may have on persons with low income and disabilities	Refer to the Commission on Disability to examine the impacts that the parking citation system may have on people with low income and disabilities.	0.00	Not Started	Public Works	Y	N	N	N	N	N	N
244	Council and Budget Referrals - Project	Refer to the Commission on Disability to examine the impacts that the parking citation system may have on persons with low income and disabilities	Refer to the Commission on Disability to examine the impacts that the parking citation system may have on people with low income and disabilities.	0.00	Not Started	Public Works	Y	N	N	N	N	N	N
245	Council and Budget Referrals - Project	Referral: Measures to Address Traffic Enforcement and Bicycle Safety	1. Refer to the Transportation Commission to consider a Resolution deprioritizing enforcement against the Idaho Stop convention for persons operating a bicycle, in an empty intersection after the operator has yielded to any other road users with the right of way, by limiting the use of any City funds or resources in assisting in the enforcement or issuance of citations for bicyclist violations of California Vehicle Code Section 22450(a), and to develop a process for evaluating the before and after effects on safety.	0.00	Not Started	Public Works	Y	N	N	N	N	Y	N
246	Council and Budget Referrals - Project	Referral: Street Lighting Near Campus	Refer to the Public Works Commission to include the following in the Street Lighting Subcommittee Work Plan, for the purposes of seeking input from key stakeholders and bringing together work that happens through parallel processes. The Subcommittee should: 1. Invite input from representatives from the UC Berkeley administration, UC Berkeley undergraduate and graduate students, UCPD and BPD, the Department of Public Works, and other relevant groups. 2. Develop a streamlined and accessible process for requesting street lights that includes neighborhood and campus input, while recognizing the overriding public safety concern posed by substandard lighting. 3. Develop a plan for expeditiously installing new streetlights near campus that prioritizes high-crime areas, high-injury pedestrian corridors, and student-priority areas as determined by student input.	0.00	Work in Progress	Public Works	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
247	Council and Budget Referrals - Project	Report on Public Realm Pedestrianization Opportunities	Refer to the Transportation Commission to generate a report on potential public realm pedestrianization opportunities in Berkeley.	0.00	Not Started	Public Works	Y	N	N	N	N	N	N
248	Council and Budget Referrals - Project	Restricting the Number of Vehicles Being Parked on Our Streets	Refer to the Transportation Commission to establish an ordinance that would prevent the parking of many multiples of vehicles on any given Berkeley street, or contiguous streets, by an individual owner.	0.00	Not Started	Public Works	Y	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending

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Referrals, Projects, and Audits**

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249	Council and Budget Referrals - Project / Strategic Plan - Project	Street Sweeping Improvement Plan	Refer to the City Manager, Public Works commission, and Zero Waste commission to develop a new strategy to ensure that street sweeping is not obstructed by waste/recycling pick-up. In addition to being unsightly, without proper street sweeping, trash and debris are more likely to go into the stormwater drains. Specifically 1. Staff should provide a map of streets in which sweeping days and waste/recycling pickup coincide to better understand where and when this problem occurs; and 2. Staff and Commissions should return to Council with a proposed solution including, but not limited to, rescheduling street sweeping and waste/recycling pickups to ensure that both services do not occur on the same day.	0.00	Not Started	Public Works	Y	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
250	Open Audit Recommendation	City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP Implementation- Recommendation 1.1	Clearly define the purpose, responsibilities, minimum qualifications, and training requirements for the line of business experts function.	Data Pending	Partly Implemented	City Manager's Office	N	Y	N	N	N	Data Pending	Data Pending
251	Open Audit Recommendation	City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP Implementation- Recommendation 1.2	Work with Information Technology to establish written policies and procedures for the line of business experts function at the appropriate organizational level based on the guiding principles established in Recommendation 1.1.	Data Pending	Partly Implemented	City Manager's Office	N	Y	N	N	N	Data Pending	Data Pending
252	Open Audit Recommendation	Citywide Grants Management (formerly PW Grants Follow-up Audit FY16) - Recommendation 6.6	Use the information learned from surveying project managers and administrative staff (Recommendation 6.5) to identify critical business needs for the purchase of a comprehensive grants management system. Provide this information to the Department of Information Technology to use as part of Enterprise Resource Planning.	0.00	Not Started	City Manager's Office	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
253	Open Audit Recommendation	Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 1.1	Issue an internal policy assigning the division responsible for overall grants accounting (e.g., billing and monitoring receivables) and reporting. Make it clear to project managers that they are responsible for providing information on the grants they manage to the appointed division to assist with grants accounting.	0.00	Not Started	City Manager's Office	N	N	N	N	N	Data Pending	N
254	Open Audit Recommendation	Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 1.2	Create a work team of Public Works staff who administer and manage grants. Team members should include the position responsible for overall grants accounting and reporting, and staff from the divisions that manage grants (e.g., Engineering and Transportation). The team should work collectively to evaluate their respective functions and their interrelated roles and responsibilities for grants management, billing, and accounting; and work towards developing an effective workflow that provides for accurate and timely grants accounting and reporting.	0.00	Not Started	City Manager's Office	N	N	N	N	N	Data Pending	Data Pending



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Referrals, Projects, and Audits**

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255	Open Audit Recommendation	Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 1.3	<p>Require the grants team to work collectively to develop a written procedures manual that clearly explains roles, responsibilities, and workflows. The manual should:</p> <ul style="list-style-type: none"> <li>▪ provide guidance on the overall grant application, approval, and monitoring process within the department</li> <li>▪ refer to other applicable policies and procedures such as City Administrative Regulation 1.17 and Contracts Online</li> <li>▪ describe the specific tasks performed within divisions and/or by job classification</li> <li>▪ identify the forms and data sheets that staff are to use for recording, tracking, and monitoring grants (also see Recommendations 5.1 and 6.2)</li> <li>▪ describe coordinating efforts needed between divisions and with the grant coordinator in Finance</li> <li>▪ identify timelines and requirements for reporting, performing reconciliations, and providing information to the Finance grant coordinator (also see Recommendation 2.2)</li> <li>▪ provide enough detail to more easily train new hires or staff with new responsibilities</li> </ul> <p>As with all procedures, the work team should consider the manual a living document that they review and update regularly to reflect changes in practices, procedures, and assignments.</p>	0.00	Not Started	City Manager's Office	N	N	N	N	N	Data Pending	N
256	Open Audit Recommendation	Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 1.4	<p>Require the grants work team to have regular meetings to share information and discuss workflows between their divisions. These meetings may need to be more frequent at first, e.g., quarterly, and less frequent over time, e.g., annually. The team should invite the Finance grant coordinator to their meetings to ensure the coordinator is receiving the necessary information for recording grants to the central repository and issuing grants receivables reports.</p>	0.00	Not Started	City Manager's Office	N	N	N	N	N	Data Pending	N
257	Open Audit Recommendation	Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 2.1	<p>Provide the Finance grant coordinator with a list of personnel who are responsible for grants management, accounting, and reporting so that they can be notified when the grant coordinator posts the grants reports to the City's shared drive.</p>	0.00	Not Started	City Manager's Office	N	N	N	N	N	Data Pending	N
258	Open Audit Recommendation	Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 2.2	<p>Require the division responsible for grants accounting and reporting to use Finance's grant reports to:</p> <ul style="list-style-type: none"> <li>▪ reconcile Public Works' grant financial records with FUND\$ to ensure that the department is recording expenditures and payments to the correct accounts</li> <li>▪ work with Finance to make any necessary corrections to FUND\$ financial data when they identify discrepancies and errors</li> <li>▪ track grants receivables and follow up with grantors on outstanding receivables</li> </ul>	0.00	Not Started	City Manager's Office	N	N	N	N	N	Data Pending	Data Pending

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259	Open Audit Recommendation	Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 3.1	Take ownership of City Administrative Regulation 1.16 and: <ul style="list-style-type: none"> <li>▪ review and update the regulation so that it is consistent with City practices and procedures, and cross reference the regulation to other guidance and policies, e.g., Contracts Online and City Administrative Regulation 1.17</li> <li>▪ reissue the updated guidance to all City staff with emphasis on ensuring that project managers and those responsible for identifying and applying for grant funding are notified of the update</li> </ul>	Data Pending	Started	City Manager's Office	N	N	N	N	N	Data Pending	N
260	Open Audit Recommendation	Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 4.1	Request that all department directors notify their grant management and accounting staff of City Administrative Regulation 1.17, and their expectations that staff adhere to the guidance.	Data Pending	Started	City Manager's Office	N	N	N	N	N	Data Pending	N
261	Open Audit Recommendation	Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 5.1	Require those responsible for grant accounting use the summary of charges sheet and work with project managers and the Finance grant coordinator to obtain the data they need to populate the sheet (also see Recommendations 1.3 and 1.4).	0.00	Not Started	City Manager's Office	N	N	N	N	N	Data Pending	N
262	Open Audit Recommendation	Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 6.1	Require that all department directors ensure that their staff with grants management and fiscal responsibilities receive the following training: <ul style="list-style-type: none"> <li>▪ City Administrative Regulation 1.17: Pre-Award Authorization and Post-Award Grant Requirements</li> <li>▪ Contracts Online, in particular, the revenue contract requirements</li> </ul>	0.00	Not Started	City Manager's Office	N	N	N	N	N	Data Pending	N
263	Open Audit Recommendation	Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 6.2	Require all departments that receive financial assistance from a third-party to ensure that their written procedures clarify that all such awards are consider grants and must be packaged in accordance with Contracts Online, and to follow City Administrative Regulation 1.17 to ensure that the grant coordinator receives the grant accounting data sheet (also see Recommendation 1.3).	0.00	Not Started	City Manager's Office	N	N	N	N	N	Data Pending	Data Pending
264	Open Audit Recommendation	Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 6.3	Notify department directors when the grant coordinator finds that project managers and administrative staff are not providing grant information in accordance with City policy. Request that the department directors refer their staff to City Administrative Regulation 1.17, Contracts Online, and departmental procedures for guidance on ensuring they adhere to required grant policies and procedures.	0.00	Not Started	City Manager's Office	N	N	N	N	N	Data Pending	Data Pending
265	Open Audit Recommendation	Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 6.5	Survey project managers and administrative staff who are responsible for grants management, reporting, and accounting to identify ways to improve the current grant database and reporting so that data are current and accurate, and reports are more user-friendly.	0.00	Not Started	City Manager's Office	N	N	N	N	N	Data Pending	N

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Referrals, Projects, and Audits**

