



PARKS, RECREATION, AND WATERFRONT COMMISSION

Regular Meeting

Wednesday, April 12, 2023, 7:00 P.M.
1301 Shattuck Ave, Berkeley, CA 94704
(Live Oak Community Center – Fireside Room)

Parks, Recreation and Waterfront Commission

Agenda

The Commissions may discuss any items listed on the agenda, but may take action only on items identified as Action.

1. **Call to Order** (Chair).
2. **Roll Call** (Secretary).
3. **Land Acknowledgement:** The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.
4. **Action: Approval of Agenda** (Chair).
5. **Action: Approval of Minutes** for March 8, 2023 (Chair).*
6. **Public Comment.**
7. **Chair's Report.**
8. **Director's Report** (Ferris): Divisions: Recreation; Parks; Waterfront; Capital; Budget.
9. **Presentation – Waterfront Specific Plan (WSP)** (Ferris).**
10. **Discussion/Action – Create Waterfront Specific Plan subcommittee** (Abshez).
11. **Discussion/Action – Measure T1 budget shortfall – send a letter and appoint a commissioner to represent commission at City Council and Council Budget Committee meetings** (Wozniak, Kawczynska). *
12. **Discussion – Proposed Fee Increases to City Recreation and Waterfront fees and programs** (Ferris). **
13. **Discussion/Action: PRW Commission Workplan 2023 (DRAFT) and approval of new liaisons** (Kawczynska/Diehm).*
14. **Information: Recent Council Reports.** *
15. **Future Agenda Items:** priorities for parks capital projects FY2023-24; PRW Commission Workplan 2023; Parks Development Fee; Citywide Accessibility Plan; Dogs in Parks.
16. **Communications.** Claudia Kawczynska, Robert Ofsevit, Paul Kamen, Sam Reifsnyder, BAKPC, Jim McGrath and Susan Schwartz, S. Ferris
17. **Next PRW Commission meeting:** Wednesday, May 10, 2023 (in-person).
18. **Adjournment.**

* document is attached to agenda packet and on the commission website.

** document will be provided at the meeting.

ADA Disclaimer: This meeting is being held in a wheelchair accessible location. To request disability-related accommodations to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB343 Disclaimer: Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at Parks Recreation & Waterfront Department Office at 2180 Milvia Street, Berkeley, CA.

Communications Disclaimer: Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** All communications to the Commission should be received at least 10 days before the meeting date. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the commission or committee for further information.

Commission Information: The agenda packets for the Parks and Recreation Commission and the Waterfront Commission are available for review at www.cityofberkeley.info/commissions; the Berkeley Main Library and the Parks Recreation & Waterfront Department Office at 2180 Milvia Street –3rd Floor, during their normal business hours. If you have questions, call Commission Secretary, Roger Miller at 981-6704 at 2180 Milvia Street, Berkeley, CA 94704 or by email at rmiller@cityofberkeley.info.

MISSION STATEMENT – PARKS AND WATERFRONT: Reviews and advises the City Council on issues related to all City/public parks, open space, greenery, pools, programs, recreation centers, the Waterfront, and resident camps: their physical conditions, policies, projects, programs, planning efforts, activities, and funding; early childhood education programs; and animal care issues in parks.

COMMISSION MEMBERS

Mayor - Gordon Wozniak	District 3 -	District 6 - Anna Avellar
District 1 - Reichi Lee	District 4 - Erin Diehm	District 7 - Davina Srioudom
District 2 - Claudia Kawczynska	District 5 - Brennan Cox	District 8 - Allan Abshez

Current assignments

Subcomm on Marina Fund (12-14-2022)
 Subcomm on dogs and parks (02-08-2023)

Liaison - Civic Center Planning – Erin Diehm
 Liaison - Civic Arts in Parks – Brennan Cox
 Liaison - Commission on Aging – Anna Avellar

2022 Commission Meeting Dates

Name of Commission: Parks, Recreation, and Waterfront Commission

Commission Secretary: Roger Miller

Location: **Note:** changed to Live Oak Community Center, 1301 Shattuck Ave, Fireside Room (as of April 12, 2023)

Month	Meeting Day and Date (2 nd Wednesday per month)	Time	Notes
2023			
January	Wednesday, January 11	7:00 p.m.	Regular Mtg (Zoom)
February	Wednesday, February 8	7:00 p.m.	Regular Mtg (Zoom)
March	Wednesday, March 8	7:00 p.m.	Regular Mtg (in-person)
April	Wednesday, April 12	7:00 p.m.	Regular Mtg (in-person)
May	Wednesday, May 10	7:00 p.m.	Regular Mtg (in-person)
June	Wednesday, June 14	7:00 p.m.	Regular Mtg (in-person)
July	Wednesday, July 12	7:00 p.m.	Regular Mtg (in-person)
August	No meeting		
September	Wednesday, September 13	7:00 p.m.	Regular Mtg (in-person)
October	Wednesday, October 11	7:00 p.m.	Regular Mtg (in-person)
November	Wednesday, November 8	7:00 p.m.	Regular Mtg (in-person)
December	No Meeting		
2024			
January	<i>Wednesday, January 10</i>	<i>7:00 p.m.</i>	<i>Regular Mtg</i>

**PARKS AND WATERFRONT COMMISSION
Regular Meeting**

Wednesday, March 8, 2023, 7:00 P.M., Zoom Meeting

Minutes – Draft

The Commissions may discuss any items listed on the agenda, but may take action only on items identified as Action.

1. **Call to Order** (Chair): 7pm.
2. **Roll Call** (Secretary). Present: Abshez; Avellar; Cox; Diehm; Kawczynska; Lee; Wozniak; Absent: Floyd; Srioudom.
3. **Land Acknowledgement:** The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.
4. **Action: Approval of Agenda** with re-ordering (Chair). (M/S/C: Abshez/Avellar/U): Ayes: Abshez; Avellar; Cox; Diehm; Kawczynska; Lee; Wozniak; Noes: None; Absent: Floyd; Srioudom.
5. **Action: Approval of Minutes** for February 8, 2023 (Chair).* (M/S/C: Wozniak/Avellar/U): Ayes: Abshez; Avellar; Cox; Diehm; Kawczynska; Lee; Wozniak; Noes: None; Absent: Floyd; Srioudom.
6. **Public Comment.** A) Camille Antinori, Cal Sailing Club, Update on SCC grants for Marina projects; b) Toni Mester, Aquatic Park documents; c) Carol Thornton, Aquatic Park; d) Brittany Whitlock, Berkeley Way Mini-park dog park; e) Naomi Friedman, Off Leash Dog Area; f) Jim McGrath, BMASP/Brown Act.
7. **Chair's Report.** (Kawczynska): Cesar Chavez Park (Kawczynska); Ohlone Park Lighting/Restroom Project (Kawczynska); Council worksession on Civic Center Area, Tues, March 21, 4pm (Diehm).
8. **Update – Marina – BMASP Project Timeline** (Ferris). Update was provided. Public Comment: Kelly Hammargren.
9. **Update – Aquatic Park – Water Quality** (Ferris). Update was provided.
10. **Update – Marina – project grant funding from State Coastal Conservancy** (Ferris). Update was provided.
11. **Discussion/Action – Potential FY2023-24 PRW Capital Projects Reductions** (Ferris).**
12. **Director's Report** (Ferris): Divisions: Recreation; Parks; Waterfront; Capital; Budget. The Marina Streets Project won three awards: APWA Norcal – Best Project in 2022 in \$5M - \$25M range; APWA Norcal Best Project of the Year 2022; and County Engineers Association of California (CEAC) Best Project of 2022 - Complete Streets Category.

13. **Update – Aquatic Park – Berkeley Commons 600 Addison St Project** (Ferris). Brief update provided.
14. **Discussion/Action: PRW Commission Workplan 2023 (DRAFT) and approval of new liaisons** (Kawczynska/Diehm).* Held over.
15. **Information: Recent Council Reports.** *
16. **Future Agenda Items:** priorities for parks capital projects FY2023-24; PRW Commission Workplan 2023; Parks Development Fee; Citywide Accessibility Plan; Dogs in Parks.
17. **Communications.** Toni Mester, Aquatic Park, 03-02-2023; Susan Schwartz, Aquatic Park minutes, 02-15-2023; Erin Diehm, Birding While disabled, March 16, 2023; Claudia Kawczynska, BMASP, 03-08-2023.
18. **Next PRW Commission meeting:** Wednesday, April 12, 2023 (in-person)
19. **Adjournment.** 9:40pm.

* document is attached to agenda packet and on the commission website.

** document will be provided at the meeting.

- Commissioners in attendance: 7 of 9 appointed.
- Public in attendance: 11
- Public speakers: 7

***Note:** For any handouts distributed at the meeting, please see the Draft Minutes for March 8, 2023 on the Parks, Recreation, and Waterfront Commission webpage at the following link online:

<https://berkeleyca.gov/your-government/boards-commissions/parks-recreation-and-waterfront-commission>

MEMORANDUM

Date: April 12, 2023
To: Mayor and Members of the Berkeley City Council
From: Parks, Recreation and Waterfront Commission
Subject: Communication to City Council on Proposed Measure T1 Phase 2 Shortfall Solution

Dear Mayor and Council Members,

The Parks, Recreation and Waterfront Commission is committed to ensuring the success of the T1 Bond effort. We write now to share our recommendations on the current funding gap in Phase 2 projects.

BACKGROUND

Working with the Public Works Commission we successfully advocated for the passage of the T1 Bond in 2016 and now want to ensure the best use of those funds, to address critical infrastructure needs, promote transparency, support the community, address inequities, and, of critical importance, **build long-lasting trust with Berkeley residents**. For example, to ensure the optimal allocation of T1 funds our commissions developed criteria on which to base selections for T1 projects. The original list of 7 criteria was defined in 2017 and used to prioritize Phase 1 projects. In 2020 those criteria were updated to include:

- Greatest Benefit
- Equity
- Health, Safety and Resilience
- Environmental Sustainability/Durability

Very importantly, we wanted to provide our residents with additional improvements in the areas of the city that have fewer parks, and in areas that have received less funding over the past decades. Addressing racial equity played a major part in formulating our final recommendations and we request that our focus on equity and our original project list remain a priority

Those decisions were made before Covid-19, long before we witnessed the increased importance of our parks, open space, and a functioning infrastructure for the health and safety of our community. Providing our residents access to clean, accessible, and available facilities and open space is one of the most important duties we have before us.

CURRENT SITUATION

Staff have now identified a funding gap of \$4.5 to \$8.2M for the Phase 2 T1 projects. The City has faced T1 budgetary deficits in the past and found elegant solutions.

In 2019, the City faced a \$6.8 million funding gap between the cost of the approved T1 Phase 1 Projects and the available Phase 1 bond funds. This gap was caused by “an increase in energy upgrades included in the facility projects, and soaring escalation in construction costs.”

Because delay would increase the project costs and the importance of leveraging the voter approved T1 funds, the Council approved

- * \$1.5 million in interest income and

- * the transfer of \$5.3 million from the GF to T1 fund to close the funding gap.

With this additional funding, all of the Phase 1 projects were fully funded.

In 2023, the City again faces a large gap of \$4 – \$8M between the estimated cost of the approved Phase 2 Projects and the available bond funding. While some of the shortfall is caused by large increases in construction costs, requiring the T1 fund to pay back the \$5.3M GF transfer significantly decreased the bond funding available for T1 projects.

The Parks, Recreation and Waterfront Commission believes that all the approved T1 Phase 2 projects should be completed as they were recommended by both the Parks and Waterfront Commission and the Public Works Commission and approved by the City Council on Dec. 15, 2020. As discussed above, the projects in Phase 2 attempted to provide a more equitable distribution of facilities in the City, whereas Phase 1 projects were selected from existing shovel ready projects to meet the three-year bond spending requirement.

To solve the FY2023 funding cap, we ask the Council to come up with creative solutions that allow all approved projects to be complete. To facilitate finding a creative solution, we list several options for Council consideration.

Option 1. Over the next five years, allocate the increase in General Fund interest income over the 2022 baseline to the T1 Fund. The recent FY 2023 Mid-Year Budget Update presented to the Council reported that the increase in interest income over the 2022 baseline was \$0.9M for the first six months. Due to the significantly higher interest rates in 2023, the annual increase in interest income for the full year is likely to be ~\$2M/yr. Since interest rates are projected to remain high for some time, the excess interest income over 5 years would fund all of the T1 Phase 2 projects, including the preferred 6,000 ft² AAHRC.

Option 2. Forgive the 2019 General Fund loan and transfer \$5.3 million back to the T1 account. As of June 30, 2022, the “unassigned” portion of the GF balance in the City’s Investment Portfolio was \$75 million. Transfer of 7% of the “unassigned” funds to the T1 fund would allow the completion of all of the Phase 2 projects and the construction of new 4,000 ft² African American Holistic Research Center (AAHRC).

Option 3. To get us to the preferred 6,000 ft² AAHRC, in addition to Option 2, borrow an additional \$3.7M from the Workers Compensation Fund (WC), à la the Premier Cru building purchase of \$6.6M, and pay back the loan from the ten annual contributions from the GF capital equipment funds. This would allow all of the Phase 2 Projects to be completed and the construction of a 6,000 ft² AAHRC. In FY 22, the WC fund revenues exceeded expenses by \$3M, increasing its “cash and cash equivalents, as of June 30, 2022, to over \$49M.

Option 4. Assign the cost of connecting the proposed three public restrooms in the ROW at (a) Telegraph/Channing, (b) San Pablo/University, and (c) Alcatraz/Adeline to the City’s Sanitary Sewer Fund.

These three projects are estimated to cost \$1.35M of which 50% is due to connecting the public toilets to the City’s sewer lines. In 2022 the City’s Sanitary Sewer Fund had revenues of \$25.5M and expenses of \$16.7M, generating a surplus of \$8.8M, which increased its fund balance to \$35M. Since these public

toilets will address a great scarcity of public toilets in Berkeley and the Sewer funds has ample monies, they should pay the \$0.7M cost of connecting the three new public restrooms to the sanitary sewer system. Implementing this policy of sharing the costs will facilitate the creation of more public restrooms.*

Option 4a. If the Sewer Fund is legally restricted from contributing to the cost of making a public restroom operational, then the City should consider using some of the interest revenue from the Sewer Funds large balance to fund these costs.

Authors: Gordon Wozniak, Erin Diehm and Claudia Kawczynska

Noted:

**We reached our conclusions after listening carefully to the public and other Commission commentary, that identified restrooms and play equipment as high priorities. As part of Phase 1 funding the City conducted a [Citywide Restroom Study](#) that helped to direct our selection of eight restrooms, three of which are located in the ROW requiring an additional expensive of sewer line hookups. [Public restrooms](#) are a vital community resource and a basic necessity.*

Citywide Restroom Study: **Berkeley Wash Assessment**, Hyphae Design Laboratory (2020)

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

Public Restrooms a vital resource: "Why Are Public Restrooms Still So Rare", NY Times (March 22, 2023)

<https://www.nytimes.com/2023/03/22/business/public-restrooms-bathrooms-us-city.html>

Parks and Waterfront Commission 2023-2024 Work Plan
DRAFT 4-6-23

MISSION

(BMC 3.26.040) The Parks, Recreation and Waterfront Commission shall be an advisory board and shall review the following related to all City/public parks, open space, greenery, pools, programs, recreation centers, the Waterfront, and resident camps: their physical conditions, policies, projects, programs, planning efforts, activities, and funding; early childhood education programs; and animal care issues in parks, and shall advise the City Council on these matters.

STRATEGIC OBJECTIVES

- I. Fiscal Matters
 - a. Understand challenges facing Waterfront and identify solutions.
 - b. Requesting funds from City – develop a Prioritized list of funds needed for PRW to be submitted to the Budget and Finance Committee for regular review.
 - c. Develop additional funding sources for Parks – such as, Parks Development Fee, Increased Parks Tax, Philanthropy.
 - d. Pier/Ferry – Evaluate the impact of new uses at the Waterfront and the potential to create new recreational opportunities, while protecting existing access and uses.

