

**BERKELEY CITY COUNCIL HEALTH, LIFE ENRICHMENT, EQUITY &
COMMUNITY COMMITTEE
REGULAR MEETING MINUTES**

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**Monday, July 8, 2019
10:00 AM**

2180 Milvia Street, 6th Floor - Redwood Room

Committee Members:

Councilmembers Rashi Kesarwani, Ben Bartlett, and Sophie Hahn

MINUTES

Roll Call: 10:04 a.m.

Present: Bartlett, Hahn

Absent: Kesarwani

Councilmember Kesarwani present at 10:06 a.m.

Public Comment on Non-Agenda Matters: 2 speakers.

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - June 24, 2019

Action: M/S/C (Bartlett/Kesarwani) to approve the minutes as presented.

Vote: All Ayes

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

Committee Action Items

2. Air Quality Monitoring Program

From: Councilmembers Bartlett, Harrison, and Davila

Referred: April 8, 2019

Due: October 28, 2019

Recommendation: Referral to the Public Health Department to establish an advanced air quality monitoring program in Berkeley to provide data about how air quality in the city varies over time and between neighborhoods. To better implement this program, the City should form partnerships with technology companies, environmental research groups, and healthcare providers.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Action: 3 speakers. Discussion held. The item was continued to the next meeting – July 22, 2019. The committee requested that the author return with more information to provide for a complete picture, such as the fiscal implications, staffing needs, and the benefit of collecting new data. Additionally, the committee requested that the author follow-up with staff to determine what infrastructure already exists and what would be needed to implement.

3. Ban Racial, Ethnic, Cultural, and Religious Discrimination on the Basis of Hairstyle or Headwear *(Item contains revised materials)*

From: Councilmembers Robinson, Davila, Bartlett, and Hahn

Referred: March 11, 2019

Due: September 15, 2019

Recommendation: Adopt a new Section of the Berkeley Municipal Code: Chapter 13.23 DISCRIMINATION ON THE BASIS OF HAIRSTYLE OR HEADWEAR IN EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS, prohibiting grooming or appearance policies which target natural or traditional hair, hairstyles, or headwear.

Financial Implications: See report

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Action: The item was continued to the next meeting – July 22, 2019.

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4a. Recommendations Related to Code Enforcement Actions and Leonard Powell Fact Finding

From: Housing Advisory Commission

Referred: June 11, 2019

Due: November 26, 2019

Recommendation: On June 11, 2019, the City Council referred the two Commission items to the Health, Life Enrichment, Equity & Community Committee to:

1. Create a policy that receivership should only be used when the property is a danger to the public, and as a last resort, and only upon approval of the Council.
2. Request an analysis of receivers and conservators by the City.
3. Send representatives from the City to the fairness hearing for Mr. Powell to raise concerns.

The original recommendation from the Housing Advisory Commission is as follows: Establish policies that will provide housing stability for homeowners and tenants. The City Council should set in place clear, objective, and equitable standards for conducting code enforcement actions and ensure that due process rights of affected homeowners and/or tenants are preserved. Commission a formal fact-finding process to ascertain what occurred in the matter of Mr. Leonard Powell. It should also refer this matter to the City Auditor. The fact finding should, among other things, focus on any actions taken by the Receiver in the case of Mr. Powell and any communications that the City has had with the Receiver. The HAC recognizes that additional steps may be necessary in regard to this matter, and may forward additional recommendations to the City Council at a later date.

Financial Implications: Staff time

Contact: Mike Uberti, Acting Commission Secretary, HHCS (510) 981-5114

4b. Recommendation to Bring Justice to Mr. Leonard Powell and to Change Certain Policies to Ensure Housing Stability for Homeowners and Tenants

From: Peace and Justice Commission

Referred: June 11, 2019

Due: November 26, 2019

Recommendation: On June 11, 2019, the City Council referred the two Commission items to the Health, Life Enrichment, Equity & Community Committee to:

1. Create a policy that receivership should only be used when the property is a danger to the public, and as a last resort, and only upon approval of the Council
2. Request an analysis of receivers and conservators by the City
3. Send representatives from the City to the fairness hearing for Mr. Powell to raise concerns.

The original recommendation from the Peace and Justice Commission is as follows: The Peace and Justice (PJC) recommends that the Berkeley City Council take the following actions:

Send a letter to the Superior Court Judge overseeing Mr. Leonard Powell's receivership case thanking him for the fairness and justice of his decision to deny the Bay Area Receivership Group's ongoing requests to sell Mr. Powell's home, and

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allowing Mr. Powell and his friends and family time to make the necessary financial arrangements.

PJC also recommends to the Berkeley City Council that it set in place the following policies that would provide housing stability for homeowners. In particular, when legal action is being attempted by the City as a result of code enforcement violations, the following practices should be put into place:

1. Punitive actions such as eviction, substantial fines, or placing an individual into legal guardianship, or receivership that are likely to result in the permanent displacement of a homeowner or their low-income tenants presently occupying or renting their home is the very last resort that city staff should take. It should only be conducted if all other attempts to resolve the situation have been unsuccessful; and should only be a response to severe code enforcement violations that cause immediate danger to life safety or have been determined by a quasi-judicial body (e.g., Zoning Adjustments Board, City Council) to endanger the health and safety of the immediate neighbors.
2. The Mayor, and Councilmember representing the district of the address in question, and Housing Advisory Commission are notified of their constituent's name (if allowed by applicable privacy laws), address, the nature of the alleged code violations, and a report detailing the status of the matter and any past, ongoing, and anticipated future attempts to resolve the matter; and
3. The City shall explore the use of anti-displacement funds to assist low-income homeowners and/or tenants residing on the premises with legal matters of forced relocation, expenses, and/or other needs as applicable and appropriate.
4. Establish a policy that code enforcement should aim to improve the safety and security of the property for its current residents and their neighbors.
5. "Reimburse" Mr. Powell, Friends of Adeline and NAACP by placing an amount not to exceed \$68,000 raised privately to pay for Receivers legal and administrative fees. These parties may collectively determine how to best use these funds.

Financial Implications: See report

Contact: Bre Slimick, Commission Secretary, 981-7000

Action: 5 speakers. Discussion held. The item was continued to the next meeting - July 22, 2019. The committee continued the item to come back with a two-part proposal that will have more detail and address the overall process.

1. A report and presentation to the full Council. The report should include Code Enforcement procedures and identify how they prioritize to provide a full picture of the Code Enforcement process. Councilmember Kesarwani to work with staff to explore what should be included in the report, including details regarding this particular case.
2. A community forum to provide for general information on receiverships and conservatorships. The community forum should include court staff and public testimony. Councilmember Bartlett to draft proposal on what to include in the community forum, such as the City's responsibility.

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5. Pilot Cannabis Event at Cesar Chavez Park

From: Councilmembers Bartlett and Davila

Referred: June 24, 2019

Due: December 9, 2019

Recommendation: That the City Council permit a pilot cannabis event at Cesar Chavez Park. Adopt an ordinance amending BMC Chapter 12.22 to permit temporary cannabis events for a period of one-year after the effective date of the ordinance.

Financial Implications: Staff time

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Action: 8 speakers. Discussion held. The item was withdrawn by the author, Councilmember Ben Bartlett.

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

- None

Items for Future Agendas

- None

Adjournment

Action: M/S/C (Bartlett/Kesarwani) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 12:28 p.m.

I hereby certify that this is a true and correct record of the Health, Life Enrichment, Equity & Community Committee meeting held on July 8, 2019.

Michael MacDonald, Assistant City Clerk