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266	Open Audit Recommendation	Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight-Recommendation 1.3	Conduct a staffing analysis to determine the appropriate staffing level needed for the Code Enforcement Unit to effectively enforce City codes. In conducting the analysis, include an assessment of the workload impact created by the codes for which the CEU is solely responsible as well as those created by the codes for which CEU shares responsibility with other enforcement units.	0.00	Not Started	City Manager's Office	N	N	N	N	N	Data Pending	N
267	Open Audit Recommendation	Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight-Recommendation 1.4	Use the staffing analysis performed in response to Recommendation 1.3 to: <ul style="list-style-type: none"> <li>• Quantify the full burden cost of additional staff</li> <li>• Determine if sufficient budgetary funding is available for additional staff</li> <li>• Request additional staffing from Council during the annual appropriations process</li> </ul>	0.00	Not Started	City Manager's Office	N	N	N	N	N	Data Pending	N
268	Open Audit Recommendation	Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight-Recommendation 1.7	Implement code enforcement software that: <ul style="list-style-type: none"> <li>• Identifies case assignment to CEU officers and other work units</li> <li>• Prioritizes cases, in particular high-risk cases posing health and safety risks</li> <li>• Captures pertinent case dates, e.g., opened, notice of violation, citation issuance, and closed</li> <li>• Tracks enforcement actions taken within the CEU and other work units</li> <li>• Quantifies citations issued and collected</li> <li>• Allows for readily identifying repeat offenders</li> <li>• Includes performance measurement tools, e.g., turnaround times within defined specifications (see Recommendation 2.2)</li> <li>• Allows for uploading information from mobile technologies (see Recommendation 1.8)</li> <li>• Includes reporting tool to showcase workload trends and capacity restrictions (i.e., backlogs)</li> </ul>	Data Pending	Partly Implemented	City Manager's Office	N	N	N	N	N	Data Pending	N
269	Open Audit Recommendation	Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight-Recommendation 2.2	Implement performance metrics and goals to: <ul style="list-style-type: none"> <li>• Assess the effectiveness of code enforcement operations and goal achievement</li> <li>• Identify constraints preventing goal attainability.</li> <li>• Submit regular reports, e.g., biannually, to City management on performance.</li> </ul> <p>Include a metric to provide at least some proactive code enforcement activities. Develop this metric after implementing the process and system improvement recommendations made in this report.</p>	Data Pending	Partly Implemented	City Manager's Office	N	N	N	N	N	Data Pending	N

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Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
270	Open Audit Recommendation	Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight- Recommendation 5	If budgetary constraints prevent additional staffing or if Council does not approve the budget needed to fund additional staffing, report to Council the restrictions placed on the Code Enforcement Unit's ability to effectively enforce City codes. Include information explaining the hindrance this will cause for any new ordinances the City Council may want to pass in the future. Provide this information regularly, for example, annually as part of the budget process, to keep Council informed of the CEU's capacity restrictions. See also Recommendation 1.7.	Data Pending	Partly Implemented	City Manager's Office	N	N	N	N	N	Data Pending	N
271	Open Audit Recommendation	Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight- Recommendation 8	Implement mobile computers and printers to allow Code Enforcement Officers to complete more work in the field, thus improving their time spent in the community and reducing time in the office. Mobile computers should have the capacity to interface with the code enforcement case management software implemented in response to Recommendation 1.7.	Data Pending	Partly Implemented	City Manager's Office	N	N	N	N	N	Data Pending	N
272	Open Audit Recommendation	Leases Audit: Conflicting Directives Hinder Contract Oversight- Recommendation 1.1	The City Manager should formalize and approve the division of responsibilities between the Public Works department and other departments regarding lease management.	0.00	Not Started	City Manager's Office	N	N	N	N	N	Data Pending	N
273	Open Audit Recommendation	Leases Audit: Conflicting Directives Hinder Contract Oversight- Recommendation 1.2	The Public Works department should determine and formally define the role of the real property administration staff given available resources.	0.00	Not Started	City Manager's Office	N	N	N	N	N	Data Pending	N
274	Open Audit Recommendation	Leases Audit: Conflicting Directives Hinder Contract Oversight- Recommendation 1.5	Formally communicate the plan with all affected City departments.	0.00	Not Started	City Manager's Office	N	N	N	N	N	Data Pending	N
275	Open Audit Recommendation	Most Contracts Executed Timely but Contract Project Managers Could Use Better Tools and Guidance- Recommendation 5	Require departments to document their specific procedures for contract preparation, oversight, and management. Procedures should include: <ul style="list-style-type: none"> <li>• planning for department specific actions, e.g., obtaining management's approval</li> <li>• tracking contract status and funding needs</li> <li>• attending City training courses when offered, e.g., contract preparation and FUND\$ 101</li> <li>• describing shared contract management responsibilities between project managers and support staff</li> <li>• requiring projects managers to coordinate with and respond to support staff's needs for contract administration</li> <li>• requesting contract extensions</li> <li>• aligning contract needs with department work plans</li> <li>• using Finance's contract process timelines and On Demand report of expiring contracts for contract planning (also see recommendations 1.1 and 1.2)</li> <li>• minimum level of documentation needed to effectively manage contracts</li> </ul>	Data Pending	Started	City Manager's Office	N	N	N	N	N	Data Pending	N
276	Open Audit Recommendation	Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better - Recommendation 4	Develop a system for tracking, analyzing, and reporting on suspected misconduct, including written guidance and forms (or similar) to assist employees in making reports.	Data Pending	Started	City Manager's Office/Human Resources	N	Y	Y	N	N	Data Pending	Data Pending

**Disposition of  
Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
277	Open Audit Recommendation	Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better- Recommendation 1.2	Promote ethical standards to employees and the public by:  1) Including the City's ethics statement in the new employee packet and discussing the City's commitment to ethical standards in new employee orientation  2) Providing all employees with training covering the City's ethics related policies and incorporating key aspects of the Fair Political Practices Commission ethics training  3) Providing a variety of ways to access ethics information and resources for employees, including those with no regular computer access at work, such as: • Posters and wallet cards • Centralized, intranet based ethics resource center • Periodic inclusion of ethics statement in Berkeley Matters  4) Emphasizing the City's commitment to workplace ethics during formal meetings, informal staff discussions, and regular communications with outside parties  5) Making the code of ethics available to the public, such as including the ethics code and related material in a centralized location on the City's public internet	Data Pending	Partly Implemented	City Manager's Office/Human Resources	N	Y	N	N	N	Y	Data Pending
278	Open Audit Recommendation	Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better- Recommendation 1.3	Provide supervisors and midlevel management with written guidance and training on how to:  • Initiate and encourage discussions of ethical issues to help dispel misconceptions and alert management to actual problems  • Report concerns or complaints to management or an external resource, and conduct investigations of ethics related complaints according to the City's procedures	Data Pending	Partly Implemented	City Manager's Office/Human Resources	N	Y	N	N	N	Data Pending	Data Pending
279	Open Audit Recommendation	Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better- Recommendation 1.5	Provide employees and the City Council with summary reports about investigation and resolution of employee ethics complaints, such as the reports already provided about EEO complaints, taking care to protect confidential and identifying information.	0.00	Not Started	City Manager's Office/Human Resources	N	N	N	N	N	Data Pending	Data Pending
280	Open Audit Recommendation	Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better- Recommendation 1.6	Monitor and regularly evaluate the effectiveness of the ethics program and make improvements based on results.	Data Pending	Partly Implemented	City Manager's Office/Human Resources	N	Y	N	N	N	Y	Data Pending
281	Open Audit Recommendation	Credit Card Use: Clearer Guidance Needed- Recommendation 3	Align City policies and procedures reflecting purchasing requirements and restrictions: purchasing; travel and attendance; petty cash; credit card use; food purchases; and any others that, if not updated, would create disconnect regarding the City's expectations and create confusion for City staff expected to adhere to City policy.	Data Pending	Started	Finance	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending

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Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
282	Open Audit Recommendation	Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 1.1	Analyze the short- and long-term impact of putting forth a change to the Berkeley Municipal Code to reduce the types or frequency of fire prevention inspections.	60.00	Work in Progress	Fire & Emergency Services	N	Y	Data Pending	N	Data Pending	Data Pending	Data Pending
283	Open Audit Recommendation	Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 1.2	Perform a workload analysis to quantify the staff needed now and in the future to comply with the local fire prevention inspection requirements.	60.00	Work in Progress	Fire & Emergency Services	N	N	Data Pending	N	Data Pending	Data Pending	Data Pending
284	Open Audit Recommendation	Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 2.1	Develop a process, in consultation with the Information Technology Department, for sharing information on property changes and additions between Fire and other City database platforms.	Data Pending	Started	Fire & Emergency Services	N	Y	Data Pending	N	Data Pending	Data Pending	Data Pending
285	Open Audit Recommendation	Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 2.2	Work with both the database's software vendor and the Information Technology Department to strengthen controls over the database, including:  · Assessing the needs for required fields for processing an inspection, such as unit, shift, inspector name, address, violation details, and violation location.  · Formatting drop-down menus for inspection status, inspection type, and violation status. Formatting the options available for the violation code numbers and violation description fields.	0.00	Not Started	Fire & Emergency Services	N	N	Data Pending	N	Data Pending	Data Pending	Data Pending
286	Open Audit Recommendation	Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 3.1	Coordinate work plans with Suppression for all mandated fire prevention inspections. These should take into consideration the volume and nature of the other work Suppression performs.	0.00	Not Started	Fire & Emergency Services	N	N	Data Pending	N	Data Pending	Data Pending	Data Pending
287	Open Audit Recommendation	Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 3.2	Create a risk-assessment plan to identify those properties that are most at risk of a fire.	60.00	Started	Fire & Emergency Services	N	Y	Data Pending	N	Data Pending	Data Pending	Data Pending
288	Open Audit Recommendation	Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 3.5	Revise the fire prevention inspection training to provide hands-on training, using experienced Suppression staff, on how to conduct inspections and interact with residents and community members during inspections.	25.00	On Hold	Fire & Emergency Services	N	Y	Data Pending	N	Data Pending	Data Pending	Data Pending
289	Open Audit Recommendation	Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 3.6	Develop and distribute educational information to property owners prior to the beginning of the inspection cycle to provide information on the fire prevention inspection program, common violations, and any upcoming inspections for that area of the City.	0.00	Not Started	Fire & Emergency Services	N	N	Data Pending	N	Data Pending	Data Pending	Data Pending
290	Open Audit Recommendation	Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 3.7	Create a process for issuing, tracking, and following up on administrative citations for properties with repeat or high-risk violations, including revenue collections and tracking. That process should collaborate with other City work units that perform enforcement activities to provide consistency.	0.00	Not Started	Fire & Emergency Services	N	N	Data Pending	N	Data Pending	Data Pending	Data Pending
291	Open Audit Recommendation	Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 1.1	Define and include sexual assault, stalking, and witnesses' rights.	0.00	Not Started	Human Resources	N	Y	Y	N	N	Y	Y
292	Open Audit Recommendation	Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 1.3	Revise the policy title to reflect the comprehensive scope of the policy.	0.00	Not Started	Human Resources	N	Y	Y	N	N	Y	Y