- II. Park Improvements/Development
 - a. Adding amenities in our parks targeted specifically to seniors and other underserved groups.
 - b. Dogs in Parks – Consider expanding dog parks and improvements in current dog parks (CCP and Ohlone)
 - c. Expanding other recreational opportunities such as bike (for all ages) parks, skateboard parks, Pickleball courts, etc.
 - d. Nature in Our Parks and Connectivity of these spaces (Aquatic Park, Habitat Gardens, Birdability, Biodiversity and 30x30 Initiatives)
 - e. Frances Albrier Swimming Pool in San Pablo park.
 - f. Maintain and improve parks, recreation, and camp facilities, and associated programming, so that they can be enjoyed by all residents. Phase 2 of Measure T1 funded projects are crucial to this effort.

- III. Equity, Inclusivity & Accessibility
 - a. Identify opportunities, especially in the Waterfront, of increasing public usage of current and future recreational usage.

LIAISONS

- Civic Center Planning – Erin Diehm
- Civic Arts in Parks – Brennan Cox
- Commission on Aging – Anna Avellar

- Berkeley Animal Shelter – Claudia Kawczynska
- BUSD – Reichi Lee
- Planning and Economic Development – Allan Abshez

ACTIVITIES AND WORK ITEMS

PROJECT	STATUS	DESCRIPTION	LEAD
WSP (aka BMASP)	Ongoing	Evaluate proposed development strategies while ensuring recreational availability to current and future stakeholders; provide report and recommendations at June PRW	Subcommittee: Allan Abshez
Liaisons	Ongoing	TK	See above list
T1 Phase 2 oversight	Ongoing	TK	See Item in April mtg
Waterfront Fiscal	Established Dec '22	TK	Subcommittee: Gordon Wozniak, Allan Abshez, Claudia Kawczynska
Dogs in Parks	Initiated Q1-23	Establishing a dogs in parks subcommittee to review new opportunities for off leash recreation.	Subcommittee: Claudia Kawczynska, Anna Avellar, Davina Srioudom
Budgetary Priority List		Development of a priority list of projects for funding and to be submitted to the Budget and Finance Committee for regular review	Gordon Wozniak, Erin Diehm, Allan Abshez
Nature in Our Parks		Explore opportunities to promote nature in our parks, connectivity, and accessibility (e.g. Birdability, Habitat Gardens, Aquatic Park)	Erin Diehm
Fundraising Opportunities		Bringing in funds for Parks - Parks Development Fee, Increased Parks Tax, Philanthropy	Brennan Cox, Gordon Wozniak, Allan Abshez
Promoting Equity and Inclusivity in the Parks		Meet with community based organizations	Reichi Lee

BUSD and Parks		Exploring opportunities to expand cooperative agreements for green space usage	Reichi Lee
Marina and Park User and Event Fees	TK May mtg	Examine current fee structure	Allan Abshez, Claudia Kawczynska

PARKS AND WATERFRONT COMMISSION

RECENT COUNCIL REPORTS

The following recent PRW council reports can be accessed from the City Council Website by using the following URL's:

April 11, 2023 (regular)

10.-Donation: Memorial Bench at the Berkeley Marina in memory of Sophia Pritzos

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-04-11%20Item%2010%20Donation%20Memorial%20Bench.pdf>

11.-Lease Amendment: Cazadero Performing Arts Camp (CPAC), 5385 Cazadero Hwy, Cazadero, CA 95421

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-04-11%20Item%2011%20Lease%20Amendment%20Cazadero%20Performing.pdf>

12.-Contract: Power Engineering Construction for the Selective Timber Pile Replacement Project at the Berkeley Marina

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-04-11%20Item%2012%20Contract%20Power%20Engineering.pdf>

13.-Contract No. 10785 Amendment: West Coast Arborist, Inc for Tree Removal and Pruning Service

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-04-11%20Item%2013%20Contract%20No.%2010785%20Amendment%20West.pdf>

March 21, 2023 (regular)

12.-Contract: TEROCONS INC. for Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-03-21%20Item%2012%20Contract%20%20TEROCONS%20INC.%20for%20Aquatic%20Park.pdf>

March 20, 2023 (special)

1.-Update on the Waterfront Specific Plan for the City of Berkeley Public Tidelands Area

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-03-20%20WS%20Item%2001%20Update%20on%20the%20Waterfront%20Specific%20Plan.pdf>

Presentation

URL:

<https://berkeleyca.gov/sites/default/files/documents/BWP%20City%20Council%20Worksession%202023-03-20%20Final%20%281%29.pdf>

Communication Item for 4/12/23 Parks, Recreation and Waterfront Commission
From: Claudia Kawczynska

The following is a transcription from the Parks, Recreation and Waterfront Commission meeting held on 03/08/23, done by using the app otter.ai. The recording and its transcription were collected and edited by Claudia Kawczynska (CK), who was chairing this meeting. Some of the recording was unclear so errors can be expected but this will be noted in the text. Most of the transcription for public comment has been verified with the speakers. NOTE: This is NOT an official recording or transcription.

The transcription begins with Public Comment.

The official agenda can be found [here](#), and note that the ordering of the agenda items changed at the start of this meeting but each section the agenda item will be noted.

The original recording is also available for those you are interested and should contact me about that.

PRW Commissioners present:

Claudia Kawczynska (D2) Chair

Erin Diehm (4) Vice Chair

Reichi Lee (D1)

Gordon Wozniak (Mayor)

Brennan Cox (D5)

Anna Avellar (D6)

Allan Abshez (D8)

Absent: Brandon Floyd (D3); Davina Srioudom (D7)

PRW Staff present:

Scott Ferris, Director, Parks, Recreation and Waterfront Dept.

Roger Miller, Senior Management Analyst and secretary of the PRW commission.

Christina Erickson, Deputy Director PRW

START OF THE MEETING: APPROVING AGENDA

6. PUBLIC COMMENTS

04:36

CK: You can make your public comments now about any of the items or about anything you want to talk about that doesn't have to be on the agenda you can just say "you love our parks" hopefully or something like that. Or you can wait till that item comes up and then speak then or you can speak now. We're going to give you three minutes and you will be timed. So we're going to start off with Camille Antinori, you are first.

Camille Antinori:

I'm here tonight on behalf of Cal Sailing Club which is one of longstanding nonprofits in the marina. We provide low cost sailing lessons to a lot of people. I just wanted to reiterate our support for seven projects with which the city proposed a while back to Senator Skinner and which they received money 15 million dollars for beefing up some of the infrastructure down at the marina.

We were told that these seven projects were shovel-ready and we are okay with any of those coming forward as you are in communication with the State Coastal Conservancy. And just to read off of which these projects were: number one was dredging the marina in the main channel which would be a maintenance dredging Project, Project dock piling replacement finger dock replacement. J dock replacement, J and K parking lot, paving and fixing up Cesar Chavez perimeter path and the Marina office piling replacement. So I just wanted to say that we're okay with any of those. And we think that they are those are represented immediate needs and also long term investments to the marina. And we would like to see the city solicit funds for these projects. I also like to get if possible an update if there's been any sort

of movement on the Marina maintenance dredging project, and also at one point we heard that there was \$350,000 or so allocated to the study for the South Sailing Basin to see if there was any way we could get a channel because it started to silt up live and we're being affected a lot by closures because of low tides.

Low tides have gotten a lot lower and we're closed more percentage of our open times because of this. We know it is a long term project, but at least it should be studied. We want to know if any reporting has been done and what are funds allocated to that. We're curious to know if anybody started, or if there's been any negotiations with a contractor to start a study.

CK:

Thanks very much. Then let's do Aquatic Park. Starting with Toni Mester.

Toni Mester:

Good evening. My name is Toni Mester. I'm a resident of District 2 and a longtime resident of West Berkeley and have lived in Berkeley since 1972, I was a Parks and Waterfront commissioner for two years. I was the treasurer the Parks Tax measure and helped Measure F to pass.

It was a little too much like work so I retired but I stayed interested in Aquatic Park matters it's my bailiwick and I'm here to ask you to restore the important documents regarding Aquatic Park to the web site to the page. There are a lot of documents that used to be available to the public the ones I think the most important are related to the Aquatic Park Improvement Program, which was abandoned mostly for costs. But the documents that were developed for that project are absolutely essential to understanding the complex issues of Aquatic Park. Specifically the Natural Resources Management study. I don't think it's necessary for all the old docs to be up. But it's actually very important to understand Aquatic Park is the Natural Resources Management Study. There's the executive summary of the APIP EIR there is the absolute fantastic Aquatic Park DEIR Technical Report, which explains everything about hydraulics that you want to know about detail, engineering detail that's absolutely essential and then the EIR itself which gives a broad scope of information. So return to public access to these public documents are absolutely central places to restore them. We've had so many inquiries, to those of us who are active in Aquatic Park issues, many inquiries. That without these documents readily available and if you haven't read this documents you should it is important. My other experience in Aquatic Park was I formed a Save Aquatic Park action committee actually committed to get the tide tubes cleaned. And I do have some questions about the management of the tide tubes. Now I don't actually know whether they are managed by Public Works or Parks or whether its protocols for managing the tide tubes.

CK: Thanks, and now Carol Thornton

Carol Thornton:

Hi I'm Carol Thornton and I'm here because Susan Schwartz was going to come but she couldn't come regarding Aquatic Park's so I'm speaking for her about the die off of the leopard sharks and the bat rays is pretty dramatic. There's been other years many catastrophes at the park this was pretty public and pretty powerful. And the front a bunch of folks together and are loosely formed right now as Friend of Aquatic Park interested citizens who hopefully one thing is to increase or enhance the modern monitoring protocol. And I understand the only testing that's done right now is Enterococcus limited and to enhance that to include issues such as dissolved oxygen and salinity in the park, such to monitor more closely the health of the fisheries in the lagoon. And so we're hoping to our pledge to work with the city on these important issues.

CK:

Thank you. Next is Brittney Whitlock

Brittney Whitlock:

My name is Brittney Whitlock and I am a resident of Chestnut Street and Berkeley Way. I wanted to make a public comment regarding Berkeley Way Mini Park (BWMP). I have lived in Berkeley for two years now and the BWMP is how I built a community in this wonderful city. I love Berkeley and I love Berkeley parks. In April 2022, the Parks department removed a portion of fencing from BWMP to deter dog owners from using the park. In July 2022, I attended a parks meeting and proposed an update to BWMP that would enable children and dogs to enjoy this

space in a safer manner. My request seemed to be well received. Parks coordinated a community meeting to discuss updates to the park in September 2022, however, the outreach for this meeting failed to include tenants of our local apartments and duplexes. During the community meeting, a handful of homeowners adjacent to the park expressed dissent over sharing the grass area of the park. These neighbors acknowledged that more dog spaces are needed in our community just “not in our park.” I was shocked for two reasons: first, despite being a daily user of the park, I had never seen any of these people and second they were making misguided claims about the intent of the project. Those of us in favor of updating the park offered many compromises such as a grass space for people, a committee of volunteers to upkeep the dog portion of the park, setting specific hours for dog use to minimize noise disturbances, even simply loosening the leash laws instead of making it a dedicated dog park. Those dissenting offered nothing but dissent. They claimed that the dogs were a deterrent for use of the park by children and yet, in the eleven months since the fence removal, though dog usage has decreased, children’s usage of the grassy area has not changed so that now our beloved park goes mostly unused. Those in favor of inclusivity collected 115 signatures from Berkeley residents and waited.

Six months later, I received an email from Scott Ferris stating that BWMP will not be updated to include the dog community due to “a lot of feedback from neighbors on both sides.” I was not given information about how many people were against this idea but it very much feels like the opinion of a few homeowners were given significantly more weight in this decision. BWMP should not be the property of the eight houses adjacent to the park; it is utilized by many other people in apartments, duplexes and even people who walk along the greenway. Parks are an escape for those of us without yards, they are a place to get outside, enjoy our neighborhood and yes, take our dogs. I urge the parks department to reconsider their decision. As Scott Ferris stated in our community meeting, off leash dog play is repeatedly reported for almost every park in Berkeley. If that is not a clear indication that there is a NEED for more off leash opportunities, I am not sure what else would be. As Scott also stated, the grassy area of this park will continue to be used by dogs regardless of this decision. Updating the fence lines and creating a side for dog use and a side for people use would enable everyone to use this space. Deciding not to make these updates is perpetuating an existing safety issue for dogs and children and it is an overall disservice to a majority of the community.

CK:
Naomi Friedman

Naomi Friedman:
I’m here wearing my Citizens for Cesar Chavez Off Leash Area hat. I’m one of the officers of that organization and so my question has to do with the off leash area and the need for the mowing. Some of you are familiar with me and my incessant questioning about when will the city mow because the foxtail problem continues. So with all this bad rains already we have the foxtails that are growing and are quite happy right now. They’re getting a big problem so I’m just here to throw it out on your plate. And it’s great to see you.

18:43
CK:
Thank you. And Kelly Hammargren

Kelly Hammargren:
18:48
I prefer to hold my comments until they come up.

18:57
CK:
And Jim, do you want to speak now or do you want to wait to

19:04

Jim McGrath:

Good evening my name is Jim McGrath the rumors of my retirement have been exaggerated. I was on this commission and the predecessor commission for 16 year. I ran the Measure F campaign with Toni as my wingwoman, I ran the T1 campaign with Gordon Wozniak and Caitlin Brostrom as my wing man and woman. Both campaigns were successful. I'm here representing a new group, Save the Berkeley Pier, newly formed, and I'm here to ask that the information about the master plan be released immediately. We have an interest in trying to restore access to the pier, and it's tied up in issues of feasibility and many technical issues. Multiple studies on feasibility have been completed but have not been released. Those bear on our interest, the feasibility of restoring a Berkeley pier with or without a ferry. The idea that release of these documents has to wait until after the council sees them is wrong. Now, I'm going to take that hat off and speak personally.

The idea that somehow, I don't know where this idea came from, but the idea that the Brown Act forbids this commission to review BMASP before the Council does, is just wrong. It's your duty to make recommendations to the Council on all things having to do with development at the marina. . This commission's charter was redone in December of last year. Your responsibility is not to wait till the council has acted but to make recommendations, to evaluate the facts. I'm going to read a few sections out first of the [Brown Act](#) and then out of the Public Records Act because I've been having a lot of trouble with the city over this. First of all the Brown Act, "The people, in delegating authority, **do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.** The people insist on remaining informed so that they may retain control over the instruments they have created." The Brown Act isn't new it has been around for a long time. The Public Records Act is a little later, it says "In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to **information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.**" I started the quest for records associated with the BMASP and ferry study at the end of last year.

I think I sent you all an email about the response from the city about the person who knows about this is out of the country. They can't have those documents, that is absurd. It's absolutely absurd, so some of the documents are available from other sources. I've gotten one study from WETA and the interesting part of that is what WETA says about a pier is that they expect to pay half of it and expect the city to pay the rest. That information needs to be made public. It cannot be withheld. I've sent probably at this point six public records request to the city. So I'm speaking on that as an individual. There is a citizens attorney general concept and people can sue for the records and get paid their legal fees. It's absurd for it to come to that.

END OF PUBLIC COMMENT

7. CHAIR'S REPORT

CK:

So anybody else want to speak? So we're going to close public comment now. Then we get into my report as the Chair report. I'll speed through this, but I do have a few things to say. First of all, I want to thank the staff for giving the public the opportunity to attend the last four focus groups. That was great. This was around Cesar Chavez Park. It was solely for Cesar Chavez park. People love the park and they value its resources. And they would like some improvements like trails, pathways, artwork, interpretive signage but what wasn't really addressed at those meetings is that what really is meant by no new development in the park, and I know we'll pick up on that and we'll talk about that later, but that was sort of missing from the discussion. Moving on to another part in this park. The burrowing owls are still here, but they're about to fly away. Ah, you know, they are here from October to around this time every year. And the park definitely needs more enforcement from Animal Care and Control while the owls are here and just recently I met with Glenn Phillips, who is the new director of the Golden Gate Audubon Society, to talk about enforcement issues and that we're going to work together in October when the owls come back to hopefully beef up enforcement and outreach. Moving to another park, I went to the Ohlone restroom and lighting project which was fascinating. There are about 35 people there full of resourceful ideas. It was well listened to by the staff too. I appreciated that too. And the lighting design that's really trying to follow through with the making the lighting, as Erin I know has something to say about lighting that is it called the dark skies policy. And I really loved are the little pop up surveys they did during the

meeting. So it is cool that you can get people's feedback that way. You know, what color would you want? That was really helpful. And then finally, I want to draw your attention to an item and the communications from Erin and I about the Brown Act actually, which we'll be discussing when we talk about the BMASP So does anyone else on the commission want to make any comments about any parks?