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293	Open Audit Recommendation	Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 1.4	Clarify that requirements for employees to document their use of leave or request for accommodations are at the discretion of Human Resources and may include self-certification when appropriate. We also recommend that Human Resources clarify that employees are encouraged to come to Human Resources for assistance even if they do not initially have the documentation that may be requested.	0.00	Not Started	Human Resources	N	Y	Y	N	N	Y	Y
294	Open Audit Recommendation	Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 13.1	Implement best practices, including: - Training supervisors and Human Resources staff about their role in responding to employees experiencing domestic violence and providing information for employees about the domestic violence response policy; - Conducting periodic outreach to employees to inform them about the policy, encourage them to come forward, and provide general information about domestic violence; - Facilitating collaboration among city staff who have a role in implementing the policy, and convening a domestic violence response team to advise on policies, ongoing outreach and education, and Human Resources' implementation of recommendations from this audit; and - Adopting a trauma-informed and inclusive approach.	0.00	Not Started	Human Resources	N	Y	Y	N	N	Y	Y
295	Open Audit Recommendation	Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 2	State that when assessing safety accommodations, Human Resources takes into consideration danger to the employee and undue burden to the employer.	0.00	Not Started	Human Resources	N	Y	Y	N	N	Y	Y
296	Open Audit Recommendation	Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 2.1	Incorporate the model policy and all best practice elements described in this finding, and communicate this guidance to city staff.	0.00	Not Started	Human Resources	N	Y	Y	N	N	Y	Y
297	Open Audit Recommendation	City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP Implementation- Recommendation 5	Work with Human Resources to revise the job classification used for the portfolio coordinator position. Minimum qualification factors might include, but are not limited to: - IT Governance/Portfolio Management experience; - Project Management Professional certification; - Project coordination experience; and - Excellent verbal and written communication skills.	Data Pending	On Hold	Information Technology	N	Y	N/A	N	N	N	N
298	Open Audit Recommendation	Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal- Recommendation 8	Create a method for community members to track the status of their cases online, which will reduce the call volume to the 311 Call Center.	0.00	Not Started	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
299	Open Audit Recommendation	911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale - Recommendation 2	Use the staffing analysis performed in response to recommendation 1.1, to determine future resource needs of the Communications Center, including staffing, equipment, and physical space. Take into account planned changes to services and factors that may influence call volume.	Data Pending	Partly Implemented	Police	N	Y	N	Y	N	N	N

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300	Open Audit Recommendation	911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale - Recommendation 6	Implement an automated scheduling software that has built-in decision-making capabilities to automatically fill shifts based on specified qualifications and staff availability.	25.00	Partly Implemented	Police	N	Y	N	N	N	Y	N
301	Open Audit Recommendation	911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale - Recommendation 7	Decrease the concentration of overtime among dispatchers.	75.00	Partly Implemented	Police	N	Y	N	N	N	Y	Y
302	Open Audit Recommendation	Leases Audit: Conflicting Directives Hinder Contract Oversight - Recommendation 1.3	Develop and finalize a property management plan that documents the specific responsibilities of Public Works and of other departments for lease management.	0.00	Not Started	Public Works	N	N	N	N	N	Y	N
303	Open Audit Recommendation	Leases Audit: Conflicting Directives Hinder Contract Oversight - Recommendation 1.4	The property management plan should be coordinated with affected City departments, including the Contract Administrator in Finance/Purchasing, before finalizing.	0.00	Not Started	Public Works	N	N	N	N	N	Y	N
304	Open Audit Recommendation	Leases Audit: Conflicting Directives Hinder Contract Oversight - Recommendation 2.1	Administrative Regulation 6.6 and Contracts Online should be updated to give clear direction to City staff regarding administration and execution of lease agreements.	0.00	Not Started	Public Works	N	N	N	N	N	Y	N
305	Open Audit Recommendation	Leases Audit: Conflicting Directives Hinder Contract Oversight - Recommendation 3.3	Public Works should update the City's real property administration policies and procedures to align with management's expectations.	0.00	Not Started	Public Works	N	N	N	N	N	Y	N
306	Open Audit Recommendation	Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 1	Update the Street Rehabilitation and Repair Policy annually and define who is responsible for ensuring the Policy is updated, as stated in the Policy.	50.00	Work in Progress	Public Works	N	Y	N	N	N	Y	Y
307	Open Audit Recommendation	Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 1.1	Annually, conduct a budget analysis, based on the deferred maintenance needs at that point in time, to determine what level of funding is necessary to achieve the desired goals of the Street Rehabilitation Program. Report findings to City Council. This information will be helpful during updates to the Five-Year Street Rehabilitation Plan and during the budgeting process.	50.00	Work in Progress	Public Works	Y	Y	N	N	N	Y	Y
308	Open Audit Recommendation	Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 1.2	Identify funding sources to achieve and maintain the goals of the Street Rehabilitation Program.	0.00	Work in Progress	Public Works	N	Y	N	N	N	N	N
309	Open Audit Recommendation	Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 2.2	When updating the Street Rehabilitation and Repair Policy, incorporate equity to align with Vision 2050 and clearly define how it will be applied to the street maintenance and rehabilitation planning process.	50.00	Work in Progress	Public Works	N	Y	N	N	N	Y	Y
310	Open Audit Recommendation	Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 2.3	Define goals and performance measures to guide the Street Rehabilitation and Repair Policy and Street Rehabilitation Program that align with other plans and policies relevant to street paving (e.g., Complete Streets Policy, Vision 2050, etc.). Regularly report to Council on performance measures.	25.00	Work in Progress	Public Works	N	Y	N	N	N	Y	Y
311	Open Audit Recommendation	Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.1	Request the City Council to redefine and then reaffirm its commitment to zero waste (i.e., the percentage that the Council considers to be success), and to ensure sufficient resources to fund appropriate staffing and the necessary infrastructure to achieve stated goals by 2020.	Data Pending	Partly Implemented	Public Works	N	Y	N	N	N	N	N



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312	Open Audit Recommendation	Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.2	Draft and obtain Council approval of a written strategic plan to achieve zero waste by 2020, including annual or biennial interim waste diversion goals. Topics that the strategic plan should discuss include: <ul style="list-style-type: none"> <li>• Objectives and long-term and interim goals</li> <li>• Actions to be taken</li> <li>• Responsible parties</li> <li>• Expected cost and impact of implementation</li> <li>• Performance measures</li> <li>• External factors affecting performance and progress</li> </ul>	Data Pending	Partly Implemented	Public Works	N	Y	N	N	N	N	N
313	Open Audit Recommendation	Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.3	Prepare detailed annual work plans that contain: <ul style="list-style-type: none"> <li>• Objectives</li> <li>• Annual/biennial (short-term) goals</li> <li>• Actions to be taken</li> <li>• Budget allocated for the actions</li> <li>• Timeline for completion</li> <li>• Lead staff responsible for task completion</li> <li>• Full-time equivalent employees assigned to the tasks</li> <li>• Performance measures</li> </ul>	Data Pending	Partly Implemented	Public Works	N	Y	N	N	N	N	N
314	Open Audit Recommendation	Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.4	Regularly communicate zero-waste goals and achievements to City staff and the Council, and offer training to staff on how they can help Berkeley achieve zero waste. This includes sharing strategic and annual work plan goals and regular updates regarding progress and completion.	Data Pending	Partly Implemented	Public Works	N	Y	Data Pending	Data Pending	N	Y	Data Pending
315	Open Audit Recommendation	Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.5	Determine if additional funds are needed for the education, outreach, compliance, and enforcement necessary to reach zero-waste goals. If sufficient funds are not available, propose to Council a separate fee to cover those costs for the City's zero-waste program, such as a regulatory fee as allowed under Proposition 218.	Data Pending	Partly Implemented	Public Works	N	Y	N	N	N	N	N
316	Open Audit Recommendation	Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.1	Work with the Department of Information Technology to configure the CRM system with a required field that auto populates valid route information based on address and service delivery type so that route-specific data can be collected on a going-forward basis.	0.00	Not Started	Public Works	N	Y	N	N	N	N	N
317	Open Audit Recommendation	Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.2	Work with the Department of Information Technology to create a link between RouteSmart and the CRM system (or the software implementation of Recommendation 2.5 below).	0.00	Not Started	Public Works	N	Y	N	N	N	N	N
318	Open Audit Recommendation	Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.4	Designate a business-line expert within the Zero Waste Division and require that expert to develop internal capacity to configure optimal collection routes and produce standardized reports for route-specific reporting using existing software (or the software implementation of Recommendation 2.5 below). The reports developed should allow measurement of the performance metrics developed in Recommendation 1.2 and 1.3 above.	Data Pending	Partly Implemented	Public Works	N	Y	N	N	N	N	N