COMMENTS FROM COMMISSIONERS RE: PUBLIC COMMENTS

Allan Abshez:
(25:51)

At what point can we discuss the comments that we received from the public? Is that a discussion item?

Roger Miller:

Yeah, you can you can bring up questions regarding the public comments now.

Allan:

I don't want to go before anybody. Well, I appreciate all your comments and coming tonight, so I don't want to put staff on the spot. You're asking questions at the time and I think I've heard so many answers questions at previous meeting but I would ask for us is can we in our next meeting whenever appropriate, respond to questions about the marina status. I know we had a briefing on that we discuss the fiscal aspects of the marina. Like your question is whether it's feasible to put the documents related Aquatic Park back on the website. Is there any difficulty doing that and could staff address that? Then there is the question about the Berkeley Way mini park and this is kind of gets into why I wanted to be on this commission. So it seems like there's there are some park's proposal here that is bothering the community and staff has been working on it community has been working on it. Is this kind of item that can come to the Commission for public hearing, to hear it and make a recommendation regarding, just what is the process? I'm not taking sides on this and understand but what is the process.

CK:

27:16

This is what we'll be dealing with the subcommittee for dog parks or for dogs in parks, which translates into dog parks. So we will deal with it and then it will come to the full commission.

Allan:

27:32

So what would be the process for that? Or do we have a process for that? And I can respond now?

Scott Ferris:

27:40

Sure, so if you guys could if it was agendize as you guys could obviously talk about it and spend time discussing it and send an action to council if you want. So there's nothing that keeps you from doing that. If you can just put it on the agenda for next month.

Allan:

28:02

Well, I guess I want to be clear and what would be a fair community process to have, rather than putting on an agenda break, but I want to make sure this is fair and open and people who want to come out and talk about it gives an input on.

Scott:

28:15

Well, talking about fair community processes, it's not a commission meeting. Right. And so we do when we do community process, we do a lot of work around equity, and making sure that everybody can come having an in-person meeting at seven o'clock on Wednesday night. It's not a community process. If you want to have a meeting about it, you can. But if we're going to run a community process that's identified by the city as a community processes, oftentimes, anywhere between three and eight meetings and reaching out to, you know, everybody around that

community and so on and so forth. So it involves a council member. So that that's kind of it just depends what you want to do.

Allan:
29:09

So let me agendize that for discussion, that's what we might want to do?

CK:
Sure. Anyone else?

Gordon:
29:17

Yeah, I have a question. My understanding somewhere in the agenda or the notes. It's stated that staff has asked for these links that Toni has asked for to be restored. But nothing. I mean, our staff doesn't do that. You may or may not be able to do that. You may need IT and can you give us an update of where that is? I mean, is that there was this big problem when they moved over to a new system, they lost a lot of stuff. There's still a huge problem.

Scott:
29:48

So it's still a huge problem. So it's not timing time, many, many documents that were on that and we won't be getting them back. There's some that were eventually we will get back but the process for getting them reinstated on the website is up to our IT and the website coordinators. And so Roger got a couple documents, but it doesn't have all that stuff. So getting it back is going to is not a high priority.

Gordon:

But it's not something that's focused on parks. This is a general problem the city that I know the council has been worried about, right? But you mess up somehow and you have some problems in there.

30:35
CK:

I might suggest the WaybackMachine I went to the [Wayback Machine](#) and looked up 2018 Berkeley city website, it's all there. I mean, it's a funny way to do it, but you can get all the reports. They exist. They're not lost.

Gordon
30:53

They're just not easy to find.

Erin:
30:56

I wonder if we should agendize that too for a future meeting? Because I think how can we support staff actually, because I think at the highest level that when it came before that people were really disgruntled and at first I actually think it's almost unethical because we pay for all these reports, and now they're gone. And I don't know.

Scott:
31:16

Council has already dealt with this issue, I mean, you guys can bring it up to them if you want again, but that's...

Erin:
31:20

Yeah, it never came before. But anyway, I don't know if that's something that we would want to discuss as a commission just to put some kind of request to council again, to express the concern about the loss of the documents.

Gordon:

It's probably want to try to find out where the problem is and what's been trying to be done before we can because it's when you change systems. I mean, I've gone through this several times in my career, there can be lots of unintended consequences, which caused lots part of the problem or problems and

Scott:
31:54

Part of the problem is staffing. Staffing levels are so low in especially in IT that they have trouble doing the very basic things. And so, going back and recreating going through this processes is something that they're just at this point, city staff can't do so.

CK:
32:16

Seems like a perfect project for a Cal Student intern

Scott:
32:23

There are access issues, like that.

Erin Diehm:
32:25

But I did have one. Yeah, but comment, not about this something else. Okay. Um, but Allan, were you then.

32:35
Okay, thank you.

Gordon Wozniak:
32:36

I have one more comment about Aquatic Park. I think it would be a good idea to try to measure more quantities like dissolved oxygen. There may be other things that the problem is that someone's going have to monitor that and you probably can't just measure one place represent Aquatic Park. There would be more circulation near the tide tubes, you would like to measure multiple places. So maybe, what someone could do is do some sampling and then pick an average spot so that's representative and then you could scale but it's somewhat of a complicated problem. They do have dissolved oxygen that I think salinity is not too expensive. Some nonprofit may be able to do that. It would be very helpful that information.

Scott:
33:29

Smart comment there Gordon, in the water bodies and rivers that we have in the city are the water quality issues dealt with by a group and they take CS and so it's not dealt with parks. And Aquatic Park is interesting because as Toni mentioned in her comment, you know it's the interface between multiple different departments. It's, you know, we have, there's 18 some odd storm drains theoretically we know at least 10 are functioning that are coming into the park and many going out to the Bay. Storm drains are operated by Public Works who operates the tide tubes and determines when they're open and closed. The recreation on the lagoon is Parks' responsibility and the recreation in the park is Parks' responsibility, but the water quality itself is HHCS and the tide tubes are operated by Public Works.

Gordon Wozniak:
34:31

Okay, that's helpful.

ANNOUNCEMENT

34:36

Erin Diehm:

I want to announce a special city council work session coming up. There is a planning process for the Civic Center area which includes Civic Center Park downtown, and the two surrounding historic buildings Maudelle Shirek building, which is sometimes called Old City Hall, and the Veterans Memorial Building. There was a super subcommittee meeting on February the 9th and this is commissioners a subset of commissioners from four Commissions I attended and Brennan and I think you were there too. And they gave you kind of an overview of where they're out in the process. They gave an overview of some of the survey findings. There are 650 people responded to the online survey and the number one request for the park was more biodiversity in nature 61%. And then then more seating and daylighting creek are in the top three. So there's really a focus for basically bringing in more nature in the park. There was an initial preferred design proposed. So these will come before the city council meeting special Tuesday, March 21 at 4 pm. And it's hybrid, but my understanding and Roger maybe you can confirm this is, I think council members all have to now be there in person. Right?

36:04

Scott:

No, they can be they can be. They can be they don't have to be in person. They can be at a location, but that location has to be open to the public. So for instance, if councilmember Wengraf, councilmember Hahn both the last Council meeting from home address, their home address gets to be published and anybody who wants to go to that as several council members still do it just so.

36:54

Erin:

It is going to be a special work session at the City Council Tuesday, March 21 at 4pm.

Reichi Lee:

37:06

I had a couple of clarifying questions pertaining to the Berkeley Way mini park use. Where can I educate myself on how that process works?

Scott:

37:28

So there was no resolution there was there was one community meeting at which we had like a lot of people show up about 50% supported dogs for 50% percent didn't and you know, there is not at this point. The one off approaches is not going to work with residents because we have so many people that don't want dog parks, and we have so many dog and dog related problems in our parks. We have as many people that are asking for dog parks that are asking for, you know, further enforcement of dogs on leash and not to let dogs in the parks. So it's quite it's quite the contrast and Berkeley we have. I get emails every day about dogs off leash in about more spots for dogs and parks. Claudia and I spent some time talking the other day and I'm a dog owner too and I think what really needs to happen because it's such a flammable issue in this town is was really council needs to give direction on if they want more dog parks. And if they do, where do they want them so that that recommendation could come from this commission and then it goes up to council, but there needs to be kind of an assessment of city wide and where dog parks should be if this group wanted to take that on and then stick that up the council because they're ultimately the ones who take the heat of around these issues. And so they're going they're going have participants or residents are upset either way. And so that is got to be their decision.

Reichi:

39:24

Just so I can understand, and my apologies this issue is so it sounds like a decision hasn't been made but it also sounds like your department is not able to make a decision?

39:38

Scott:

Oh, no, we make decisions all the time, but on areas where they're really intense and controversial those decisions are made by council. And so they're not being made by city staff. So it gets pushed up. And so this is these are, you know, this is a discussion that would easily get pushed up the council no matter what we do with it. So what my suggestion was to Claudia and the talk was to establish a subcommittee that studies where we want to have dog parks in this in this town and then take a look, make some recommendations and throw those to council to get Council stamp of approval on something then it's easy for us to go ahead and execute but this is such a controversial issue in this town that we I don't feel comfortable putting a dog park in any park.

Reichi:

40:40

It sounds like there was a fence issue. And we don't have to belabor it tonight but I'll do some more research but it sounds like a decision was made with respect to a change in the fence. I think I'll need to go to the locations so I'll have a better handle.

40:58

Scott:

Yeah, what happened was is and this was this was an issue prior to council member Kesarwani coming on to the council but Linda Maio had pushed hard for us to put up a fence there at the edge of Berkeley Way mini park because there was a homeless issue on West Street path, and it was it was rolling into the park. And so the two things happen that one city manager decided that we would put a fence up there so that the homeless wouldn't be in the park. We have rules in the city about what you can do in a park and it's different than what you can do in a right away. And so the West Street path was considered a right away. And so that fence was put up there not to establish a dog park but to keep the homeless from coming into the park or the unhoused and so that was how I had started initially instead and then people figured out that oh, now the park is totally fenced in and it got used as a dog park.

Reichi:

42:22

Part of the fence has been removed. So there's (UNCLEAR)

Scott:

42:24

We took down a couple of gates because we had so many complaints from the residents who said that the dogs had in either attacked their children or were damaging the grass and so on and so forth. So we took down it so that wasn't as easily used as a dog park.

42:44

Allan:

Stepping back. As one want to say I think we had to kind of deal with someone who believes they are Parks Commission to have a parks idea of parks project you'd like to send to the city. We are the proper venue to come to, of course the Department of course, but ultimately, we'd like you to consider this want to talk about it. I think we're the right body. We represent a diversity points around the city or from different districts. We can look at problems from broader angles. So I like to think even though I appreciate the idea of you, dog parks, but if someone has a particular proposal they think come to the commission ask permission for we to hear make recommendation. I think it's appropriate that you know that we hear that and agendize because otherwise I think it's a very tall wall for community members to climb to go directly to council. And I also think the council is entitled to the input of its of its commission on these kind of questions now not everyone. I'm sure the commission not going to agree to hear every request everyone makes likely we have a process for that, and that we can consider this on its merits and hear about it just as there's access to the systems and their parks commission can do their job. Thank you.

Reichi

44:06

I'm sorry, I had a couple of other clarifying questions. The second question is with respect to the dogs in the park subcommittee. I see three commissioners listed here, which so my question is, will these meetings be agendized?

44:29

CK:

they will and if you want to be on it, we have openings anybody.

Reichi:

44:40

Wonderful question. And finally just a clarification question about Naomi leads back to the foxtails in the mowing of that particular area. I just wanted to know is there any of that area and will that will that happen again? Has been mowed before?

CK:

45:09

We just need a better schedule of mowing. But with all the rains it's difficult.

Reichi:

45:15

My question was if there's a schedule?

Scott:

45:32

We go through this every several years, every few years and so we could you guys can agendize it and we can talk about it. But there's an environmental study that limits the mowing in that park. And so, you know, we can bring it back and we can have that discussion on later day. But we can't just mow that park once every week or every couple of weeks. So we're limited I think twice during the ...

45:57

Roger Miller:

We can only mow the front two acres the south two acres the hill it doesn't specify the frequency but

46:05

CK:

I would love to agendize that and bring that up. I never was satisfied with that report. Anyway, let's move on. Anyone else saw would want to make a comment about parks. Questions anything. Okay. Then. Then we move into Scott, you just did the director's report

3/13 12:01

Item 9. BMASP Project Timeline

46:44

CK:

Okay, then we get into the BMSAP. Scott do want to give us a timeline to talk about that Is this the handout for you? Because

47:11

Scott:

those are available for public Claudia requested a BMASP timeline. And so we did it in a very colorful way. And you can see that we are approaching the March 20 day of city council, which is a little less than two weeks away. On really March 20. That's a Monday. Yeah.

That's a special meeting. There's a ton coming up. And so Mondays has now become a council hearing day. And so anyway, so this, the council here, update on the BMASP on March 20. We've just completed the focus groups at Cesar Chavez Park which Claudia mentioned. And then we will probably do a community workshop in the Spring of '23. With the idea will go back to council in the summer of '23. Start the EIR at some point in '23 and that'll continue to

'24 We'll do another workshop and '24 and then potentially one more city council meeting at the end of '24 to adopt the EIR now keep in mind that this is the plan today. And this plan has changed many times so this these dates and times may change too.

48:40

CK:

Is that it? Okay. Well, I have a big question about where do we fit in? The commission. I mean, that's one of the points that Allan brought up too. I know we're going to have it on our agenda in April. But the, did everyone get a copy of we have a one pager from the contract the original contract with Hargraves the consultants that spells out the task and the community engagement. And it seems by reading this, forget the dates, they have that it was supposed to come to our commission long time ago and we've never really had so where does the commission notes when you say community workshops, how are those going to be held?

49:33

Scott:

The BMASP has come to this commission.

CK:

No, I mean, like with the presentation with the consultants

49:44

Scott:

I believe Hargraves uses this commission with the presentation

49:50

CK

When was that?

49:54

Erin:

I honestly only remember them being here once.

49:59

Allan:

Well, I mean, I asked is this I haven't been on the commission long, when was it? This presentation comes next to the commission?

50:09

Scott:

Whenever you guys want it to come.

50:14

CK:

You mean the consultants will come and give a presentation?

50:16

Scott:

I can't guarantee you that they're going to come and give a presentation but we can. We can but agendize it.

50:25

Allan:

So there's some comments from members of community, when certain studies are becoming available and Brown Act questions and I understand that when there's a process like this, not every study is released before it's cooked and it's

official, and it goes on I understand all that. So I know there may be a lot of meritorious Brown Act requests, but I'm taking no position on it just of course, people should have access to whatever public records are appropriate all the time. I'm fully on board with that, whether certain reports should be made public now, I don't know. I'm trying to understand within the process so we'll look consultants be coming to council with a recommendation what do they do what is that going to happen?

51:10

Scott:

Then while I'm in staff is established headed to Council on 20th to give it to council on update and to get direction. And this is what typically we do mid-process or something like this as we get up we get direction from Council and what they give us direction will tell you what we'd like to do is present all the options for direction. And then council can say we like we want you to do this we want you to do that we watch typically they may or may not vote on when they give that direction but they will either speak with one voice or speak with many voices.

51:57

Allan:

So you're just like you're describing to me what I would call council is going to define the project. Somebody's coming down from staff and consultants. Council, give feedback that kind of defines what the project will be substantively. Is that your understanding?

52:15

Scott:

Generally that's how it works is we give council information and then they make decisions on that information or give us direction. And ultimately we get to I mean, ultimately we want to get to a finished product. You know, hopefully in 2024

52:33

Allan:

Will there be an opportunity for us to be part of that chain? Because I think that's where, where's the opportunity for the commission to input into the project. When is that?