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319	Open Audit Recommendation	Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.5	Assess the benefits of using mobile technologies that would allow drivers to enter information directly into the CRM system while on their routes, take pictures of why pickups were skipped, and implement electronic route books and other mobile field reporting. Include in the assessment changes to job responsibilities that might require a meet and confer with union representatives. Purchase the software and hardware if cost beneficial.	Data Pending	Partly Implemented	Public Works	N	Y	N	N	N	N	N
320	Open Audit Recommendation	Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.7	Use the reports developed from implementing recommendation 2.4 to monitor customer complaints and determine what impact the annual bid process has on customer service. If the information demonstrates the annual bid process significantly affects customer service, meet and confer with union representatives to discuss the elimination the annual route bidding process to help reduce customer complaints and improve service delivery. Implement change if agreement is reached.	0.00	Not Started	Public Works	N	Y	N	N	N	N	N
321	Open Audit Recommendation	Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity - Recommendation 1.3	Require the zero waste team formed in response to recommendation 1.2 to develop written procedures that clearly support cross-departmental strategies and help staff perform their work, as well as understand how their work contributes to success. Include information that helps promote the unified view of zero waste operations, while also explaining the individual tasks that take place within the departments and how those connect. Examples include, but are not limited to, describing the process for routing customer cases from 311 calls, and detailing in layman's terms the monthly updates that take place to align the CX and RouteSmart systems. Also see recommendation 1.2.	Data Pending	Partly Implemented	Public Works	N	Y	N	N	N	N	N
322	Open Audit Recommendation	Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity - Recommendation 1.5	In collaboration with Information Technology and as part of Enterprise Resource Planning, budget for, select, and install an account management system designed for zero waste activities. Use information from the zero waste team evaluation (recommendation 1.2) and zero waste strategy analysis (recommendation 1.8) to identify the critical business needs that should be included in the purchase of new zero waste account management system, or that should be considered when determining whether sufficient middleware options exist to fully integrate existing systems with the new account management software. Also see recommendations 1.2 and 1.8.	Data Pending	Partly Implemented	Public Works	N	Y	N	N	N	N	N
323	Open Audit Recommendation	Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity - Recommendation 1.8	Request that Information Technology use the CX module data extracts, such as the one used for this audit, to provide Public Works staff with the data they need to analyze zero waste strategies. Use the data extracts to further identify the critical business needs for new zero waste account management software. Also see recommendation 1.5.	Data Pending	Partly Implemented	Public Works	N	Y	Data Pending	Data Pending	N	Data Pending	Data Pending

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324	Open Audit Recommendation	Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity - Recommendation 1.9	Perform, or contract for, a fully comprehensive route audit to align service delivery with billing rates. Use the route audit to: <ul style="list-style-type: none"> <li>▪ Make CX module and/or RouteSmart system updates to ensure customers are billed correctly for their City provided services.</li> <li>▪ Ensure that all residential accounts are receiving required services.</li> <li>▪ Ensure that the commercial accounts that the City is responsible for receive and pay for the zero waste services required by City policy.</li> <li>▪ Verify that roll-off bin customers serviced by the Zero Waste Division are accurately billed.</li> </ul>	Data Pending	Partly Implemented	Public Works	N	Y	Data Pending	Data Pending	N	Data Pending	Data Pending
325	Strategic Plan - Project	City Council Redistricting Process and Citizens' Redistricting Commission	After each decennial census the City is required to adjust the city council district boundaries so that each district has equal population. In 2016 voters adopted a charter amendment to conduct the redistricting process by using a Citizens' Redistricting Commission.	10.00	Work in Progress	City Clerk	N	Y	Y	N	Y	Y	Y
326	Strategic Plan - Project	2020 Vision Milestone	PLACEHOLDER: Recognize the significance of the Year 2020 in Berkeley's 2020 Vision. Source: 2018 CC Berkeley's 2020 Vision Update report	0.00	On Hold	City Manager's Office	N	N	N	N	N	Data Pending	N
327	Strategic Plan - Project	African American Holistic Resource Center	In partnership with many in the community, plan for the development of a holistic African American Resource Center in South Berkeley, which will serve as a place of support and strength for the Berkeley community.	30.00	Work in Progress	City Manager's Office	N	Y	Y	Data Pending	N	Data Pending	Data Pending
328	Strategic Plan - Project	Annual Survey	Implementing an Annual Survey to better understand the needs of the community.	0.00	On Hold	City Manager's Office	N	N	N	N	N	Data Pending	N
329	Strategic Plan - Project	Bayer HealthCare, Inc Development Agreement	Engage with Bayer HealthCare, Inc re: the extension of their existing development agreement.	25.00	Proposed Budget Reduction	City Manager's Office	N	Y	Y	N	N	Y	Y
330	Strategic Plan - Project	Communications Staffing	Introducing new positions of communications specialists to improve the City's communications.	20.00	Work in Progress	City Manager's Office	N	Y	Y	N	N	Y	Data Pending
331	Strategic Plan - Project	Data Analysis	PLACEHOLDER: Explore and identify possible additional data sources to supplement the City's existing measure of outcomes for Berkeley's 2020 Vision. Source: 2018 CC Berkeley's 2020 Vision Update report	70.00	Work in Progress	City Manager's Office	N	N	Data Pending	N	N	Data Pending	N
332	Strategic Plan - Project	Equity Toolkit	Operationalizing equity lens in service delivery and project planning (e.g., toolkit deliverable from Racial Equity Action Plan including things like adding an equity item to agenda reports, requiring an equity checklist as part of project work plans, etc).	0.00	On Hold	City Manager's Office	N	N	N	N	N	Data Pending	N

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Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
333	Strategic Plan - Project	Establishing an Outdoor Emergency Shelter	<p>1. Refer to the City Manager to establish an outdoor emergency shelter in Berkeley. Such a shelter should consider the following amenities to be provided but not required: A. Climate-controlled, wind-resistant durable tents with wooden pallets for support. B. Seeking an agency to manage and oversee the emergency shelter. C. Portable toilet service and handwashing service. D. Shower and sanitation services E. Garbage pickup and safe needle disposal.</p> <p>2. Refer to the November budget process \$615,000 to be considered alongside other Measure P recommendations.</p> <p>3. Temporarily waive BMC Article 9 Section 19.28.100 Section N106, to allow for the installation of tents and membrane structures that may be erected for longer than 180 days even if they do not meet all physical requirements.</p> <p>4. Refer to the City Manager protocol for selecting residents that mirror other shelter selection criteria and are less restrictive than HUD protocols.</p> <p>Action: 28 speakers. M/S/C (Harrison/Davila) to adopt the item as written in Supplemental Communications Packet #1 and #2, amended as follows:</p> <ul style="list-style-type: none"> <li>• Remove "November" from "November budget process"</li> <li>• Refer to the City Manager to analyze what elements, if any, of the municipal code need to be amended to implement program; any suggested locations to be presented to Council prior to implementation; provide an updated budget to include estimated installation costs.</li> </ul>	25.00	Work in Progress	City Manager's Office	N	Y	Y	Data Pending	N	Data Pending	N
334	Strategic Plan - Project	Fleet-Related Initiatives	<p>A series of initiatives to:</p> <ul style="list-style-type: none"> <li>• increase alternative fuel vehicles,</li> <li>• standardize fleet,</li> <li>• reduce backlog,</li> <li>• implement fleet/system upgrades, and</li> <li>• conduct a City Vehicle Fleet Assessment.</li> </ul>	8.32	Proposed Budget Reduction	City Manager's Office	N	N	Partial	N	N	Data Pending	Data Pending
335	Strategic Plan - Project	Legislative Platform	Creating a formal structure and process to communicate policy and policy support to and from local, regional, and State legislative bodies.	50.00	On Hold	City Manager's Office	N	N	Y	N	N	Data Pending	N
336	Strategic Plan - Project	New City of Berkeley Website	<p>Create a new design, look and information architecture for the City website so that it is interactive and serves and prioritizes the needs of the community, including a focus on increasing the number and types of transactions and services available online.</p> <p>Redesign the City website to improve the information and services available to community members online, to create web server redundancy in case of emergencies</p>	70.00	Work in Progress	City Manager's Office	N	Y	Y	N	N	Y	N
337	Strategic Plan - Project	Performance Management	Implementing results-based accountability citywide and provide a dashboard to better communicate results	0.00	Proposed Budget Reduction	City Manager's Office	N	Y	N	N	N	Data Pending	N

**Disposition of  
Referrals, Projects, and Audits**

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338	Strategic Plan - Project	Racial Equity Action Plan	With assistance from the Government Alliance on Race and Equity and researchers from UC Berkeley, develop a Racial Equity Action Plan designed to integrate equity considerations throughout City operations and services and to influence change within the community.	83.40	Work in Progress	City Manager's Office	N	Y	N	N	N	Y	N
339	Strategic Plan - Project	UC Long-Range Development Plan	Participate in UC's Long Range Development Plan process	25.00	Work in Progress	City Manager's Office	N	Y	Y	N	N	Data Pending	Y
340	Strategic Plan - Project	Web Content Training	Create and develop a governance structure and a training program so that all departments have the appropriate tools and skills to build effective web content.	50.00	Work in Progress	City Manager's Office	N	Y	Y	N	N	Y	N
341	Strategic Plan - Project	Equal Pay Vendor Preference	Draft an ordinance related to an equal pay vendor preference for City contractors who demonstrate equal pay for male and female employees (gender based on self-identification).	0.00	Pending Not On Schedule	Finance	N	N	Y	N	N	Y	N
342	Strategic Plan - Project	Fire Department Communications	Increase and improve communication to the community by updating the Fire Department web page and creating social media policy and procedures	0.00	On Hold	Fire & Emergency Services	N	N	N	N	N	Y	N
343	Strategic Plan - Project	Fire Department Reserve Truck	Enhance the City's firefighting capacity by replacing a 20-year old ladder truck that has exceeded its user life.	85.29	Work in Progress	Fire & Emergency Services	N	Y	Y	N	N	Y	Y
344	Strategic Plan - Project	Fire Prevention	Increase fire/life safety capacity and resources to effectively maintain community safety.	51.36	Work in Progress	Fire & Emergency Services	N	Y	Y	N	Y	Y	N
345	Strategic Plan - Project	Outdoor Emergency Public Alerting Systems	(part of Rescue and Disaster Response Capabilities Program) Exploring options for system and then procuring and implementing system.	0.00	On Hold	Fire & Emergency Services	Y	N	Y	N	N	Y	N
346	Strategic Plan - Project	Safe Passages	(part of Wildfire Safety Program) Develop standards, update code, develop enforcement; identify narrow streets that need parking restrictions to keep areas clear.	0.00	Proposed Budget Reduction	Fire & Emergency Services	Y	Y	Y	N	Y	Y	Y
347	Strategic Plan - Project	Wildfire Vegetation Management	(part of Wildfire Safety Program) Hand Crews	59.68	Proposed Budget Reduction	Fire & Emergency Services	Y	Y	Y	N	N	Y	Y
348	Strategic Plan - Project	Adult Mental Health Clinic Renovation	The Adult Mental Health Clinic at 2640 MLK is currently uninhabitable and in need of significant repairs to be open to help people in Berkeley with severe and persistent mental illness.	99.98	Work in Progress	Health, Housing & Community Services	N	Y	Y	Y	N	Y	Y
349	Strategic Plan - Project	Age Friendly Plan Implementation	Establish infrastructure for implementation of Aging-Friendly Plan	93.04	Work in Progress	Health, Housing & Community Services	Y	Y	N	N	N	Y	Y
350	Strategic Plan - Project	Cannabis Dispensary/ Production	Develop, propose and implement responsive education and enforcement strategies	54.44	Work in Progress	Health, Housing & Community Services	N	Y	Y	N	Y	Y	Y
351	Strategic Plan - Project	Community Agency Funding Information	Develop and publish comprehensive report on outcomes of community agencies funded by City of Berkeley.	1.35	Work in Progress	Health, Housing & Community Services	N	N	Y	N	N	Y	N
352	Strategic Plan - Project	Home-cook Food Industry	Develop, propose and implement responsive education and enforcement strategies.	76.88	Work in Progress	Health, Housing & Community Services	N	Y	N	N	N	Y	
353	Strategic Plan - Project	Homeless Services Expansion	Implement plan to expand homeless services with Measure P funding as defined by Council.	73.70	Work in Progress	Health, Housing & Community Services	N	Y	Y	N	N	Y	N

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Referrals, Projects, and Audits**

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354	Strategic Plan - Project	Increase Affordable Housing: Measure O Implementation	Implement plan to expand affordable housing options with Measure O funding as defined by Council.	30.50	Work in Progress	Health, Housing & Community Services	N	Y	Y				Y
355	Strategic Plan - Project	Landlord Participation in Affordable Housing Programs	Increase the supply of landlords who provide units for Shelter Plus Care and Section 8 programs. Provide other incentives to landlords to participate in these programs.	49.23	Work in Progress	Health, Housing & Community Services	N	Y	Y	N			
356	Strategic Plan - Project	Paid Family Leave Ordinance	Explore an ordinance that guarantees paid leave for new parents.	0.00	On Hold	Health, Housing & Community Services	N	Y	N	N	N	Y	N
357	Strategic Plan - Project	Public Health Strategic Plan Implementation	Implement a tracking and reporting system for Division program performance measures	25.72	Work in Progress	Health, Housing & Community Services	N	Y	N	N	N	Y	N
358	Strategic Plan - Project	Results-Based Accountability Framework for Health, Housing & Community Services Programs	Implement a results-based accountability performance management framework to better account for and improve the work that the Department of Health, Housing & Community Services undertakes, and to maximize impact. Develop and publish outcomes data on selected programs.	19.61	Work in Progress	Health, Housing & Community Services	N	Y	Y	N	N	N	Y
359	Strategic Plan - Project	Shelter Plus Care Expansion	Expand Shelter Plus Care through addition of 53 new housing vouchers	43.33	Work in Progress	Health, Housing & Community Services	N	Y	Y	Y			
360	Strategic Plan - Project	Sugar Sweetened Beverage Policy Development	Develop a City of Berkeley healthy beverage policy	42.62	Work in Progress	Health, Housing & Community Services	N	Y	N	N	Y	N	
361	Strategic Plan - Project	Develop Labor Relations Strategy Plan	In preparation for contract negotiations in 2020. Prepare a plan	80.00	Work in Progress	Human Resources	N	Y	Y	N	Y	Y	N
362	Strategic Plan - Project	Revision of Personnel Rules and Regulations and the Employer-Employee Relations Resolution	Update and revise both sets of Rules and Regulations to comply with current federal and state laws; reflect best practices; and ensure the established rules are comprehensive and consistent.	40.00	Work in Progress	Human Resources	N	Y	N	N	Y	Y	N
363	Strategic Plan - Project	Succession Planning	In advance of a large amount of expected retirements in fiscal year 2018, develop and provide guidance to all City departments to improve succession planning and minimize disruption to the City government and the community it serves.	0.10	Work in Progress	Human Resources	N	Y	Y	N	N	N	N
364	Strategic Plan - Project	360 Street Level Imagery		22.22	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
365	Strategic Plan - Project	Accela Implementation - Phase 5	Modules to Implement: Utility Permits: almost complete Fire Permits Enhancements Public Works Permits Online Code Enforcement - HOLD Right of Way Management - HOLD	0.00	Proposed Budget Reduction	Information Technology	N	Y	Y	N	N	Y	Y
366	Strategic Plan - Project	Active Directory Upgrade	Version upgrade for Active Directory.	0.00	Not Started	Information Technology	N	N	Y	N	N	Y	Y
367	Strategic Plan - Project	AD Cleanup (Prep for future Projects)	AD CleanUP (Prep for future Projects)	6.67	Work in Progress	Information Technology	N	Y	Y	N	N	Y	N

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Referrals, Projects, and Audits**

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368	Strategic Plan - Project	Avaya Phone System (VoIP) Support Transition	Avaya Support Transition	79.78	Work in Progress	Information Technology	N	Y	Y	N	Y	Y	Y
369	Strategic Plan - Project	BIA (Business Impact Assessment)	BIA (Business Impact Assessment)	10.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
370	Strategic Plan - Project	Broadband Infrastructure Master Plan	Develop a master plan to improve infrastructure for high-speed internet access in Berkeley. Release the RFP to develop a Broadband Infrastructure Master Plan that provides a roadmap for implementing the broadband infrastructure to increasing internet access and addressing the digital divide	80.00	Work in Progress	Information Technology	N	Y	N	N	N	N	N
371	Strategic Plan - Project	California Public Health Info Exchange Electronic Case Reporting (eCR)	Implement Electronic Case Reporting (eCR) which will automate public health case reporting by automatically generating and transmitting case reports from Electronic Health Records (EHRs) to public health agencies for review and action. The California Reportable Disease Information Exchange - Electronic Case Reporting (CalREDIE eCR) module will allow health care providers and organizations to more easily comply with the California Department of Public Health (CDPH) requirement for the reporting of certain diseases and conditions per the California Code of Regulations (CCR) Title 17 Section 2500.	0.00	On Hold	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
372	Strategic Plan - Project	Capital Project Management Software	Implement a Capital Improvement Project (CIP) tracking tool to better document and manage project implementation	0.00	On Hold	Information Technology	N	N	N	N	N	N	N
373	Strategic Plan - Project	City Data Services System Replacement	Project to replace hosted Grants and Loan Data Management for Health, Housing & Community Services. Community Agency Allocations & Contract Management, Rehab Programs, Housing Trust Fund, Mental Health Division Contracts, etc.	0.00	On Hold	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
374	Strategic Plan - Project	Citywide Backup Solution Replacement	Barracuda Backup Upgrade	79.36	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
375	Strategic Plan - Project	Citywide Windows 10 Upgrade	Pilot and then fully launch the Windows 10 operating system for City computers, including all necessary staff training and application compatibility testing	93.13	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
376	Strategic Plan - Project	Clinical Intake Workflow Improvements: Develop and Integrate Clinic Reproductive and Sexual Health (RSH) Intake Template	Clinical Intake Workflow Improvements: Develop and Integrate Clinic Reproductive and Sexual Health (RSH) Intake Template	40.00	On Hold	Information Technology	N	Y	Y	N	N	Y, if funded	Y, if funded
377	Strategic Plan - Project	Compliance with Data Security Standards	Continue to implement Payment Card Industry (PCI), Department of Justice (DOJ), and Health Insurance Portability and Accountability Act (HIPAA) compliance requirements to maintain data security	10.00	Work in Progress	Information Technology	N	Y	Partial	N	Y	Y	Y, if funded
378	Strategic Plan - Project	Configure Remote Software installations for Off Network Laptops	Configure SCCM IBCM (Internet Based Configuration Management)	51.02	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
379	Strategic Plan - Project	Crime forum transition to new vendor (XenForo)	Migrate police crime forum data away from vBulletin to Xenforo. They use AWS for hosting. internal crime information sharing	80.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y

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Referrals, Projects, and Audits**

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380	Strategic Plan - Project	Customer Relationship Management (CRM) Database	Implement a 311 CRM solution and a mobile app to better track and manage community member queries	0.00	Proposed Budget Reduction	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
381	Strategic Plan - Project	Customer Relationship Management of Economic Development	Implement a customer and communications management platform to assist the Office of Economic Development in their business attraction and retention efforts	0.00	Not Started	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
382	Strategic Plan - Project	Cyber Resilience Strategy	Develop a Cyber Resilience Plan in alignment with the City's Resilience Strategy, including software upgrade needs, policies and cyber security training for staff	85.00	Work in Progress	Information Technology	N	Y	Y	N	N	N	Y
383	Strategic Plan - Project	Data Exchange for TCM Program (Alameda Alliance / Medi-Cal Managed Care)	Data Exchange for TCM Program (Alameda Alliance / Medi-Cal Managed Care)	0.00	On Hold	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
384	Strategic Plan - Project	Data Exchange for TCM Program (Blue Cross / Medi-Cal Managed Care)	Data Exchange for TCM Program (Blue Cross / Medi-Cal Managed Care)	0.00	On Hold	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
385	Strategic Plan - Project	Digital Permitting System	Conduct a needs assessment, issue an RFP, and procure a new permitting software	0.00	Proposed Budget Reduction	Information Technology	N	N	N	N	N	N	N
386	Strategic Plan - Project	Disaster Recovery/Business Continuity Plan	Develop a Information Technology infrastructure Disaster Recovery and Business Continuity Plan	50.00	Not Started	Information Technology	N	Y	Partial	N	N	Y, if funded	Y, if funded
387	Strategic Plan - Project	Emergency Operations Center (EOC) Management Software	Implement a software solution to assist with enhanced preparedness, disaster recovery and track emergency management efforts during EOC activations	0.00	On Hold	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
388	Strategic Plan - Project	Emphasys Elite System Replacement	Assess business needs and review feasibility of utilizing ERMA modules. Replace software to manage Shelter Plus Care housing subsidy program for the chronically homeless. (Also used by Berkeley Housing Authority with separate databases.)	0.00	Not Started	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
389	Strategic Plan - Project	Environmental Health Field Operations Improvements	Assess and implement tools to enhance capacity and efficiency of Environmental Health field operations.	0.00	On Hold	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
390	Strategic Plan - Project	EnvisionConnect System Replacement	Develop options, costs and timelines for replacing Decade (Accela) software to manage Environmental Health inspections, work processes, and to produce regular local and State required reports. (System also used by Toxics Management, with separate database).	0.00	Not Started	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
391	Strategic Plan - Project	Extracts/Interfaces for data to Munis from (1) NextGen and (2) Persimmony	Extracts/Interfaces for data to Munis from (1) NextGen and (2) Persimmony	0.00	Not Started	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
392	Strategic Plan - Project	FUND\$ Replacement - Fleet Management System	Replacing the 28-year-old FUND\$ Fleet module for vehicle fleet asset and parts management system	23.06	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
393	Strategic Plan - Project	FUND\$ Replacement - Work Order Application	Replace the Work Order module of FUND\$ with a Commercial Off the Shelf (COTS) software that will enable management of customer requests and work orders, preventive maintenance, resources and inventory, best practices and regulatory compliance.	48.51	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
394	Strategic Plan - Project	FUND\$ Replacement - Zero Waste Solution	Replace the Refuse Billing module of FUND\$ with a Commercial Off the Shelf (COTS) software that will enable billing, routing, and operations software for the public works operations.	25.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y