52:44

Scott:

You guys can do that any time.

52:53

Erin:

How do we do that? I truly don't understand how we do that because I feel like it's been so confusing because the pier/ferry and BMASP happening at the same time. And so sometimes as a commissioner, I can't keep straight the two different reports that we're getting and how the pier/ferry works into the BMASP. But I don't understand how do we give input into it prior to it going to Council?

53:23

Scott:

Well, first of all, you guys can give input at any time like any member of the public. You can write an email you can talk to them. You have more impact on your council members than most members of the public because you represent the city council and so my suggestion to you is that if you want to impact to the wider public process, I would talk to your council member and give them how you feel about the project. We had a presentation scheduled for tonight. We were going to give you the Council report because it was headed to the Council on the 8th tomorrow for the special meeting. But when that got cancelled, it got moved to the 20th. And that report is not public. We can't give that report to you until that report is public. We can't give you a Council Report early...

54:15

CK:

That's what that's why it's so confusing. The Brown Act says nothing about that. Could you explain your thought process of why we are excluded from getting the report before the council when we're advisors to the council. So what can we advise them on if we don't have the report? We have to go to the council meeting or download it before, and I have a question on when is it going to be available. And then as individuals? I mean ideally as a commission, we would like to have an action item that we vote on. And then as a group we say these are our thoughts. And we also want to be the representatives that hear from the public.

55:02

Scott:

You're free to do that anytime.

55:05

CK:

But when will it have an impact? I mean, how can we do that without the material without a formal presentation? And I want to get back to the Brown Act though. Okay. Why? Why do you think that you we can't see the report?

Scott:

I don't think it is a Brown Act issue, it is a city policy issue.

CK:

But Roger said it was a Brown Act issue.

55:33

Roger:

I thought I made a guess I said it might have to do with the Brown Act. But that's not that's different than okay. It's just you know, for the last half a century it's been a standard city policy. That if a document or report going to council, it's not a public document until the council sees until it's published until it's publicly available. I mean, staff is writing a document right up until the last second. So when do we actually hand out the draft we hand out 14 drafts of the document. So it's been I'm sorry. No, it's just in standard city policy. I can I can make an inquiry as to where it's written down. But no department no one's allowed to share a document that's going to council that hasn't been published.

Allan:

So I've been taking the focus off documents and when I think what we're asking and I'd like to know how to properly ask it. It sounds like the process as it is currently set up and scheduled, anticipates this presentation and going for council direction. And I'd like to see if we can make a request of the Council or the Council can consider directing that that it come first to the Parks, Recreation and Waterfront commission, so that people can become informed give input commission makes good recommendation. I know that we're delayed schedule, so I'm pausing this can we make this request of council, council? And then council would have to say it is okay.

57:04

Scott:

You can definitely uh, you guys can take any action you want you can get it for us. What's that?

57:08

Allan:

How do we get that as commission?

57:11

Scott:

You can agendize it.

57:12

CK: It was on the agenda, but it was so that I had to put it in communications and not there's an action item. I asked about that.

57:20

Scott:

Here's what I would do if I were you. This is an ongoing item it is just going back to council in the summer of 2023. Right. It's not going to go to council one time to be done. It's already been the council twice. It's going to go twice more. We have a long time before we there any decisions made by council on what the BMASP is or what the waterfront specific plan is going to say. So you have you have months to send a report to council on what you to advise them on how you feel. You have plenty of time.

57:58

Reichi:

That we would want to participate at and be informed before each of these council meetings are some important one sounds like it's going on the 20th so it sounds like there was some issue about not getting the report today. I will suggest that we are similar to Allan's suggestion, which is that we seek getting a copy of this report prior to March 20. And perhaps call a special meeting just on viewing the report and keep it confined to only that prior to March 20. When we need to be an informed commission before the city council for each of the waterfront meetings.

58:49

Gordon:

The council report will become public. What is it a week or 12 days ahead of time a meeting, for special meetings it is 7 days. A process by which you'll see it before the meeting. Scheduling a commission meeting in that window is tricky. We only get 10 meetings per year. Okay, we also want to get we don't get an infinite number of meetings per year we get typically one per month and on set dates. So in this is it Scott says and when I served on the council, this is a workshop. It's they're not going to make the decision. They're going to give them some direction. And the direction is typically not unanimous, different people are going to say this or whatever and then staff has to go and synthesize it. And when there's a final product, my understanding is that it will come to the commission when there's a final agreement on sort of project. We should get it and we'll send commission comments, but as Scott said, you can talk to any of your council people and tell them what your concerns are you can do that once you get the report seven days before, read it then you call them up and bend their ear, that's certainly ok. Beginning the process as a commission to dialogue and discuss individual accounts certainly can and so all perfectly understand that the report is nowhere close a final draft.

1:00:33

Reichi:

But it's a very different process as a commission, then for me to go individually to my council member, that I understand I can and so I perfectly understand that March 20th is a not a final draft report at what point is there direction there is refinements, every juncture in point in the process it is important for our commission as a whole to be well informed as a commission.

1:00:57

Scott:

Just additional comment. So you know, with our city system, it takes about two months to get an item to council. And so if you were to take an action and write up that action and it would be final and that report would be council ready, it would probably take between seven and eight weeks to get to council unless you send a memo or a letter or correspondence. It is not a report from the commission.

1:01:34

CK:

And maybe it is not a report, but we could and that's what we were trying to do with the communication item that we have in the agenda is to say that basically we want to switch the dates we want to be able to hear it before the council

does, and please consider it so that way it doesn't have to go through you. I don't know how it gets transmitted does it get transmitted from Roger then to the council?

1:02:02

Scott:

So after you can if you complete your correspondence and it's ready to go, we just goes when you would give it to Roger and send it to the city clerk.

1:02:10

Okay, so it doesn't have a long period of waiting. No, but that's what I was trying to do. And Roger said like, I couldn't do it. You can to make it an action item.

Scott: It has to be an action item for you to vote on it.

CK:

1:02:30

Right, right. Okay. Anyone else have any comments about this or any questions about the actual handout schedule? When will we get? You said wait, it's seven days before their meeting. So that's the 13th. That'll be public. Yes. In and around the 13th. Right. Which is about a year since we had the last big meeting, the workshop (which was on my birthday March 16 2022). So I remember it.

Kelly Hammargren: (public comment)

Thank you and that is why I wanted to comment on agenda items as they come up. I do attend the agenda committee regularly for city council. And, they can take anywhere from two to four months for the communications from commissions to get to the council and placed on their agenda for their consideration unless something that comes from the commission unless the city manager objects to what comes from the Commission then there can be a delay of 60 days for a companion report to oppose what you recommend. So going over the process is what I learned by going to those agenda meetings regularly.

It seems to me tonight sitting here in this audience that there is a report that is going to council that they don't want you to see and to be able to deliberate on before it reaches the council. And so that in general is very disappointing. That the commission as Allan has commented what is the process here and where does the commission fit in? Are you just abiding and sit here and not have any impact and just to be show for the public, or are you advisory and this whole discussion tonight is very interesting. And it does sound like what they really want is for you to be a "show" rather than to be an advisor. So that's my comment on the process that is very disappointing and because this is a special meeting on the 20th it doesn't have to be published far in advance it may not be published until Thursday at 5 pm. The day before the 20th so I would not expect it to be published. I mean it will be lucky if we get a week to review this. But I would expect since I do a review of every single meeting I can that I could find in the city and send out that summary and get it published in the Berkeley Daily Planet. I would expect not to see this until Thursday before the 20th. Thursday evening after close of the workday on that preceding Thursday.

1:06:18

CK:

Thank you. Jim.

1:06:20

Jim McGrath:

So as a former chair of this group, I want to ask you all especially new ones, to look at the city ordinance as to what your what your job is because you're to give a recommendation to council and not to be told what the council guidance is that's your job there's a reason for that. You can listen and work and you have selected for a level of expertise. What we have I think it's a "Cool Hand Luke" where it's a failure to communicate line. There's no problem with a city policy that says a staff recommendation to the council doesn't go to commission ahead of them. But here there are multiple reports that are not available that are relevant. I'll just give you one example. One question is can you manage

traffic and parking demand for 1830 proposed ferry trip for 250 parking spaces. That report has not been released. It's been paid for. It's a contract I've asked for that record. So that's one report. There's the question of you're going to have one plan that designates a ferry terminal and another that designates revenue generating uses where are those revenue generating uses? How much area do they occupy? What's the market more all of those reports have not been released and they're relevant to the ultimate question of feasibility. I don't want and I think you don't want the council to adopt a plan where it hasn't been vetted, tested the feasibility. The Marina is in a \$1.2 million fiscal arrears annually structurally deficit, and it needs \$120 million in infrastructure improvements, even without consideration of a ferry terminal. The ferry terminal is supposed to cost \$170 million. And what I just read today on the report that I got on the WETA website because I couldn't get it on the city website is that they expect half the money to come from the city. Those are all relevant questions. To what kinds of alternatives should go forward. And to have that released three or four days before there's also a recommendation is not a deliberative process. I know whose thumb's on the scale. Most of you know whose thumb's on the scale. Know what happens when somebody says thanks

1:09:10

Anna:

We have this draft of this memorandum here. And why can't we use it as a possible memo a letter sent to city council and take an action on?

CK

1:09:23

Because it's not an action item we can all I guess individually send it to our city council member.

Gordon:

Because of the Brown Act.

Allan:

1:09:39

I will sign this letter as representing the 8th District. I'll give you my signature. You have my proxy that submitted to council okay. Don't I mean I think

1:10:03

Gordon:

This is a work session. It's not a final plan. And one I one of the council is not going to listen to they're not going to say we're going to delay our meeting in consideration of this one's workshop a month so you guys from month two month so you can have so the commissioning and have a meeting about the subject of workshop. I just don't think you're going to do that. And, you know, when my understanding is when there is a final plan, it will come to the Commission first. That's when we have something extra talked about. We'll have all the studies that Jim is talking about that aren't available now, because I'm not sure they've been done yet. Because we don't have a final project. And so I think it's premature and you're just asking I don't think you're going get one of the council will not consider it because they want to have a workshop because they want they want to understand what the options are and give directions. We can give our comments afterwards as well. It's not that it's precluded. You're saying you want priority. But you want to write letters.

1:11:18

CK:

Well I disagree with you.

1:11:23

Allan:

permission. That's our table, but I'll give you my signature.

1:11:29

Okay, thank you. Anyone else?

1:11:33

Erin:

Okay, I guess I do feel like it's too late. By the time it comes to these recommendations. The truth is, this is probably one of the most important plans that we're executing as a city and its vast. There's a huge amount of information and well, like the parking study all these sea level rise study frankly, I would actually like to have access I would like to have each at each of our meetings, one of those studies be on the agenda so I can kind of familiarize myself because some of it I have to teach myself about it and try to ask questions. And some of the information is really key, I think to the decisions that get made down there. So I feel like I don't have that information and waiting till the end till recommendations is too late. Frankly, it's just the volume of information. I kind of wanted to fit it regularly so that I can kind of keep building my understanding of what will happen and what's going to be proposed.

1:12:37

Roger:

To just a reminder, so March 20 is a work session. There's no decisions, there's no action. So there's no it's not too late or anything. It's going to you know, decisions are going to happen in the next year or two down the road. So there's lots of opportunity for community workshops and feedback. So there's I'm kind of sensing that sort of a misunderstanding of what of what March 20. This is just a presentation of the latest ideas and it's a public discussion.

Allan:

So to respond to that. I understand the importance of council direction and council direction always sends a strong message to staff and strong message to consulting team who work for staff under contract. Those are important meetings. And I see that shortly after that there's going to be a final environmental impact report. That's a very expensive process. That means someone has defined the project when that's undertaken. So that that really means that pretty much the die is cast as to what the enemy is proposing. And I think we need to get involved. So I for one I wish we had more time to send a formal commission action but don't, I'd like to make requests and I will understand that the council says no, we're not going to do that. That's their prerogative. I've for one want to like send that request forward because I think this is an important moment in the process. So whether you characterize this things are going to get decided money is going to be spent a large way shortly thereafter. I don't know how we get involved, if we don't get involved now.

CLOSE OF BMASP DISCUSSION

CK:

1:14:11

Thank you. Move on to the next item.

10. WATER QUALITY AT AQUATIC PARK DISCUSSION

CK

1:14:32

Okay, so good because we have two people here for that too. Okay. So discussing give us an update of what's happening in Aquatic Park. Scott please give us an update.

Scott:

1:14:47

For sure. I can give you a general update, but there are a lots of people in this room who could probably give you even more detailed information than I do. And we had a fair amount of Leopard sharks and Bat Rays and end up dead Aquatic Park. We've done an effort to figure it out why we've engaged experts who are on call for Public Works around water quality and other related environmental issues. We've also engaged the state. We sent a leopard shark on the dead leopard sharks to the state for to have it evaluated. They haven't totally gotten all the results back from the evaluation. They've got some results back. So they they've identified what they think it is what they generally believe it is the effect that it's had on both the sharks and the rays. And generally although it's not definite yet, because we don't have final information back from the state is that they feel like the huge influx of stormwater into the lagoon

affected the salinity of the lagoon and bat rays are more susceptible to certain environments. And so having struggling with all the stormwater influx them and an ability to get out some of the bat rays are huge and are not to get out through the tide tubes that they died in in lagoon. So staff have picked them up, I think four or five six times different times we've picked up close to 25 or 30. Dead rays and sharks. I think others have picked up rays and sharks throughout the park. But what the good news is, is that we hasn't continued so that has been a good thing.

1:17:23

Anna: Maybe they are adapting.

1:17:24

Scott:

What's that? I don't know, the guy from the state and he told us in a meeting that we should expect that there would be that this was just the start of it. And eventually given the protozoa that was affecting the bats and the leopard sharks and eventually we may see many more fish die in the lagoon especially through the spring, but we haven't seen that outside the original. You know the rays and the sharks that have come up dead around the shores. So we don't know. We they haven't gotten final results back and so we don't know exactly know everything.

CK:

1:18:09

So you only send one specimen. Right?

1:18:15

Scott: We didn't send it HHCS did.

CK

1:18:17

Right. But we've heard there's at least 50 I don't know Are they still there? The dead fish? How often are you picking them up? Because it seems as if a lot of people are complaining like our Next Door we're complaining about the amount of dead fish.

Scott:

1:18:37

The people who are supposed to pick up the fish in the city are from the animal shelter officers and so we tried to get them to pick them up many times without any luck. So actually, the person who's been picking up on my staff is the park superintendent. He's come in several days really early. He had one day where he worked with Elaine to pick them up and he brought in a net and fished out as many as possible, but he's done that four or five times and so he was the one that picked up the one that we sent to the state.

1:19:11

Gordon:

So I want to make a comment about salinity. Salmon that start out in freshwater then go and live several years in the ocean sailing environment. When they come back to spawn they go they basically undergo a very severe reverse aging process where they end up basically they have to spawn and they basically die and they have pictures from showing them that within a week or so, they age you know, like many decades okay for people and it's one of the things that triggered that is the salinity. The freshwater basically kills them. Most of them some of them survive enough, to spawn but they ended up looking really misshapen and old. And shrunk and you show go online for great pictures of how they changed from this beautiful, delicious fish to something that looks really like you're dying to death and it's going through changes in the salt water the reference changes and metabolism changes or aging process. So I wouldn't be surprised as it's the salinity that kills.

1:20:30

CK:

I also want to point out that in our agenda packet, we have letters from Susan Schwartz and Toni that I urge you guys to read and Susan Schwartz also submitted another one that I had requested to be brought in as a supplemental communication. I don't know if we do that. But I had requested and we didn't.

1:20:51

Roger:

We include that when the packet is published, then we that's

1:20:56

CK:

But like Planning and other commissions, they have supplementals. And there was one from Jim too there was supplemental communications.

Roger:

Council does that. Oh, we don't do it. if we receive a communication it goes into the next available packet.

1:21:14

CK:

Okay, so the next available packet make sure Susan Schwartz's and Jim's letters are in there.

Yeah, she sent it to you. But if you don't have it I can resend it.

1:21:38

CK

There's two letters from her.