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395	Strategic Plan - Project	FUND\$ Replacement: Core Financial and HR/Payroll	"To replace City's Enterprise Resource Management Application to improve access to services and information for community members and create more efficient financial and information management processes for City staff, replace the City's core data management system.  To improve access to services and information for community members and create more efficient financial, human resources, and information management processes for staff, replace the City's core 28-year old financial and data management system"	84.33	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
396	Strategic Plan - Project	Fund\$ Software Upgrades	SunGard Software Upgrade Project for Fund\$	20.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
397	Strategic Plan - Project	Green City GIS Inventory	Create a database for PRW for Park Assets. Databases design and field inventory of all infrastructure, buildings, such as bathrooms, benches and newly planted trees in the city parks system	95.00	Work in Progress	Information Technology	N	N	Y	N	N	Y	Y
398	Strategic Plan - Project	Help Desk Metrics Expansion	PURPOSE: This project addresses both processes/procedures and various tools that focus on the delivery of customer service across City departments by the HelpDesk and to measure and adjust team productivity to demand.	0.00	Proposed Budget Reduction	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
399	Strategic Plan - Project	Help Desk Process Improvements	Help Desk Process Improvements Year 1 (2019)	0.00	Proposed Budget Reduction	Information Technology	N	N	N	N	N	Y	N
400	Strategic Plan - Project	Help Desk Standard Operating Procedures	Help Desk Standard Operating Procedures	25.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
401	Strategic Plan - Project	HIPAA Security Risk Assessment Audits Calendar Year 2019	HIPAA Security Risk Assessment Audits Calendar Year 2019	0.00	Not Started	Information Technology	N	Y	Y	N	Y	Y	Y
402	Strategic Plan - Project	HR Onboarding	Purchase a software system for HR to streamline the new hire onboarding process. The onboard software will provide new hire access to forms, documents, videos, and checklist.	22.06	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
403	Strategic Plan - Project	Human Resources Case Management	Software to manage and track Human Resources Employee Relations and Equal Employment Opportunity cases.	65.76	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
404	Strategic Plan - Project	Infrastructure and Security Project Metrics	Infrastructure and Security Project Metrics	0.00	Proposed Budget Reduction	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
405	Strategic Plan - Project	IT Classification Study	Conduct an IT Classification Study	0.00	Proposed Budget Reduction	Information Technology	N	Y	Y	N	Y	Y	Y
406	Strategic Plan - Project	IT Service Management/Enterprise PM Tool	Replace Help Desk software, implement project portfolio management software	69.58	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
407	Strategic Plan - Project	Learning Management System (ERP)	To deploy a learning management system for the administration, documentation, tracking, reporting and delivery of training programs	10.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y

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408	Strategic Plan - Project	Legal Case Management Tool	Software to track and manage cases for City Attorneys	0.00	On Hold	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
409	Strategic Plan - Project	Medication Inventory software	Identify business requirements and software that will also integrate with the NextGen EPM-EHR System.	10.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
410	Strategic Plan - Project	Microfiche Digitizing for Berkley Police	Digitize remaining Police microfiche data to improve data management and accessibility	70.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
411	Strategic Plan - Project	Microsoft Office Upgrade	(Formerly "ProofPoint & MS EA FY20 roll-out")	0.00	Not Started	Information Technology	N	N	Y	N	N	Y	Y
412	Strategic Plan - Project	Migrate Veripic Data to Axon Capture (evidence.com)	Migrate evidence data from Veripic (legacy system) to evidence.com (current system from Axon). This is a two step process: 1) export evidence and metadata from VeriPic, and 2) import evidence and metadata to evidence.com. This will allow officers to have one source of evidence and will remove a legacy system. Veripic is currently read only and has no new evidence as of 9-1-18.	75.76	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
413	Strategic Plan - Project	Mobile Device Management (MDM) Software Replacement	Transition from Meraki to Intune	25.00	Work in Progress	Information Technology	N	Y	Y	N	Y	Y	Y
414	Strategic Plan - Project	MS Enterprise O365 Exchange Migration and OneDrive Implementation	Migrate Exchange (Email) to the cloud, and implement OneDrive for cloud-based file storage and file sharing.	87.78	Work in Progress	Information Technology	N	Y	Y	N	N	Y	N
415	Strategic Plan - Project	MS Rights Management (& AIP)	MS Rights Management (& AIP)	25.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
416	Strategic Plan - Project	Network Architecture	Network Architecture (roadmap of capabilities, connections, capacities means, & devices)	0.00	Pending On Schedule	Information Technology	N	N	Y	N	N	Y	Y
417	Strategic Plan - Project	Network Device Replacement for FY18	Network Device Replacement for FY18	87.50	Work in Progress	Information Technology	N	Y	Y	N	N	Y	N
418	Strategic Plan - Project	Network Device Replacement FY20	Network Device Replacement FY20	0.00	Not Started	Information Technology	N	Y	Y, pending Council approval	N	N	Y, if funded	Y, if funded
419	Strategic Plan - Project	New Fire Records Management System	Prepare a new fire records management system that will be compliant with the National Fire Information System and improve data collection and response information.	0.00	On Hold	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
420	Strategic Plan - Project	NextGen eSignatures	NextGen eSignatures	90.00	On Hold	Information Technology	N	N	Y	N	N	N	N
421	Strategic Plan - Project	Online Business Registration Permitting	Implement software program to help entrepreneurs get their businesses up and running more quickly and easily by providing an online interface to the permitting process at City Hall	0.00	Proposed Budget Reduction	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
422	Strategic Plan - Project	Performance Evaluations (ERP)	To deploy a performance evaluation software	10.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y

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423	Strategic Plan - Project	Public Records Act (PRA) Request Management	Implement a solution to track and manage PRA requests and provide visibility and transparency for PRA compliance	92.51	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
424	Strategic Plan - Project	RLSS Loan/Grants Management System Replacement	Project to replace the Revolving Loan Servicing Software (Loan Profile Data, Loan Transactions, and Reporting for State & Federal Programs) Used for Senior Disabled Loan Program.	5.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
425	Strategic Plan - Project	ServiceNow: Asset Management Implementation	Implement SNOW Asset Management Module & create Software & Hardware inventory dashboard	80.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
426	Strategic Plan - Project	SharePoint Intranet	Implement SharePoint based TeamSites and Project sites	45.54	Work in Progress	Information Technology	N	Y	Y	N	N	N	Y
427	Strategic Plan - Project	SIEM/MSSP	SIEM/MSSP	50.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
428	Strategic Plan - Project	SimsUshare	SimsUshare CTC is a training system for emergency responders to develop and enhance knowledge, skills and abilities in safely and efficiently managing all types of incidents.	90.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
429	Strategic Plan - Project	Smart Rooms	Improve IT systems in the City's conference rooms, including conference call, videoconference, and star phone capabilities.	99.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
430	Strategic Plan - Project	Software for Managing Leased Properties (ERP)	Implement a software solution to track and manage properties that the City leases to other entities	0.00	On Hold	Information Technology	N	N	N	N	N	N	N
431	Strategic Plan - Project	SQL Server 2008 Upgrade/Migration CityWide	SQL Server 2008 Upgrade/Migration CityWide	80.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y, if funded	Y, if funded
432	Strategic Plan - Project	Tiburon/CRIMES Data warehousing	needed enterprise license for phones (close to completion)	70.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
433	Strategic Plan - Project	Time Management Application for Police	Time Management Application for Police (Telestaff)	0.00	On Hold	Information Technology	N	N	N	N	N	Y, if funded	Y, if funded
434	Strategic Plan - Project	Upgrade Youth Lab computers	Upgrade Youth Lab computers	0.00	On Hold	Information Technology	N	N	Y	N	N	Y	Y
435	Strategic Plan - Project	Vendor Remote Access Improvements	Improvements to vendor's remote access capabilities.	80.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
436	Strategic Plan - Project	Virtual Desktop Pilot Program	Virtual Desktop Infrastructure (VDI) pilot program with Citrix and Nutanix	10.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
437	Strategic Plan - Project	Virtualize Firewalls	(Formerly "Microsoft Windows Security Patch Deployment", Configure Windows updates for all desktops and Laptops)	0.00	Not Started	Information Technology	N	N	Y	N	N	Y	Y
438	Strategic Plan - Project	VoIP Emergency Announcement Service	PURPOSE: Enhance Voice-over-IP (VoIP) technical capabilities to introduce an Emergency Announcement Service within City buildings and office spaces.	0.00	Proposed Budget Reduction	Information Technology	N	N	Y	N	N	Y	Y

**Disposition of  
Referrals, Projects, and Audits**

No.	Type	Name	Description	Percent Complete	State	Lead City Department	Commission?	Underway?	Funded?	Grant funding likely?	Required by legislative mandate?	Achievable in ~2 years?	Have adequate staff resources for?
439	Strategic Plan - Project	Windows Security Patch Deployment Upgrade	Re-Configure Windows Updates	53.75	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
440	Strategic Plan - Project	Windows Server Operating System Upgrades	Windows Server Operating System Upgrades	90.00	Work in Progress	Information Technology	N	Y	Y	N	N	Y	Y
441	Strategic Plan - Project	Berkeley Business Marketing & Communications Project (i.e., Berkeley Branding & Marketing Project)		95.00	Work in Progress	Office of Economic Development	N	Y	Y	N	N	Y	Y
442	Strategic Plan - Project	Berkeley Ventures, Berkeley Values	Develop and implement a "Berkeley Tech, Berkeley Values", a campaign to leverage local tech sector skills, wealth, and other resources to support equitable and inclusive growth.	75.00	Work in Progress	Office of Economic Development	N	Y	Y	N	N	Y	Y
443	Strategic Plan - Project	Expand and Modify the Downtown Arts District Overlay	Examine and develop recommendations for expanding the boundaries of the current Downtown Arts District Overlay as well as the allowable active ground-floor uses. Related to PRJ0013155 and DMND0002497	95.00	Work in Progress	Office of Economic Development	N	Y	N	N	N	Y	Y
444	Strategic Plan - Project	Interactive Digital Kiosks	Facilitate the installation of interactive digital kiosks to share information about civic resources; market local businesses, arts organizations, and commercial districts; and generate revenue for the City of Berkeley	95.00	Work in Progress	Office of Economic Development	N	Y	Y	N	N	Y	N
445	Strategic Plan - Project	Measure T1 Public Art Projects	Implement new public art commissions associated with T1 Bond Projects at North Berkeley Senior Center and San Pablo Park, which will be integrated into the planned improvements in order to beautify these spaces and enhance their unique character	90.00	Work in Progress	Office of Economic Development	N	Y	Y	N	N	Y	Y
446	Strategic Plan - Project	Aquatic Park Tide Tubes Renovation Project	Design, permitting, and environmental documents.	0.00	Not Started	Parks, Recreation & Waterfront	N	N	N	Y	N	N	Y
447	Strategic Plan - Project	Berkeley Municipal Pier Conceptual Design	Feasibility study for potential repairs to Pier.	75.00	Work in Progress	Parks, Recreation & Waterfront	N	Y	Y	N	N	Y	Y
448	Strategic Plan - Project	Berkeley Rose Garden Pathways, Tennis Courts, Pergola	Reconstruction of the pergola, ADA paths, and retaining Walls - Design and Construction.	75.00	Work in Progress	Parks, Recreation & Waterfront	N	Y	Y	N	N	Y	Y
449	Strategic Plan - Project	Berkeley Tuolumne Camp Rebuild	Rebuild Berkeley Tuolumne Camp. Permitting, Environmental, Design, and Construction.	75.00	Work in Progress	Parks, Recreation & Waterfront	N	Y	Y	Y	N	Y	Y
450	Strategic Plan - Project	Cazadero Camp Landslide Fix and Dormitory Replacement	Repair significant damage to the City's Cazadero Camp caused by a landslide that occurred in 2016.	60.00	Work in Progress	Parks, Recreation & Waterfront	N	Y	Y	N	N	Y	Y
451	Strategic Plan - Project	Grove Park Field backstop, dugout, lights, and irrigation	Renovation of existing ballfield backstop, dugout, lights, and irrigation - Construction.	30.00	Work in Progress	Parks, Recreation & Waterfront	N	Y	Y	N	N	Y	Y
452	Strategic Plan - Project	Live Oak Community Center Seismic Upgrade and Renovations	Seismic upgrades and building renovations - Construction.	95.00	Work in Progress	Parks, Recreation & Waterfront	N	Y	Y	N	N	Y	Y
453	Strategic Plan - Project	San Pablo Park Tennis Courts and Play Equipment Upgrade (Ages 5-12 Play Areas)	Renovation of existing play equipment (ages 2-5 and 5-12) and tennis courts - Construction.	70.00	Work in Progress	Parks, Recreation & Waterfront	N	Y	Y	N	N	Y	Y

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454	Strategic Plan - Project	Training and Certification for Sports Coaches and Officials	Start to implement a new program to provide the latest training and certifications all staff who serve as sports officials and coaches for the City's many sports programs, including softball, baseball, and tennis leagues, skateboarding, and more.	35.00	Work in Progress	Parks, Recreation & Waterfront	N	Y	N	Y	N	Y	Y
455	Strategic Plan - Project	Tree Planting Project in South and West Berkeley	Plant 500 trees in South and West Berkeley	50.00	Work in Progress	Parks, Recreation & Waterfront	N	Y	Y	Y	N	Y	Y
456	Strategic Plan - Project	University Avenue (West Frontage Rd to Marina Blvd), Marina Blvd, and Spinnaker Way Renovation	Renovate three roads at the Berkeley Marina (University Ave, Marina Blvd, and Spinnaker Way) - Construction - Design and Construction.	30.00	Work in Progress	Parks, Recreation & Waterfront	N	Y	Y	N	N	Y	Y
457	Strategic Plan - Project	WETA MOU and Ferry Feasibility Study	Develop an MOU with WETA and conduct an engineering feasibility study for potential WETA ferry service and recreation at the existing or a new Berkeley Pier.	80.00	Work in Progress	Parks, Recreation & Waterfront	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
458	Strategic Plan - Project	Ashby and North Berkeley and Development Parameters (formerly station area plan)	State-mandated zoning study and updates at the North Berkeley and Ashby BART stations	25.00	Work in Progress	Planning	Involves Planning Commission	Y	Y	Y	Y	Y	Y
459	Strategic Plan - Project	Clean energy (i.e., Fuel switching)	Promote strategies and make available resources for residents to convert to cleaner fuel use in buildings.	50.00	Work in Progress	Planning	N	Y	N	Y	N	N	Y
460	Strategic Plan - Project	Climate Adaptation Work	New climate adaptation work	5.00	Work in Progress	Planning	Y	Y	N	Y	N	N	N
461	Strategic Plan - Project	Demolition Ordinance and Affordable Housing	Study issues pertaining to demolition and replacement of existing rent controlled and affordable housing. Depending on outcomes of study, may result in a revised fee and/or ordinance	25.00	Work in Progress	Planning	Involves Planning Commission, Rent Stabilization Board	Y	N	N	Y	Y	N
462	Strategic Plan - Project	Development/Density Standards Project	Study options and proposed comprehensive density standards	25.00	Work in Progress	Planning	Involves Joint Subcommittee for the Implementation of State Housing Laws	Y	Y	Y	Y	N	F
463	Strategic Plan - Project	Expanded and streamlined rental housing safety program	Expand and streamline the Rental Housing Safety Program to enable proactive inspections and other actions to maintain Berkeley's aging rental housing stock.	65.00	Work in Progress	Planning	N	Y	Y	N	Y	N	N
464	Strategic Plan - Project	Increased EV infrastructure	Provide better facilities and infrastructure for Electrical Vehicle charging, with an emphasis on electric mobility strategies to make cleaner transportation available to all across income lines.	80.00	Work in Progress	Planning	N	Y	N	Y	N	N	N
465	Strategic Plan - Project	Increased Student Housing	Identify opportunities to enable additional student housing, such as through Zoning Ordinance amendments focused on increasing student housing capacity in the Telegraph Avenue Commercial District.	50.00	Work in Progress	Planning	Involves Planning Commission	Y	Y	N	N	Y	Y
466	Strategic Plan - Project	Local density bonus policy	Develop and pilot a local Density Bonus program that enables payment of housing in-lieu fees to be used and leveraged to create additional affordable housing.	50.00	Work in Progress	Planning	Involves Planning Commission	Y	Y	N	N	Y	N

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Referrals, Projects, and Audits**

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467	Strategic Plan - Project	Missing Middle Housing Study / Housing Element Update	Refer to the City Manager to prepare a report to the Council of examining methods, including potential revisions to the zoning code, that may foster a broader range housing types across Berkeley, particularly missing middle housing types (duplexes, triplexes/fourplexes, courtyard apartments, bungalow courts, townhouses, etc.), in areas with access to essential components of livability like parks, schools, employment, transit, and other services. Given the range of requests included in this referral, it is expected that responding to the referral will require a combination of field research, consultation with design professionals and other cities and agencies, and community outreach and engagement. Council requests that staff initiate this work as soon as possible. (Text from 4/23/19 Council Referral)	1.00	Work in Progress	Planning	Involves Planning Commission	Y	Deferred	N	Y	Y	N
468	Strategic Plan - Project	New Municipal Building Energy Policy	Develop options for a new Municipal Building Energy Policy	5.00	Work in Progress	Planning	N	N	N	N	N	Y	N
469	Strategic Plan - Project	Objective Development Standards	Consultant work with community and commissions to describe, define, and revise objective development standards in corridors.	25.00	Work in Progress	Planning	Involves Joint Subcommittee for the Implementation of State Housing Laws	Y	Y	Y	Y	N	N
470	Strategic Plan - Project	Parking Reform	Strategies to unbundle parking requirements from development requirements to facilitate housing production and car-free modes of transit	90.00	Work in Progress	Planning	Involves Planning Commission	Y	Y	N	N	Y	Y
471	Strategic Plan - Project	Permit Conditions Enforcement Process	Review process/approach to monitoring and enforcing agreed-to conditions on Land Use permits	50.00	Work in Progress	Planning	N	Y	N	N	N	Y	N
472	Strategic Plan - Project	Permit Service Center and Land Use Planning Survey	Develop and administer a customer service survey relating to permitting services and land use planning processes	33.00	Work in Progress	Planning	N	Y	Y	N	N	Y	Y
473	Strategic Plan - Project	Planning DOC	Planning Operations Center (DOC) and Emergency Operations Plan (EOP)	0.00	Not Started	Planning	N	N	N	N	N	Y	N
474	Strategic Plan - Project	Seismic safety programs	Continue implementation of the City's Soft Story and Unreinforced Masonry Ordinances and administer a \$3 million Hazard Mitigation Grant from FEMA, which will provide design and construction grants to owners of the most seismically vulnerable buildings in Berkeley.	70.00	Work in Progress	Planning	N	Y	Y	Y	Y	N	Y
475	Strategic Plan - Project	Sign Policy	Evaluate and update design review processes/policies and Sign Ordinance	50.00	Work in Progress	Planning	Involves Planning Commission, Design Review Committee	Y	N	N	N	Y	N
476	Strategic Plan - Project	Solar + Storage Project	Latest strategy from previous Microgrid pilot program to co-locate solar and storage capacity, especially for emergency backup uses	30.00	Work in Progress	Planning	N	Y	N	Y	N	Y	N
477	Strategic Plan - Project	ZORP (Zoning Ordinance Revision Project)	Revise the City of Berkeley Zoning Ordinance in order to clarify zoning rules and procedures for community members and improve the implementation process for City staff.	50.00	Work in Progress	Planning	Involves Planning Commission	Y	Y	N	N	Y	Y