Roger:

Oh, there's two separate letters?

1:21:44

Scott:

Interesting thing about the die off, the fish kill and the die off is that it's really it's a function of functioning tide tubes. Right. And because we fix the tide tubes, we've got all this. We've created all this, this nature has come into the lagoon that wasn't there before. It is not easy if you're a fish or you're a bat ray to get back out through those tide tubes. In fact, it's near impossible. And Bruce picked up one bat ray that literally was as wide as his truck. So it took multiple people to get it out of the lagoon. That ray didn't come into the lagoon looking like that. And so obviously, there's a lot of food in the lagoon and the bat rays and leopard sharks are doing really well. But I don't think they were able to withstand the amount of stormwater that came down because it's in some ways, the building functions as a stormwater basin. There are all these small stormwater about a little less than a half of it drains into Aquatic Park from the city of Berkeley. And so the stormwater comes and that's all freshwater and we haven't had that kind of rain it a long time. And so the lagoon was primarily brackish water, saline because of the interaction with the tide tubes. And then all of a sudden we have all this freshwater. In fact, he and I both went there one day, as the fish kill started, like a day or two afterwards and you could see all the bat rays that were still the ultimate a lot of them die but you can see them next to the tide tubes.

CK:

Just trying to come out go out?

Scott:

No, they weren't trying to go out I think they were trying to get the saline was like seven or eight right around the front end of the tide tubes. Yeah. It was really it was really interesting, unfortunate phenomenon, but it has to do with excessive the fact that we have, we have the tide tubes are working again, in part.

CK: So anyone? Erin?

1:24:09

Erin:

This is deeply disturbing, it's kind of funny because by improving the water quality we've brought the nature in, I mean, my main question is what do we do to reduce the likelihood of it happening again? What can be done what kind of funds are needed? And is it even possible to minimize this sharp reduction in salinity? Like which storm drains are actually draining directly into the lagoon and can any of them be directed and how much money would it cost and under whose jurisdiction is it? Is it Caltrans as part of the Ashby interchange redo? Is it the city because we've effectively created an ecological sink. And that's one of the challenges of having, promoting nature in cities. I think sometimes we have these kinds of artificial environs, but I think it's incumbent upon us if we're going to actually make it so we want the animals to come here, that's effectively what we're doing that we don't kill them. I mean, I can't imagine we would ever allow this with other creatures. I mean, can you imagine dogs? You basically invited all the dogs in and then did something so they all died. I mean, that would not be allowable. So I feel like we can we need to at least try and put our hats on and how can we help you all solve the problem, right, because I think it's got to be funding somewhere.

Scott:

1:25:26

So you know, actually, listening to Toni talk about the storm drains is really important if it helps the direction you want to go. And the storm drains are a Public Works issue. We don't deal with storm drains in parks and so we dealt with the tide tubes, my staff dealt with the tide tubes projects only because of Public Works wouldn't deal with it. So we took that project on and we took the street project on in the Marina, only those are Public Works projects. Those are not in my bailiwick but we took those projects on because we know that they weren't going to do them. And so we did them. Same reason the I'm doing the African American Holistic Resource Center, because I can do them and I've got great staff and they have that background, but they're Public Works projects. And so fixing the tide tubes was not an easy project. And it literally took five years, four years of permitting, and lots and lots and lots of staff time and the permits that we had to get for that or couldn't even count on two hands. And so but there is a way to do what Erin's saying and Toni would love to talk about it that the storm drains you know the storm drains can be removed from Aquatic Park, but keep in mind that the lagoon was set up as a catch basin for stormwater. And so that was that was the old that that was how it was designed in the beginning, and that's how it's been functioning for many, many years. So it could be changed. But that's how Public Works uses the lagoon.

CK:

So Toni?

1:27:24

Toni:

I'll keep it really short. Aquatic Park is very old. It's almost eighty years old. And the hydraulics that were originally there, half of them there are nonfunctioning. So that's basically the problem is a very old out of date system that wasn't set up as a stormwater retention pond. It got used by Public Works, in 1971 to do that. Aquatic Park is a recreational area and habitat is being used for cheap flood control. And what the city of Berkeley now has to do invest money to build flood control because flooding is going to get worse in the future that is what climate scientists keep telling us. There is going to be bigger downfalls, that is what we are seeing. So what we have in Aquatic Park is an opportunity and a challenge. The on ramp is going to close down by the Ashby Ave. interchange and that area of the onramp belongs to the city of Berkeley and the Parks department. It's an opportunity to put a better capacity for flood control on the Potter culver with a pump station. Three quarters of the Bay Area cities that have sea level land pump their stormwater, while we run it through our habitat and our recreation area. That's has to change. End of spiel.

CK

1:29:25

I'm going to add that recently I found a 1983 study from Doris Sloan, one of the founders of CESP, who's still alive she's 92 years old from a UC. The study was a senior class project with the title of [Water in Berkeley](#). And there's a great chapter on the history of [Aquatic Park](#) that I learned so much that I did not know because in the 1960s the Parks

Department was going to drain the lagoon first of all they were going to sell the lagoon to Colgate Palmolive and then drain the lagoon for industrial uses. And that wasn't only that was that long ago, you know, so we've come a long way right? But it really is a fascinating study. I can send you the [link](#) to it but because it goes through all the about the creeks about the hydrology of the whole city. It's really fascinating study. Basically how it works and what has to happen to change it. That's why I because it comes in the way that I actually have now.

Toni:

The APIP technical study basically tells you how it works and how to change it. Because Claudia found it in the [waybackmachine](#) I now have in my files the APIP technical study.

1:30:43

CK:

Couldn't we put a link to the Wayback Machine on our web page? I mean really, you can find these things...

Scott:

We can't even link to community organizations in the city. There's a discussion on the legal team. office but I can't link to any nonprofit in the city. Talking about linking to the Wayback Machine. But my comment, my comment is Toni's got really good points about where that discussion needs to live, is in Public Works and the Transportation and Infrastructure commission. We don't operate Aquatic Park, the lagoon, the storm drains, the tide tubes. We don't monitor the water quality. The Parks, Recreation and Waterfront, we're in charge of the recreation and the grounds in the park. So a lot of this discussion goes to Public Works. What are the what is now the Transportation and Infrastructure commission.

1:32:01

CK:

I have a suggestion that we'll be discussing our work plan. And Erin and I were talking about having commissioners be liaisons to other Commissions that'd be a great job for somebody on our commission to be a liaison to the whatever it's called these days. Anyone who wants to volunteer but when we get to the work plan, we can discuss that because it would be great to present all we have to present.

1:32:45

Erin:

I want to say that I think that's very important because my feeling in general is that the Public Works transportation infrastructure, public work side actually doesn't include nature in their considerations because I'm often like standing at meetings trying to advocate for nature in one way or another. And I'm surprised at times because I can almost see that as decisions are being made about constructing something. It's if like the natural world doesn't exist in the actual construction decisions and I think that needs to change. I think that that's old thinking. And so it seems that it's part and parcel to bring that along to say guys, we need a checkbox. For I'll just call them nature is a general term. But something that whether it harms or enhances or supports it would just raising that as an issue would be helpful.

1:33:47

CK:

Anyone else anything about this, so we can move on to the Yeah, excuse me. Oh, Jim.

1:34:01

Jim McGrath: Toni is right, fresh water is a stressor. This will employ a very complicated system, both economically and politically. If you enhance tidal action, you have the potential of increasing flooding into the city. If anything you do that's going to coordinate with Caltrans, as well as the railroad, the East Shore State Park which is a state park but operated by the EBRPD and probably Emeryville and the like. Berkeley has not embraced the idea of doing resilience planning on their own. They just went for grants to do but I think they need to do some leg work. It's but it's really complicated.

END OF AQUATIC PARK DISCUSSION

11. STATE COASTAL CONSERVANCY GRANT

1:34:59

CK:

Okay, let's move on to the State Coastal Conservancy grant. You want to tell us about the two projects that we have two projects going

1:35:12

SCOTT:

We have two project going to the state Conservancy in April. I believe it's April 6, it's the perimeter path for Cesar Chavez and South Cove parking lot. And so one of the big I think we've talked about this a little bit, but when we you know \$15 million that came through the state to the city. It ended up in the State Coastal Conservancy could have gone to a lot of places. And which is was fine with us. They before as we propose projects, they want to completed CEQA if it's a construction project and so the two projects where we've completed the CEQA is the South Cove parking lot, which was done. Roger what eight years ago 2018 Or just wanting to have about six, almost five, five and a half years ago, when we did the South Cove. West lot in the Bay Trail in front of the Cal Sailing Club, so the CEQA was completed there. So we're that one that already been completed. That included the South Cove, West lot. And so given the timeframe in which we have to spend this money, they're giving us essentially too little less than two and a half years that have completed the project and build out for the money. That they're requiring the project complete CEQA. So the first two projects proposed have CEQA completion, the South Cove and the Perimeter path is just a replacement, pretty much of existing because only you don't improve more than 20% and so it's a kind of category exemption. So it was an easy completion of sequence. So those are the first two projects that are going on April 6 to their board for approval.

1:37:24

CK:

So for the Chavez perimeter trail, if we're trying to get matching grants, those matching grants can maybe go beyond what we'll have a CEQA for.

1:37:37

Scott:

The CEQA for there, even if we did additional work in that part we did some of the interior paths made ADA accessible. That's still going to be a category exemption. So we're not going to need any additional CEQA

1:37:50

CK:

Right. But I mean, I mean getting matching grants from another authority not from the state.

1:37:56

Scott:

No, so different, different grantors require different things right. Some of them requires CEQA completion. Some of them don't, most of them don't. So, there's a couple grants out there that we're working on. We're, we're trying to double our money so they can do all the interior work. And so we're working on those right now. Okay.

1:38:25

Brennan Cox {UNCLEAR }

Scope of work for the trail as far as like, what it might "calculate" or is it just kind of purely a re-asphalt?

1:38:35

Scott:

Roger, you know, better and I think, full placement the most spots, yeah,

1:38:38

Roger:

We are going dig out the old asphalt so we're just going to dig out the old asphalt put a new where as needed sub basement have to be reinforced. And there are a couple of places where it's on a landfill that settled. And so there's a couple of spots that just met ADA grade back in 1991 when it was completed. And we think those might have settled a little bit steeper than the 5%. And so we're working on what it's going to take to achieve the 5% or less grade.

1:39:09

Scott:

We haven't started to talk about amenities. So once we don't actually have the money yet or have a project yet until they approve. And so once that the board approves then we'll start a public process and talk about amenities. Although we've gotten that kind of feedback at the multiple Cesar Chavez focus groups that we had, I believe a lot of you guys participated in those and so those were great. But we also want to get more to figure out what type of amenities want to go around the perimeter of the park.

1:39:41

Brennan

In Berkeley, is something other than asphalt as accessible? UNCLEAR

1:39:47

Scott:

Yes, yes, we do.

Brennan (UNCLEAR):

So my request would be repaved. At look out for some more resilient surfaces that seeking surfaces wouldn't be so susceptible to oil on the ground Crissy Field would be the prime example of non petroleum base pathway

1:40:16

Scott:

Right, right. I walked on that one.

1:40:19

Brennan:

And accessible it's nice you know, mostly stabilizers, organic stabilizer for substrate

1:40:37

Roger:

EMC Squared. This is the big one that part of the question. Okay. And we use it we use it

1:40:47

Scott:

on roadways, primarily. So we did one of the interesting things about Marina University marina and Spinnaker is we use the EMC Squared and so there was no waste. There was no haul off of asphalt. So we ground up the existing asphalt we treat it with EMC Squared, and it acts as the subbase. So you save, you save a bunch of money and you save the environment. There's nothing that goes into the dumps and you also are not pulling gravel and a whole bunch of other things out to use for subbase. There was some of that but not extraordinary amount.

1:41:27

Brennan: UNCLEAR

And then obviously opportunities for education.

1:41:44

Erin:

I had a couple of questions but I don't know I love tables so like I gave this a little handout because I'm just kind of tracking as the as the projects come through because Council had proposed some the original seven which Camille I think spoke to and then we wrote a letter of support and then council approved a slightly different set and now anyway, so I'm just kind of keeping track. It's got you guys had to do an estimate. I think it was, I guess it was already four months ago. It was do you know the amounts y'all will ask for? Is it that 2.1 still for the perimeter?

1:42:19

Scott:

We asked for exactly the same amount. And what that's the same amount that is so that what that is, is that they forced us to put the staff time in the in so the one point the \$113,000 of staff time, so it's two million. Okay, we have for design and construction.

1:42:45

Erin:

Are you guys going to apply for a matching grant? What about the South Cove? Is that also around the same? That was \$936,000 it's going to be?

1:42:56

Scott:

So that project ultimately is about \$1.3 million complete project. So we've got some marina funds set aside for that. So we had to we have to complete it. And there wasn't enough money to get. So that was the last project kind of identified. So we were short, and we knew it. And so it took I think 2024's \$350,000 allocation for capital and stuck it into that project.

1:43:26

Erin:

What happened? So they basically allocated \$15 million, and so we're coming to them with \$3.4 million. What happens with the remaining balance? Does the city continue to...?

1:43:42

Scott:

So then, so we've submitted all five applications for each one of these projects. Oh, yeah. So no, no, that's not true. Sorry. We've submitted those two applications. And so for the others. We submitted the pier/ferry one, and that one is going to go in the June meeting and (Roger: it is not complete yet), right. We're submitted the application. They've got a bunch of questions. We were answering those questions is kind of in draft form going back and forth. And so that's why they have we held it over they held it over until June. So the pier/ferry one is it's not a construction project, so it doesn't need CEQA or NEPA completion before they'll approve it. So that one's going to go in June, July and the other two will have to go when we complete CEQA and we're rushing to do that as fast as possible

1:44:43

Erin:

So that dredging project?

1:44:49

CK:

Do we have a contractor for that for the dredging project?

1:44:53

Scott:

No, we don't. We don't even have the money. We get the money. Then we'll develop the scope? So we've been working on planning phase of that project, was that money was allocated 2020 by council. And so we've been planning that project for a while. So we have done the name of the survey. bathymetric survey. And we so we know what we're we know this is the route in the north entrance in the south entrance and all throughout the Marina channel,

what work needs to be done. And so now we're in the middle of, of testing. Okay, so the idea is we know that there's so many tons of the needs to be dragged and we know where it needs to be dredged from and so now you go and test and how contaminated your soil is depends on how much you can dredge because you only have a limited amount of money, it costs more, right so the more contaminated the soil is the less we can remove from the marina. And so we're in the middle of testing now.

1:46:22

Gordon:

What elements what chemical?

1:46:27

Scott:

Oh, my goodness. If Jim were here he would be able to tell us...

1:46:31

Roger:

They do this standard screen of all the metals. So all a toxic mercury or cadmium is a whole different standard set of EPA standards. So we're running using that same battery of tests. So we'll find out what what's in it.

1:46:45

Scott:

So we've tested some areas we're testing all of them. Once we have an idea of what cost what we know, we know, obviously, that our high priority is dredging one of the north or the south entrances into the into the marina, right and so there was more material that needs to be dredged at the north entrance, less material in the south entrance. And so we'll see how all the testing comes back. Our priority is, as we go through is the middle Harbor that were all the boats use to get in and out the middle harbor area and our other priority is D and E anything under D because those docks are going to be done in the next couple of years. So we want to go ahead and dredge so in the harbor, so in the harbor yard, those are our priorities, the main channel in the harbor, and D and E but there are a few other really bad points where we've got if you go and you sail oh, you know, we've got cones attached to concrete bases that are coming out to show boaters where those points are. So those are some of our what we'll do is once we get all the final results back from the testing, we'll say okay, highest priority areas, what can we do? And this is what this is, you know, this is what we're going to end up doing. This is what we can do for the seven \$7.4 million we have left.

1:48:20

CK:

So are we testing are you we hire someone to test

Scott:

Yeah, we yeah, we don't do testing so we hired a consultant to do all the studying of the waterfront and the hardware and they work with the they're testing themselves or work with somebody who's doing the testing. And that was in the original \$300,000 that council allocated in 2020.