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478	Strategic Plan - Project	Community Safety During Demonstrations	Increase Police capacity, resources, tools and training, including training a bike-officer response unit, to effectively protect and facilitate free speech and maintain community safety when demonstrations and protests occur.	80.00	Work in Progress	Police	N	Y	N	N	N	Y	Y
479	Strategic Plan - Project	Comprehensive Police Policy Review	Fully implement and update Police policies to Lexipol format, ensuring full compliance with current law, case law, and incorporate best practices.	85.00	Work in Progress	Police	N	Y	Y	N	N	Y	Y
480	Strategic Plan - Project	Develop resources and programs for employee resiliency	Expand Police employee wellness and resiliency programs, including mental health, fitness, and nutrition resources.	75.00	Work in Progress	Police	N	Y	Y	N	N	Y	Y
481	Strategic Plan - Project	Hire, Train, and Retain Excellent Police Personnel	In order to continue to provide excellent service to the community, expediently fill any position vacancies while maintaining a highly qualified, well educated work force.	80.00	Work in Progress	Police	N	Y	Y	N	N	Y	N
482	Strategic Plan - Project	Implementation of new public safety technology. (Comprehensive Review of Police Equipment and Technology Needs)	Conduct a needs assessment and prioritization of tools and technology that would better enable the Police to safeguard the community. Implement new technology.	80.00	Work in Progress	Police	N	Y	N	N	N	N	Y
483	Strategic Plan - Project	Police Community Engagement Strategy	Enhance the Police's existing efforts to engage and inform community members about public safety by developing a Police Community Engagement Strategy.	70.00	Work in Progress	Police	N	Y	N	N	N	Y	Y
484	Strategic Plan - Project	Revise use-of-force policy and implement software	Implement software enhancements used to report and review department commendations and uses of force, in conjunction with a revised use of force policy. This will enable the BPD ability to report aggregate information internally and externally.	95.00	Work in Progress	Police	N	Y	Y	N	N	Y	Y
485	Strategic Plan - Project	2nd Street, Monterey Avenue, Ward Street, Hopkins Street and Bancroft Way	Pavement rehabilitation of 1,600 linear feet (0.3 miles) on Ward Street from San Pablo Avenue to Action Street with full-depth reclamation including sidewalk, driveway, and curb ramp replacement. The street will also include green infrastructure improvements, pervious concrete in the parking lane (8 feet wide) to infiltrate storm water into the native soil. Pavement rehabilitation of 1,600 linear feet (0.3 miles) on 2nd Street from Addison Street to Delaware Street, including installation of sidewalk, curb and gutter, crosswalks along University Avenue underpass, and removal of Railroad tracks on project area. Pavement rehabilitation of 3,100 linear feet (0.6 miles) on Monterey Avenue from Hopkins Street to The Alameda, including installation of sidewalk, curb & gutter, curb ramps, and striping of bike lanes and crosswalks. Pavement rehabilitation of 6,600 linear feet (1.25 miles) on Hopkins Street from San Pablo to The Alameda, including installation of sidewalk, curb & gutter, curb ramps, and striping of bike lanes and crosswalks. Pavement rehabilitation of 350 linear feet (0.06 miles) on Bancroft Way from Shattuck Avenue to Milvia Street, including installation of sidewalk, curb & gutter, curb ramps, and a protected bike lane from Fulton Street to Milvia Street.	50.00	Work in Progress	Public Works	N	Y	Y	N	Y	Y	Y

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486	Strategic Plan - Project	50/50 Sidewalk Program	Reduce 50/50 sidewalk backlog	70.00	Work in Progress	Public Works	N	Y	Y	N	N	N	N
487	Strategic Plan - Project	American Disabilities Act Transition Plan	Work with DAC consultants to survey accessibility and ADA compliance for City facilities, public right of way, and parks, as well as programs and services.	72.00	Work in Progress	Public Works	N	Y	Y	N	Y	Y	Y
488	Strategic Plan - Project	Berkeley Rose Garden Drainage	Repair creek channel to protect channel and contain creek flows.	35.00	On Hold	Public Works	N	N	N	N	N	N	Y
489	Strategic Plan - Project	Bicycle and Pedestrian Infrastructure Improvements (Ongoing Program)	Implement protected bicycle lanes on Milvia and Dana Streets and currently-funded Safe Routes to Schools and Active Transportation Program projects, including the 9th Street path crossing at Ashby Avenue. Implement BeST and Bicycle and Pedestrian Plan improvements during repaving projects. Identify funding sources for implementing all Tier 1 Bicycle Boulevard crossing recommendations from the Bicycle Plan.	25.00	Work in Progress	Public Works	N	Y	Y	Y		Y	Y
490	Strategic Plan - Project	Bicycle Plan FY 2022 Update	Construct bikeway projects and implement encouragement, education, enforcement, and evaluation programs to make Berkeley a model bicycle-friendly city where bicycling is a safe, comfortable, and convenient form of transportation and recreation for people of all ages and abilities	0.00	Not Started	Public Works	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
491	Strategic Plan - Project	Compostable or Recyclable Foodware	Implementation: Phase 2 - All foodware certified compostable & vendor charges \$0.25 per disposal cup Phase 3 - Only onsite foodware provided by vendor.	5.00	Work in Progress	Public Works	N	Y	N	N	Y	Y	N
492	Strategic Plan - Project	Corporation Yard Roof and Electrical Upgrades	This facility requires general upgrades of the electrical system including panelboards, switchboard, and electrical feeders.	75.00	Work in Progress	Public Works	N	Y	Y	N	N	Y	Y
493	Strategic Plan - Project	Gilman Street Interchange Project	Improve the mobility and safety of the Gilman Street Corridor by reconstructing the Gilman Street Interchange and creating a new gateway into North Berkeley. In FY 2018-2019, complete the environmental documents and begin final design for the I-80 Gilman Interchange and pedestrian overcrossing projects.	90.00	Work in Progress	Public Works	N	Y	Y	Y		Data Pending	Data Pending
494	Strategic Plan - Project	Long-Term Waste Operations Strategy	RFP to develop long term Zero Waste Strategic Plan	10.00	Work in Progress	Public Works	N	N	N	N	Y	N	N
495	Strategic Plan - Project	Major Improvements to Downtown Berkeley Infrastructure and Amenities (Milvia Bikeway Project)	The project is currently in the grant funded planning phase for a protected bikeway between Hearst Ave and Channing Way, with a protected bikeway or traffic calming to upgrade the bikeway between Channing and Blake Street. Conceptual design will be complete in October 2019. Engineering design will start January 2020 and end October 2020. If additional grant funds are secured, construction would begin May 2021 and end January 2022.	45.00	Work in Progress	Public Works	N	Y	Y	Y	N	Y	Y



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496	Strategic Plan - Project	Major Improvements to Downtown Berkeley Infrastructure and Amenities (Center Street Plaza)	Convert Center Street between Shattuck and Oxford to a slow street with enhanced streetscape treatments emphasizing use by pedestrians and cyclists while retaining access for transit and deliveries. Project is on hold because anticipated SOSIP funds from hotel development were deferred for up to 10 years.	0.00	On Hold	Public Works	N	N	N	N	N	N	N
497	Strategic Plan - Project	Major Improvements to Downtown Berkeley Infrastructure and Amenities (Shattuck Reconfiguration)	Improve pedestrian safety by changing traffic flow and turning patterns at the Shattuck/University intersection. Put all through traffic in both directions on the newly two-way west leg of Shattuck between Center and University. Improve parking capacity and shorten pedestrian crossings on the east leg of Shattuck. Provide enhanced transit plaza on the east side of Shattuck between Alston and Center. Contract award by Council is scheduled for October 2018 and Construction is scheduled to commence January 2019.	95.00	Work in Progress	Public Works	N	Y	Y	Y	N	Y	Y
498	Strategic Plan - Project	Marina Corporation Yard Electrical Upgrades	Electrical upgrades to the maintenance building.	75.00	Work in Progress	Public Works	N	Y	Y	N	N	Y	Y
499	Strategic Plan - Project	North Berkeley Senior Center Seismic Upgrades and Renovations	Seismic and general upgrades to meet immediate occupancy rating.	75.00	Work in Progress	Public Works	N	Y	Y	Y		Y	Y
500	Strategic Plan - Project	Pedestrian Plan Update	Update the 2010 Pedestrian Master Plan to guide City efforts to make walking in Berkeley safe, attractive, easy, and convenient for people of all ages and abilities.	97.00	Work in Progress	Public Works	Y	Y	Y	Y	Y	Y	Y
501	Strategic Plan - Project	Public Safety Building Improvements	Renovate the Public Safety Building lobby to improve service to community members and enhance the safety of Fire Department personnel. Install new carpet. Fix water leak on south side of building.	95.00	Work in Progress	Public Works	N	Y	Y	N	N	Y	Y
502	Strategic Plan - Project	Residential Preferential Parking (RPP) Program	Assess the potential for and interest in expansion of RPP in additional commercial districts.	60.00	Work in Progress	Public Works	N	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
503	Strategic Plan - Project	Sewer Master Plan	The plan will provide flow monitoring, hydraulic modeling and capacity assessment, and condition assessment of the sewer system. These services will allow for identification of areas of high inflow and infiltration and capacity deficiency in the sewer system. In addition, they will provide prioritization of capital sewer improvements and a sanitary sewer rate study	70.00	Work in Progress	Public Works	N	Y	Y	N	N	Y	Y
504	Strategic Plan - Project	Solano Avenue Revitalization Plan	Conceptual design	0.00	Not Started	Public Works	N	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending	Data Pending
505	Strategic Plan - Project	Substation relocation project	Relocation of the BPD Traffic Substation to a City of Berkeley-owned facility.	75.00	Work in Progress	Public Works	N	Y	Y	N	N	Y	Y
506	Strategic Plan - Project	Transfer Station - Master Plan	Re-construct the nearly 8-acre West Berkeley site where waste materials are sorted. The eventual goal of a new site is simple: if we recover more of what can be re-used or recycled, we slash what Berkeley trucks to the mountains of garbage that fill landfills.	50.00	Work in Progress	Public Works	N	Y	Y	N	N	Y	Y

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507	Strategic Plan - Project	Undergrounding Utility Wires	Finalize design and begin construction of Underground Utility District #48 (Grizzly Peak). The City is responsible for installation of decorative solar street lighting in support of this Undergrounding District.	80.00	Work in Progress	Public Works	N	Y	Y	N	N	Y	N
508	Strategic Plan - Project	Update Watershed Management and Storm Drain Master Plans	Undertaking a necessary update to citywide watershed management and storm drain master plans	90.00	Work in Progress	Public Works	N	N	Y	N	N	Y	
509	Strategic Plan - Project	Zero Waste Rate Evaluation	Develop a study that provides for a new five year rate structure that sets rates through the Proposition 218 process.	50.00	Work in Progress	Public Works	N	N	Y	N	Y	Y	Y