1:48:45

CK:

Okay. Except isn't that much. I mean, seems like another a lot of money for a really big job.

1:48:53

Scott:

The great thing about dredging is there's no really design. Right, right. You're just taking the dredged material out and removing it and it's going to one of three different places, depending on the environmental results.

1:49:17

Gordon:

What about the study for the South Sailing Basin? Yeah, there was some money to study, right.

1:49:24

Scott:

Council authorized \$350,000 for that. That project hasn't been started and we actually that's on our list. We're going to talk about that in a second.

1:49:35

Erin:

I have one more just input and its related to the communication that I sent. Because I have been talking a lot about this protocols. Birdability, which is where you focus on accessibility so people can do birding. And I mentioned that at some of the focus groups for Cesar Chavez and the Golden Gate Audubon is having a free speaker series. It's this coming Thursday. It's March the 16th at 7pm. And I just included it because I think something that Berkeley really prides itself on is accessibility. We'll be renewing the path for accessibility and then taking into account, how can we facilitate people who might be in wheelchair disabled who would like to actually be able to come out and look at the birds I imagine there's some design features so I just, I put this in here. If anybody is interested in that...

12. MEASURE T1, PHASE 2 STATUS MATRIX

CK:

1:50:38

Okay, now we move on to your chart right here.

1:50:44

Scott:

So, we've talked last time about in my mind, this is probably the most important issue in front of my department right now. And it's a huge issue for the city. As we talked last time about how there is short funding and T1, the African American Holistic Resource Center short of money, the North Berkeley Senior Center, as a Public Works project has had overruns and we were in the middle of a claim discussion, around 33 different change orders with a contractor, and so there could be a lot of costs for the North Berkeley senior center that aren't mentioned here. But there also is a significant cost of money for the African American Holistic Resource Center and some of our other tier one projects. But that's only part of the story here.

The other part of the story is that a lot of other construction projects in the city are short funding to The Telegraph Streets project, the South Side streets project, Hopkins Street project, and so we have all these we have all these capital projects that are short money largely because construction prices have increased dramatically in the last few years. And in some situations like the African American Holistic Resource Center, after analysis of the building and found out that it was in very poor shape and needs to be torn down and so we've got a funding problem. And so what the council was asked us to do is to bring a list of all our, all the T1 projects back their funding sources and to rank to rank them and also, they gave us four, four characteristics to rank them by and to bring back all other capital projects that are not either bidding or in construction. that are in design at some level. And so what we've done is we compare two documents, one for T1 and one for all our department projects. These are so the first the first page here is a T1 document the page one and page two, page three, and part of page 4 or mostly notes on page four are all the projects that construction projects that we have are designing and planning, or designing planning only projects and the funding sources here we include what was originally budgeted, what was what has been spent as of February 2023. The amount remaining, and when the anticipated construction date is keep in mind.

We have 16 projects in construction in spring and summer this spring and summer. 16 projects so they're 16 projects is not on this list. And people ask me why I work such long hours because I manage 43 construction projects on top of 113 full time FTEs three different major divisions. And so this is the bulk of a lot of the work that I do. And now we're at a point here where some of these projects may lose funding, because council is going to take a look at the T1 lists and they're going to take a look at our parks list. And they're going to they're going to tell us, hey, we're going to take money from this project. We're going to take money from that project, and we're going to give it to x. So what my

project list looks like right now may differ dramatically in late April and May from what it will look like and so we've got a huge shortage in capital projects. In T1 alone.

If you look on the back of page two you'll see two columns or two rows down at the bottom that are highlighted in yellow. And you'll see one which is a gap. The first gap is a 4,000 square foot African American Holistic Resource Center. So there's a \$4 million gap there and the second gap is a 6,000 square foot African American Holistic Resource Center. So the gap in T1 is currently either 4.5 million, or 8.2 to 6 million. The gap, the gap and T1 is actually considerably bigger than this because what's not on here is the overages and from the North Berkeley Senior Center, so we don't know what that is going to be so that's not on here.

What also was not on here is any shortage Public Works has in a project that's not funded by T1. So they have a variety of shortages as I mentioned the South Side Streets project, the Telegraph Avenue Project, the Hopkins Street project all of those projects are underfunded considerably by millions. And so Council is going to make a decision before the end of the budget cycle on what projects are going to get funded and which projects aren't. And so, for me, this is probably the most important issue facing our department right now. Because whether or not these projects move forward or they stop will be determined in the next few months. And where this money goes gets reallocated or do I get additional money for things? I don't know. It'll depend on what Council thinks is important and what they don't think is important. So what how they asked us to organize things we're in four ways. You'll see the little check marks at the end of the sheets.

Erin:

1:57:17

What the check marks?

Scott:

1:57:19

The little x's categories of public facing public serving first page, first page? Well, it's on all its own pages. Oh, I guess it's not no. All right, we did it. We did it for our projects, too. But sorry, we did it. But we so we did this for the parks projects for the assets to rank up. Is it public facing? Is it public serving? Are there matching funds has a significant amount of planning occur? And so for us, what we drew the line staff through the line on a significant amount of planning at 30%, 30% of design. So anything under that we considered didn't have a significant amount of planning everything over that had a significant amount of planning. So you'll see everything with a checkmark in it. As a significant amount of planning were over 30% design. So for instance, if you look at the South Berkeley Senior Center, that's the first item the second item down on the T1 sheet. You'll see that there's \$3 million budgeted to it. We have a \$1.5 million FEMA grant, which we just got literally a few weeks ago. And the escalation 50% escalation, that would be \$450,000. But we're not asking for additional money there because it's possible to reduce that scope. So it's possible to reduce the scope. We're reducing the scope like we did, we're dealing with a lot of our construction projects right now. And then we've checked all the boxes that apply those four categories for council, and this is information that's going to be submitted will go to the budget committee on April 20. Which they will make a recommendation to go to the full council shortly after that. whatsoever.

Brennan:

There's dashes and x's. What's the difference?

1:59:37

Scott:

If there's a dash means the project already has been completed.

So if there's a dash in it, that means that the project has already been completed. The dashes all the way across. I'm not sure why we put dashes.

Gordon

1:59:55

So for example, South Berkeley the senior center its public facing public serving matching funds, but significant planning has not occurred now.

2:00:05

Scott

No that project, we we've been applying for finally multiple grants over a series of years because we didn't have enough to do the seismic that we budget a significant grant. Right and so we just got the \$1.5 million in a grant and so the planning hasn't started.

2:00:23

Allan:

So when you say the grant, you just need to fill up the rankings?

2:00:29

Scott:

We ranked them when we went to council. So we kinda ranked them but the city manager didn't want to rank them because she wants to council to make a decision here. These are tough decisions and council wants us to give us as much information about them. But they don't want us to rank them they need to make a decision. So we this is the information we're providing to them. And they ultimately make the decision on what project will survive in which ones won't. So the ones that are worrisome to me are wouldn't be worried that I worry about worried that they're going to get cut. Right? I'm sorry, I didn't tell my wife wonders why I wake up in the middle of night so but so if you turn you'll see on the second page, or where we have just the parks projects what's really easy for them to grab is anything that says GF for general fund, or CIP. Both of those are those both of those are general fund the money comes from the general fund. And so they can easily grab that and take it and put that someplace else. They what they can't grab is parks tax and put it someplace else. They can't put parks tax into the streets and they can't put grant funding and take it and put it into streets or someplace else.

2:02:09

Anna:

We've seen a lot of the money that's raised in a marina and parking and all that goes directly to the general fund?

2:02:19

Scott:

Yes we are talking about the revenue so a lot of the tax revenue raised from the marina goes into the General Fund.

Allan: What's the significance of the blue vs the yellow?

Anything in blue on the T1 list has been completed.

Scott:

Anything in blue on the T1 list has been completed. So I'm sorry I'll take that back it is either been awarded by council person in construction or has been completed. So Council considers that complements they've awarded the contract. Those are off limits. So it's the yellow and the white and yellow. Yellow means we're asking for escalation that we couldn't reduce the project. And I can give you an example. So for instance, we've got three right-of-way restrooms on this list. One of them doesn't have the fourth project down it says restrooms in the right-of-way and a of Telegraph and Channing, restrooms in right-of-way San Pablo/University and restrooms in the right-of-way Alcatraz/Adeline and we did a huge restroom study hired a consultant who did an amazing job that identified where we need restrooms, top 20 places in the city and we're funding the top three. Okay. And so, we have in that first restroom we have the \$450,000 was allocated via T1 and we also have a \$260,000 from the UC. So that bid came back Tuesday. So the whole project cost with construction and it's going to be just about \$500,000 for that restroom. So it'll use all the UC settlement and then another \$240,000 from T1 the rest of that T1 money potentially can be redistributed to the right-of-way restrooms and we're worried about those other right-of-way restrooms because at San Pablo/University and Alcatraz/Adeline

we're going to be pulling sewer, significantly amount of sewer in which every project we go and that's what makes these projects really expensive is when you have to move those sewer lines. So we initially thought okay that \$450,000 is not enough. So we need escalation on those two projects. And but we'll also have some leftover T1 here, but we're also going to hold on we need to hold on to that because we anticipate that those two right-of-way restrooms are going to be extraordinarily expensive, may be in the range of \$600K to \$650,000.

Anna:

Why are they so expensive?

2:05:09

Scott:

Moving all the utilities and finding a location where a public restroom can be in the right-of-way and moving all the utilities to the fact that so those combination of finding that intersection is really difficult.

2:05:22

Brennan:

It's a bargain compared San Francisco has \$1.7 million.

2:05:33

Brennan:

It's still a million. It's now \$700,000

2:05:35

Roger:

The restroom itself has been donated for \$400K.

2:05:41

Scott:

Donated actually by a group that works really closely with their us it's the restroom company that put in the restroom in Strawberry Creek and the South Cove. They've donated their model.

2:05:59

Gordon:

The problem was that the sewer lines never anticipating restrooms in these places.

2:06:06

Scott:

Correct, so it's one of our was one of our problems. It's one of our problems with the restroom in Cesar Chavez right. If we were to build that restroom, and people have lobbied for that restroom for years, right but the closest sewer was on the other side of the waterfront and so that we were just put in that restroom. It would have been a \$1.5 million restroom, right at Cesar Chavez because we would have had to run the sewer like 500 or 600 yards under the asphalt. So what Nelson did when we did that project is he ran the sewer all the way was a part of the Spinnaker project and ran the sewer all the way to where the restroom was going to go and it stopped. It's just ready to hook up.

Yes. And another example of that is the Tom Bates Sports Complex restroom. So at Tom Bates, the closest sewer line is on the east side of the highway. So if you imagine you're down in Gilman that sewer is on the in the frontage road on the east side of that highway 1000 feet, running it to the front of Tom Bates was going to be \$1.2 million just to run the sewer line if there wasn't a construction project there. But Caltrans had a big construction project, we gave them, they estimated the cost to be to run the sewer line just because since they were tearing up the street anyway, at \$300,000. So we gave them \$300,000 of T1 and they're going to run the sewer line for us right in front of Tom Bates and includes a pump too. So that we were saving about \$900,000.

2:08:12

Gordon:

So the question the city does have a substantial sewer fund for sewers, can they not pay part or all of this have you tried that approach, because it's got a big surplus. Does anyone mentioned this to council?

2:08:33

Scott:

I have not tried that approach Gordon, but that's a great idea.

Gordon:

No, I mean, I got the money. I think people should lobby their council members.

2:08:52

Reichi:

I'm just trying to understanding the column where it says escalation required. And then get down to the bottom boxes that says over \$400M

2:09:11

Scott:

Sorry, that's not that clear. So the escalation required, which is total \$1,026,750 those are, first of all, those are the total of the 10 projects, we actually have 11 including the African American Holistic Resource Center, but the 10 projects on this list that we couldn't reduce the scope without doing a baseline project, that we'd have to cancel the project because we don't have enough money. And so that is the dollar amount and then that with the \$350,000 gap at North Berkeley Senior Center in the right hand column gap NBSC so that what that is, is the amount of money we're short right now in North Berkeley Senior Center. We've got bills to pay. And a lot of that is legal fees.

2:10:32

Reichi

I'm just trying to get a better understanding not just African American Holistic Resource Center, 3 million in gap, meaning that it hasn't started right, so the architect hasn't started, right ?

2:10:57

Scott:

The architect has just started

2:11:10

Reichi:

Either way, there's a \$3 million short or 6 million on that. Just as a member of the public I was just astounded by that. Or that can happen. That's not to me, is that designated as a COVID construction. For that anyways, I don't I'm just saying like, that's a really big number on your spreadsheet questions about in terms of the gap? How did that happen?

2:11:44

Scott:

Well, it's not the gap didn't just happen. The gap was created by a variety of things. Construction costs have increased 25% In the last 20 months, 22 months. I think it's 26.7% at this point. So if you if you take that increase on a seven or \$8 million project, that's a significant amount of money, right? And then you do the structural evaluation of the facility. And this is a facility keep in mind that the city didn't know it owned four years ago, okay, they realize they owned it. They had mental, some mental health services in it when they moved out. Council said okay, this is where we're going to put the African American Holistic Resource Center in an existing building, it was an existing building city. Nobody had evaluated it. Nobody had made a decision on anything council said this is where it goes. Okay. And so then, in Phase Two it got funded. We start to evaluate the building. We do a soils report or do a structural evaluation of the building. It comes back it fails the evaluation. It's essentially a teardown. And so with a combination of having to the increased cost difference between renovating a building and building a brand new is a dramatic increase and increase construction costs you now have a gap of on the existing building was 4000 square feet. And what initially was talked

about was 4000 square feet. But the African American Holistic Resources Center stakeholders and constituents want 6000 square feet and so they are pushing hard for a bigger building.

2:13:44

Brennan:

And that includes that includes the \$7 million plus which was originally budgeted

2:13:47

Scott:

7 million plus a \$1 million grant that we got from the federal government

2:13:51

was a \$10 million building or a \$16M building.

2:13:56

Scott:

Yep. So that is why the gap and so it wasn't necessarily that staff didn't estimate it correctly. We hadn't evaluated the building before there was designated a site for the center and we, and the constituents are pushing for a bigger space.

Gordon:

I mean, well, it's going in the end, it's going to come down to do a lot of small things to make up for a big thing. But that's a difficult decision. Council already said they want to do that but are they willing to get rid of all these kill all these smaller projects?

2:14:46

Scott:

Yeah, there's somebody's going to have to make this decision.

Gordon:

Council is going have to make a decision. Have they spent the federal money starting this federal grant that wasn't for the African American.

2:15:00

Scott:

No it hasn't even come through yet. So we don't have the money. Yeah, we have an earmark of a million dollars for the African American Holistic Resource Center. Getting the earmark was applying for a grant though and we have a \$750,000 earmark for the Martin Luther King Youth Services Center, which was commonly referred to as YAP, my staff call it YAP, it's an young adult program. And so we have two grants that are coming in from the federal government. One came in federal budget 22 and one and 23. Believe it or not, the contract for the MLK project came through today. It popped out of HUD before the contract for the African American Holistic Resource Center, which their staff can't find so we are still waiting on that contract so that we're, we you know, it's going be another year before we can spend that money.

2:16:04

Brennan:

You started all this on saying what's worrying this already in the neighborhood of? Yeah. That has something to do with like, for instance.

2:16:20

Scott:

The one that worries me is Cedar Rose. So general fund is both in the CIP So we have in Cedar Rose we have \$400,000 in our general fund. I worry about that. I also worry about them moving around T1 money. So they're free to move to the T1 money anywhere they want. Right? So they could take the Ohlone lightening and restroom. They could take that

that \$1.2 million and move it to another project. So the T1 they can move around pretty easily. So I worry about that project a lot because it's not. They're not huge projects or park projects. They're not city wide projects. I also worry about a couple of the projects of the waterfront. I worried about the Willard Clubhouse there's six or \$7 million from T1 the Willard clubhouse. In order to get that project happened when construction prices increase, we had to decrease the size of it dramatically. In order for the scope to work. That project is headed to ZAB next month and if they decide to take that money for instance it doesn't have any has very little matching funds with it then we're you know, probably won't get a Willard Clubhouse replacement

CK:

2:17:57

Scott this could be an action item right. Is there anything that you want us to do in terms of this a discussion action item. So

Scott:

2:18:10

You guys can take an action. You can participate in the process. The process is April, the budget committee hears it on April 20. We could talk about it at the next meeting and take an action there's time because it's probably not going to go to council until you know right with the budget at the end of June. With the budget committee makes a recommendation that the budget committee is April 20. So there'll probably be another four to five weeks, maybe six before it goes to council and I have a feeling that at that point. It's just going to go with the fiscal 24's budget. So when they authorize for schools 2014 budget they'll move everything around. And we'll have a 24 budget that reflects the amendment of all the capital projects.

2:19:04

Allan:

When it sounds like the issues are the council's decision to divert money from projects, right?

2:19:15

Scott:

They've either got to make that decision to purchase from existing projects to pay for other projects or they've got to take money out from they've got to allocate money from the reserve potentially could be something they could do. They could also there's also \$1.3 million, that was unallocated in November. That's potentially they could use.

2:19:42

Brennan:

You need a slightly more way to categorize them in some way rather than public serving and public facing. And one analysis by Susan when she was on the commission, there's a lot of like where money is being spent in equity in certain districts have historically got more money than someone has gotten less. Maybe there's a way of actually looking at this. I also wonder if there is way of looking a project is part or whole of a project and not know that this a hot button, like for instance, Civic Center Park. Right. I mentioned this publicly the other day that seems silly we are going to be spending money on something that we're now envisioning the entire park right now. So and, and maybe like, for instance, Aquatic Park, but I'm trying to get another example here, where there's, well I use Aquatic Park, the playground even though it was moved off for later funding. Is it just that with projects that are part of a bigger project?

2:21:10

Scott:

Yeah. Yeah, totally. It does. And so that that is really interesting. You essentially identified a lot of the criteria Brennan that we use for T1 projects. And how a council decided and how could the two Commission's this commission and Public Works Commission decided on all phase one and phase two T1 projects and we had a criterion seven criteria that we used you you've pretty much got four of those seven in their statement. And what we did when we took this T1 list back to council was we started reevaluating all these projects on that criteria and what we realized that they all scored high on that criteria, when they should because there were the 26 projects that we that the commissions has picked based on that sample criteria. So determining it was like trying to determine the difference between one child

and six, six feet and the other one is six feet and quarter inches, right? It wasn't it wasn't mean difference. And so we came to them with some new criteria. And they discarded our criteria and came up with these four elements where they say we want you to come back with these four elements.

2:22:31

Brennan:

Sorry, before I forget, the last thing I wanted to say is I wonder if there's the criteria of impact. And I'll use most of them that because of my kids were recently going there to play basketball on Saturdays is the Youth Services Center right is as a city facility. There's hundreds and 1000s of people using that facility and I'll pick on my own district. There is a playground there really was like it but like, are like 50 kids a week. So like this fluid district so I'm wondering if we can also like maybe find a way to find the highest impact for the expense.

2:23:22

Reichi:

I know the restrooms apparently are a hot button issue like I don't know a single resident that would use a Berkeley public restroom. Honest and so, you know, we're going spend a million dollars I mean, it's just again, it's impact or realize that as I look at this list, many of these things don't fit that criteria. I know. I know. They're on there for reasons that I would love to see more analysis

2:23:50

Scott:

So what we were going to do, Phase 2 of T1 council told commissions and staff that your priority is equity projects in South and West Berkeley and public restrooms. And so commissions took that information, but And so where we ended was, you know, \$7 million for Willard in South Berkeley, 7 million for the African American Holistic Resource Center in southwest Berkeley. 7 million for YAP, the MLK three, \$3 million for the South Berkeley senior center, and then money for nine restrooms in south and west Berkeley. And so, that was the bulk of T1 Phase 2, which was identified for those projects. So but that was also something that the commissions' were looking at when they identified where the money was going for T1 Phase 2. And so I don't disagree with you. I wouldn't use a public restroom in Berkeley either. I'm not trying to use a public restroom, anywhere unless I really have to go. But you know, there are a lot of people that use them and so it's amazing how many people are in and out of our restrooms in our parks.

2:25:25

Roger:

So talk to the store keepers, shopkeepers they're impacted because a lot of people asking you to use their restrooms and so on and so forth.

2:25:39

Kelly:

For restrooms are you using like those Portland Loo that are, people feel safer in, because like the feet show. It's not like going into a brick building.

2:25:50

Scott:

So that's a great question. Kelly okay, if I answer that question. So the restroom at going Telegraph/Channing in a Portland Loo, you know, they're one person units. And so that's going in at Telegraph/Channing that, generally that we'll talk about Ohlone anyway, but the community has overwhelmingly kind of picked a two person version of the Portland Loo. It's a different company name on it. And so that's the restrooms we are tending to do except when we're renovating existing ones like the K dock restroom which is already inside a building and the Harrison Park restroom which is already inside the building.

2:26:43

Kelly: Those feel a lot safer and better than just that cinderblock building.

2:26:52

Brennan:

I have to say I feel I felt like we weren't in the dark ages when I went to Austin recently. Every single public park has a beautiful immaculate restroom, it was shocking to me. But here we are in Berkeley

I highly recommend possibility to look at that

Allan:

Can the commission go to Austin to look at restrooms?

Scott:

2:27:23

Oh, well you know, it's really interesting. The California Parks and Recreation Society conference is coming up. It's in April but it's in San Diego this year. Next year it's in Sacramento. And I'd be willing to definitely you know, if you got two commissioners that want to go up to that conference, like your conference fee, and your travel, so that because they have the restroom companies come out of the woodwork on those conferences because they know everybody's buying public restrooms right now. And so there's a ton of public restrooms companies, they've all gotten new technology, and they're out of the woodwork right now. And so next year this time if you guys want to go we can talk about for you guys, too. Take a look at all the newfangled public restrooms

Allan:

I rather go to Austin. Can we go to SXSW?

CK:

2:28:20

Yeah that's for going oh yes, that's probably why they have a good restrooms. Perfect. Well as for going, I'm going suggest that actually we probably skip many of the remaining ones which is basically our work plan which we can deal with next time. If that's if people are open for that and I will entertain a motion to close it off.

Scott:

2:28:56

I just got one more announcement. 600 Addison, construction is going to start down there in the next three to four weeks. So they intended to start next week but because of the rain, they're going to push it back.

2:29:14

CK:

Construction of what they're constructing and already our project Okay,

2:29:18

Scott

So that construction of the street is going to start in the next three to four weeks down there. So that's the first thing and I did want to make the announcement that we talked about University Avenue. If you check the off agenda on the city website, University Avenue has the University, Spinnaker and Marina has won three huge statewide awards. It won the Northern California APWA. American Public Works Association best project of the year, all three classifications are zero to 5,000,005 or 25,000,020 5 Million and above that project one it won first place in five to 25 million and one project of the year. And has been nominated for a Federal Project of the Year Award by that same organization. And then, so we won two awards there. And then last week, the County Engineers Society of California CEAC, the Best Complete Streets Project of 2022. So it was a statewide award. So and then we want anybody

2:30:58

Anna:

Remember when we had a meeting the people said which roads do you want to see improved? I remember, just always go down to the waterfront. I remember asking to have that approved and I kept saying no we can't do that because how

its laid out about what the bottom is and all this other stuff. And I went away for about a year and came back and it was done. I was like Jesus

2:31:25

Scott:

We have five major kind of environmental issues and safety issues that are part of that project and made that project like totally stand out among any other project in the state. We're totally innovative and we can share with you the maybe next time we can share with you the PowerPoint that we presented at the APA conference, APWA conference. It was a Nelson Lam project and it was engineered by MCE and so it was, you know, it took a while a lot of permits on that project to because it was so close to the water. But the project was amazing

2:32:17

Anna:

it's such a pleasure to drive down and it used to be bumpy.

Gordon: It was the worst street for decades.

2:32:27

CK:

Congratulations to you and your staff.

2:32:36

Scott:

It was a huge announcement in public works circle. It's really a public works project. It's not a park project. But in public works award and we'll see if it wins any national awards. But we can we can send the PowerPoint that we gave to everyone.

2:33:04

Anna:

You guys planted the rotary right?

2:33:09

Gordon:

So is there any plans to extend the University to Seawall?

2:33:18

Scott:

Yeah, it's on our list.

2:33:20

CK:

I mean, maybe we won these awards. We can like go look at this. We're great. We just need to become greater

2:33:26

Scott:

Right. I'm trying to make sure Nelson doesn't get snagged by another city at this point. So that's my my main job, right now.

2:33:34

So we don't play it up, no Berkeleyside for now. Okay, well, can I entertain a motion to adjourn? Anna, moves, does anyone want to second? Yes, Gordon, second. Okay, great. All if favor say aye.

END OF MEETING 9:30 p.m.

Miller, Roger

From: Robert <robert@alamolighting.com>
Sent: Monday, March 20, 2023 3:00 PM
To: All Council; Endress, Alexandra; Miller, Roger; Gordon Wozniak; Claudia Kawczynska; Erin Diehm; Lam, Nelson
Cc: Commission; Parks, Recreation and Waterfront; Taplin, Terry; Kesarwani, Rashi; Robinson, Rigel
Subject: City Council Special Meeting Agenda, March 20, 2023: Berkeley Marina Future

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the Berkeley City Council,

Unable to attend the meeting today, addressing the future of the Berkeley Marina; would you please include this email in your considerations?

I appreciate thoughtful maintenance and improvements in the marina, but remain concerned regarding potential commercial development, out of character with our most precious and vanishing community resource—namely non-commercial open space and activities. Unfortunately, going back decades, past policymakers made the choice to transfer funds generated in the marina for other purposes outside the marina, plus charge costs to the marina, not imposed on other City parks. The result is the current unnecessary, self-imposed fiscal crunch at the marina, which in turn unfortunately drives plans for over-commercializing the marina. There are alternatives.

For example, some suggest approximately \$800,000/year in maintenance expenses for Cesar Chavez can fairly be moved out of the Marina Fund account and calculated instead in the parks budget; in addition, many believe you might allocate more parks tax to the marina park areas. The *Worksession* document for the March 20 meeting further notes on page 12 numerous alternative funding sources; I wish policymakers would put much more focus on developing these options, rather than pushing too many commercial ventures in the marina.

In a number of the focus groups, these alternatives funding sources were barely mentioned; instead, the choices were narrowly presented, to save the marina, as between this or that commercial venture. Citizens choosing among the narrow options offered does not result in the suggested consensus for the developments promoted.

One area of particular concern is the suggested *New Aquatic Center*, as an “enhancement” to the current operations of the Cal Sailing Club (CSC) and Cal Adventures. The *Worksession* document notes plans for a cafe, “so visitors can extend their visits to the Waterfront.” “While the focus would be on recreation,” the document continues, “**this type of opportunity could have some revenue-generating features, like a rentable community event space** (my emphasis).” This is quite disconcerting to read and truly makes me sad.

Such statements remind me of one of the workshops, when a consultant made similar suggestions so out of character with our beloved marina, that I asked if they had actually visited and spent time in the South Sailing Basin. Surprisingly, the answer was no. This explains a lot. The Cal Sailing Club, more than any other operation in the marina, already generates *visitors who extend their visits to the waterfront*, both in committed, active Club members and guests, visiting on a consistent, year-round basis, and also through events like our monthly free community open houses.

What is special about CSC is its non-profit, non-commercial character, a sacred space where members and guests can recreate, socialize and challenge themselves to achieve their best human potential, absent commercial ventures that increasingly absorb almost every waking minute of our lives. Please don’t try to change this.

Not only does CSC contribute to a thriving marina, by attracting and maintaining an ever increasing membership; many CSC members, who learned to sail at CSC also buy their own keelboats and become paying slip holders in the marina. Over decades, this includes numerous long-term tenants; I’ve maintained a list of such CSC clubmates, and very

Agenda Item 16. Communications - R. Ofsevit

conservatively calculated a recent annual contribution of over \$125,000 to the marina. Over numerous decades, this has likely added up to millions. Please don't push these out of character "enhancements" for this singular, non-profit cooperative—the *Beating Heart of the Berkeley Marina*.

Cal Sailing Club and our neighbor, Cal Adventures, together, operate some of the finest, most equitable sailing operations in the United States. The best thing you can do to continue our already thriving operations is to dredge the South Sailing Basin (SSB); currently we shut down on a basis due to low tide.

In addition, please don't dilute and detract from current fine SSB sailing organizations by proposing a boat rental company to an already crowded South Sailing Basin seascape.

Lastly, as acknowledged, the SSB parking lots already often fill up; adding various proposed commercial ventures will only make the parking problem worse. One consultant suggested that ample parking disincentivizes alternative transportation. This ignores the actual practical use of this space, that many CSC, and other community, members drive a fair distance with various gear. I wish proposers of such changes would spend a day down at the Club before making such pronouncements.

Please do what you can to sustain these sailing organizations, not commercialize or compete with them with new commercial ventures.

Thank you for your consideration,

Robert Ofsevit
Cruising Skipper
Cal Sailing Club

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is

To: Berkeley City Councilmembers
From: Paul Kamen
Re: Waterfront Specific Plan (formerly Berkeley Marina Area Specific Plan)

Dear Councilmember: I most likely will not be able to attend meetings this week, so please allow me to offer the requested feedback via this email note.

I am baffled by item 2 of the Request for Feedback on one particular aspect of the plan. For reference, here are the three items on which feedback is requested:

++++++quoted from meeting notice++++++

In order to draft the Specific Plan, the staff need feedback on the following questions:

- 1) Is the current Inner Harbor developed area appropriate for additional opportunities like food/beverage and hotel uses?
 - 2) Are the existing shoreline, parks, and natural areas appropriate for new and enhanced recreational amenities like an aquatic center, small craft launch, and an expanded Shorebird Park?
 - “3) What funding alternatives are possible given the limitations of Marina Fund revenues to cover Waterfront expenses?”
- ++++++end of quoted material++++++

On Item 2, the suggestion that the waterfront might benefit from an “Aquatic Center,” reflects a profound ignorance of both the current amenities and environmental limitations of the Berkeley Waterfront.

The Berkeley Marina currently supports a world class “Aquatic Center.” It consists of the Cal Sailing Club, Cal Adventures, the Berkeley Racing Canoe Center, and the Modern Sailing Academy. The Cal Sailing Club and the Canoe Center (dragon boat/outrigger club) offer spectacularly inexpensive on-the-water sailing and paddling opportunities on a large scale. (Cal Adventures is more expensive but still affordable, and Modern Sailing is big-boat oriented at market rates, but does a good job in its niche. Pegasus Project and Blue Water Network youth sailing programs are arguably also a part of this distributed Aquatic Center.)

The Berkeley Waterfront is an unusual venue for the “Aquatic Center” model. Our wave and wind conditions are very rigorous compared to, for example, Lake Merritt, where public boat rentals are viable. In contrast, **public access to boating in Berkeley requires considerable specialized infrastructure**, both physical and organizational. Safe boating in Berkeley requires training, certification of skill level, and local in-house rescue facilities.

Equally important, access by the public at **very low cost is only achieved by organizations run by volunteers.**

The only thing missing from Berkeley's "Aquatic Center" is a sign that says "Berkeley Aquatic Center." Our Aquatic Center is distributed throughout the marina. But it is unquestionably world class in terms of sailing conditions, low cost, public access, and scale.

Please don't suggest that it needs to be consolidated. This would likely mean paid staff, higher costs, and less redundancy of safety resources (Cal Sailing Club and Cal Adventures often assist each others' capsized sailboats). More fundamentally, a City-run facility would threaten the volunteer nature of our most valuable public-serving organizations.

There is also **a glaring omission in the suggested recreational amenities: Rebuilding the Berkeley Fishing Pier.** The fishing pier has a long history as a highly valued regional amenity, heavily used, enjoyed, and loved by everyone. The closure of the pier was a great loss, and re-opening or rebuilding should be one of our highest priorities. State funding is available, please don't divert State funds to other projects.

And please don't rely on WETA to rebuild the Fishing Pier as part of a ferry terminal. Their proposal will restrict access (not enough parking) and cost the City almost as much in land-side "improvements" (\$29M at last count) as rebuilding the pier as a separate project. And more to the point, WETA only suggests a 500 ft extension to their terminal, not paid for by WETA. It would be **a very poor substitute for the half-mile length of the old Fishing Pier.**

Thank you for taking my comments into consideration.

Paul Kamen, Naval Architect, P.E.
Former Chair (6 terms) Berkeley Waterfront Commission
1224 Campus Drive, Berkeley, California 94708
pk@well.com 510-540-7968 510-219-8106 (cell)

Bay Area Kayak Polo Club

Application for Berth Fee Waiver

by Bay Area Kayak Polo Club (BAKPC)

To Whom It May Concern,

We the Bay Area Kayak Polo Club (BAKPC), would like to request a berth fee waiver in return to providing community service at the Berkeley Marina. Please find below the required information for the application of a berth fee waiver, as required by City Council Resolution 66,544 – N.S.

Please do not hesitate to ask questions should you have any.

Thank you for your time and consideration.

Truly,

Sam Reifsnyder, BAKPC Member and Coach

Peter Hargreaves, BAKPC Member and Coach

Alexander Izmailov, BAKPC Member and Coach

Applicant Information

Mission Statement

Our BAKPC association is committed to promote the sport of kayak polo here in the Bay Area. Being the only kayak discipline that incorporates teamwork, ball skills and strategy, kayak polo provides a unique way for people to get out and active while fostering a sense of community and appreciation for the beautiful waterfront environment the Bay Area has to offer. Our commitment is especially directed towards those who do not otherwise have access to watersports in the Bay or might not have the financial means to pursue such passion, including youth and under-represented communities.

Cultural and Ethnic Diversity Statement

The BAKCP organization prioritizes among all other goals the inclusion of any member, regardless their nationality, religious affiliation, sexual preferences, gender identification and political opinions.

Members will not under any circumstances discriminate or harass other members on the basis of race, ethnicity, color, national origin, religion, sex, gender identity, political opinion, pregnancy, disability, age, medical condition (cancer-related), ancestry, marital status, citizenship, sexual orientation, or status as a Vietnam-era veteran or special disabled veteran.

Members who display attitude or behavior which go against the above mentioned BAKPC's stated philosophy of inclusion, will be unconditionally lifted from their membership.

A) Name and Address of Organization

Bay Area Kayak Polo Club (BAKPC)

5364 Boyd Avenue

Oakland, CA, 94618 – 0000

Website: <https://www.bayareakayakpolo.com/>

B) Name, address, and telephone number of person responsible for business affairs of the group

Samuel Reifsnyder

2890 Treat Blvd, Unit 44

Concord, CA, 94518

(949) 372-9945

samreif@mac.com

C) Type of Organization

The Bay Area Kayak Polo Club is a non-profit IRS 501(c)(3) educational and charitable organization committed to promoting the sport of kayak polo in the Bay Area and across the state of California.

EIN: 21-5731455

D) Number of members in organization

There are approximately 60 members of the Bay Area Kayak Polo Club. Our youth program comprises 25-30 members, depending on seasonal participation.

E) Level of participation of members

Our club has been a regular presence at the Berkeley marina since 2013. Most of our members consistently meet every Sunday morning at the Berkeley Marina between 10am and 2pm. Our more trained members will also train multiple times during the months preceding competitions. Our club fosters both recreational and competitive members. We also, provide seasonal training camps for beginners and our youth members. These typically take place during the weekends at the San Leandro High School pool and last for 6 weeks each season (total of 24 weeks).

Most of our members regularly volunteer their time to support our club and its initiatives. A few examples are the following:

- Coaching during our beginners and youth training camps
- Maintenance, repair and procurement of kayak polo boats and equipment (paddles, personal flotation devices, polo balls, polo net, etc.)
- Outreach events and initiatives

We take pride in having several of our top athletes be part of the USA Kayak Polo National Team. This past year we have had a total of 7 athletes partake in the 2022 World Games held in Alabama and in the 2022 Kayak Polo World Championships held in France, more than any other club in the country! Each of our more experienced athletes and members can boast more than 20 years of experience in the sport including other paddling disciplines.

F) Age-level of members of organization and/or participants

The age distribution of our members spans across a wide range. Our Youth Program currently held in the San Leandro Highschool Pool is quite successful, with over 25 kids ranging in ages between 9 to 17. Our more experienced members range from 16 to 65 years old.

G) Contribution to the community including hours of service (if applicable) and activities

During the 2022 calendar year our members volunteered over 200 hours towards community services for our seasonal youth training camps at the San Leandro High School Pool. Typically, between 20-30 kids and teens will participate at our training camps.

An additional 200 hours have been volunteered to help organize and host youth and senior tournaments such as our yearly Cup of the West Tournament, which attracts adult and youth teams from both the US and Canada. Last year our tournament attracted 12 teams of which 6 were youth. Each team averages 7 players.

The skills that we teach during our training camps do not stop at kayak polo but also carry onto other kayaking disciplines such as sea kayaking, whitewater, slalom, etc., which are also very popular in the Bay Area.

Below is an estimate of the value of our community service compared to value of berths.

Service	Quantity	Value per Unit Quantity	Value of Service	Ratio of Community Service
Youth Training Camps, and Youth Tournaments (hours)	400	\$ 50.00	\$ 20,000.00	4.2
Bay Area Kayak Polo Club (berth feet per year)	40	\$ 120.00	\$ 4,800.00	

H) Reason and justification for request

To achieve our mission of promoting our sport of kayak polo here in the Bay Area we are asking for the permission to obtain a berth fee waiver for kayak and equipment storage. Since a few dockage areas in shallower water are currently empty we would like to propose the Berkeley Waterfront Commission with a win-win opportunity that would put to good use the currently underutilized docks for outreach and recreational water activities provided by our club.

We envision placing a roughly 25'x40' floating dock on the West side of the N dock for storing kayaks and gear, and for easy access to the water (see Figure 1). This storage dock would be mostly funded via our clubs' finances and crowd funding initiatives. As such, the City of Berkeley would not need to incur in significant overhead costs (limited mainly to the allocation of the proposed area).

This would greatly expand our ability for a more robust outreach, while creating a beneficial public service in our community. We realize that for people from under-served communities it can be challenging to haul their kayaks to the marina or for some to even buy a relatively expensive kayak and paddling equipment. By providing a small hub where club kayaks and gear are provided and can be stored for club members, we believe we can bring down these obstacles and reach out more effectively to a wider group of our under-served community.



Figure 1. Aerial view of the location for the proposed berth site on the West side of the N dock.

I) Time period/duration for use of Marina (indefinite or specified period)

A berth fee waiver is requested for the 2023 calendar year.

J) Copy of bylaws (if any)

Please See Appendix A.

K) List of completed and planned community projects

The following are the planned community projects for the year 2023:

- Youth Winter Session 2023 (100 volunteered hours)
Our members will be volunteering to train our youth winter session.
- Cup of the West 2023 – April 8th-9th, 20223 (200 hours)
Our members will be volunteering in providing logistical support for the organization of this event. Free tryouts will be available to the public.
- Spring Youth Session 2023 (200 hours)
Our members will be volunteering to train our youth Spring session.

- Summer Youth Session 2023 (200 hours)
Our members will be volunteering in training our youth Summer session.
- Fall Youth Session 2023 (200 hours)
Our members will be volunteering in training our youth Summer session.

Total hours: 900 hours.

Estimated value: \$45,000

L) Financial statement

Please see Appendix B.

Appendix A – BAKPC Bylaws

Drafted: 11/6/2018

ARTICLE I. NAME OF ORGANIZATION

The name of the organization is “Bay Area Kayak Polo Club”, also referred to as “Bay Area Kayak Polo”.

ARTICLE II. ORGANIZATION PURPOSE

Section 1. Nonprofit Purpose

This corporation is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Section 2. Specific Purpose

Bay Area Kayak Polo Club (BAKPC) provides opportunities for beginning kayakers of all ages to learn kayak polo. This includes but is not limited to:

- youth and adult classes
- pool sessions
- gear purchase and maintenance
- scholarships for travel and tournament entry

It also provides an organization structure for intermediate and advanced athletes to practice and compete. BAKPC occasionally hosts local tournaments and periodically hosts the Kayak Polo National Championships.

Section 3. Cultural and Ethnic Diversity Statement

The BAKCP organization prioritizes among all other goals, the inclusion of any member, regardless their nationality, religious affiliation, sexual preferences, gender identification and political opinions.

Members will not under any circumstances discriminate other members on the basis of race, ethnicity, color, national origin, religion, sex, gender identity, political opinion, pregnancy, disability, age, medical condition (cancer-related), ancestry, marital status, citizenship, sexual orientation, or status as a Vietnam-era veteran or special disabled veteran.

Members who display attitude or behavior which go against the above mentioned BAKPC’s stated philosophy of inclusion, will be unconditionally lifted from their membership.

ARTICLE III. MEMBERSHIP

Section 1. Membership Eligibility

Application for voting membership shall be open to any current resident of the Bay Area. Membership is granted after completion and receipt of a membership application and annual dues.

Section 2. Annual Dues

The amount required for annual dues shall be \$50 each year, unless changed by a majority vote of the members at an annual meeting of the full membership. Continued membership is contingent upon being up-to-date on membership dues. Annual dues will be collected by the treasurer by January 1st of each year. A membership card will be issued and a list of members who are current on their dues will be also kept by the treasurer. Dues will go towards goal repair, maintenance and purchase of club gear, and club fees such as club ACA membership and Meetup.com fees.

Section 3. Rights of Members

Each member shall be eligible to cast a vote in association elections.

Section 4. Resignation and Termination

Any member may resign by filing a written resignation with the secretary. Resignation shall not relieve a member of unpaid dues, or other charges previously accrued. A member can have their membership terminated by a majority vote of the membership.

ARTICLE IV. BOARD OF DIRECTORS

Section 1. General Powers

The affairs of the Corporation shall be managed by its Board of Directors. The Board of Directors shall have control of and be responsible for the management of the affairs and property of the Corporation.

Section 2. Number, Tenure, Requirements, and Qualifications

The number of Directors shall be fixed from time-to-time by the Directors but shall consist of no less than two (2) nor more than five (5) including the following officers: the President, the Secretary, and the Treasurer.

Section 3. Quorum

The presence of an in person majority of current members of the Board of Directors shall be necessary at any meeting to constitute a quorum to transact business, but a lesser number shall have power to adjourn to a specified later date without notice. The act of a majority of the members of the Board of Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these by-laws.

ARTICLE VI. OFFICERS

The officers of this Board shall be the President, Vice-President, Secretary and Treasurer. All officers must have the status of active members of the Board.

Section 1. President

The President shall preside at all meetings of the membership. The President shall have the following duties:

- a. He/She shall preside at all meetings of the Executive Committee.
- b. He/She shall have general and active management of the business of this Advisory Board.
- c. He/She shall see that all orders and resolutions of the Advisory Board are brought to the Advisory Board.
- d. He/She shall have general superintendence and direction of all other officers of this corporation and see that their duties are properly performed.
- e. He/She shall submit a report of the operations of the program for the fiscal year to the Advisory Board and members at their annual meetings, and from time to time, shall report to the Board all matters that may affect this program.
- f. He/She shall be an Ex-officio member of all standing committees and shall have the power and duties usually vested in the office of the President.

Section 2. Secretary

The Secretary shall attend all meetings of the Board, and all meetings of members, and assisted by a staff member, will act as a clerk thereof. The Secretary's duties shall consist of:

1. He/She shall record all votes and minutes of all proceedings in a book to be kept for that purpose. He/She in concert with the President shall make the arrangements for all meetings of the Advisory Board, including the annual meeting of the organization.
2. Assisted by a staff member, he/she shall send notices of all meetings to the members of the Advisory Board and shall take reservations for the meetings.

Section 3. Treasurer

The Treasures duties shall be:

1. He/She shall submit for the Finance and Fund Development Committee approval of all expenditures of funds raised by the Board, proposed capital expenditures (equipment and furniture) , by the staff of the agency.
2. He/She shall present a complete and accurate report of the finances raised by this Board and at each meeting of the members, or at any other time upon request to the Board.
3. He/She shall have the right of inspection of the funds resting with the Bay Area Kayak Polo Club including budgets and subsequent audit reports.
4. It shall be the duty of the Treasurer to assist in direct audits of the funds of the program according to funding source guidelines and generally accepted accounting principles.

Section 5. Election of Officers

Any member may nominate themselves or another member for a position on the Board. The election shall be held at the annual meeting of the Advisory Board. Those officers elected shall serve a term of two (2) years, commencing at the next meeting following the annual meeting.

Section 6. Removal of Officer

The Advisory Board with the concurrence of 3/4 of the members voting at the meeting may remove any officer of the Board of Directors and elect a successor for the unexpired term. No officer of the Board of Directors shall be expelled without an opportunity to be heard and notice of such motion of expulsion shall be given to the member in writing twenty (20) days prior to the meeting at which motion shall be presented, setting forth the reasons of the Board for such expulsion.

Section 7. Vacancies

The Nominating Committee shall also be responsible for nominating persons to fill vacancies which occur between annual meetings, including those of officers. Nominations shall be sent in writing to members of the Advisory Board at least two (2) weeks prior to the next meeting at which the election will be held. The persons so elected shall hold membership or office for the unexpired term in respect of which such vacancy occurred.

ARTICLE VII. INDEMNIFICATION

Section 1. General

To the full extent authorized under the laws of the California, the corporation shall indemnify any director, officer, employee, or agent, or former member, director, officer, employee, or agent of the corporation, or any person who may have served at the corporation's request as a director or officer of another corporation (each of the foregoing members, directors, officers, employees, agents, and persons is referred to in this Article individually as an "indemnitee"), against expenses actually and necessarily incurred by such indemnitee in connection with the defense of any action, suit, or proceeding in which that indemnitee is made a party by reason of being or having been such member, director, officer, employee, or agent, except in relation to matters as to which that indemnitee shall have been adjudged in such action, suit, or proceeding to be liable for negligence or misconduct in the performance of a duty. The foregoing indemnification shall not be deemed exclusive of any other rights to which an indemnitee may be entitled under any bylaw, agreement, resolution of the Board of Directors, or otherwise.

Section 2. Expenses

Expenses (including reasonable attorneys' fees) incurred in defending a civil or criminal action, suit, or proceeding may be paid by the corporation in advance of the final disposition of such action, suit, or proceeding, if authorized by the Board of Directors, upon receipt of an undertaking by or on behalf of the indemnitee to repay such amount if it shall ultimately be determined that such indemnitee is not entitled to be indemnified hereunder.

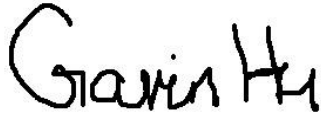
Section 3. Insurance

The corporation may purchase and maintain insurance on behalf of any person who is or was a member, director, officer, employee, or agent against any liability asserted against such person and incurred by such person in any such capacity or arising out of such person's status as such, whether or not the corporation would have the power or obligation to indemnify such person against such liability under this Article.

In attendance:

Peter Hargreaves

President

A handwritten signature in black ink that reads "Gavin Hu". The letters are cursive and somewhat stylized.

Gavin Hu

Secretary

A handwritten signature in black ink that reads "Kenneth Andrew Irvine". The signature is highly stylized and cursive.

Kenneth Andrew Irvine

Treasurer

Appendix B – Financial Statement

2022 Bay Area Kayak Polo Budget

Revenue	Date	
GoFundMe fundraiser	9/8	\$2,589.69
Pool fees collected from participants	3/28	\$3,275.00
Cup of the West Registration fees	4/12	\$3,013.00
Revenue Subtotal		\$8,877.69

Expenses		
New nets for Berkeley goals	10/17	\$158.90
Purchased used polo boat for youth program (Lettmann Strike)	7/18	\$1,356.00
Three replacement facemasks for club helmets	7/5	\$96.00
Shoreline Venue Rental Fee for Cup of the West	4/12	\$1,700.00
Pool Rental for youth sessions	4/1	\$1,672.08
Banner printed for Cup of the West Tournament	4/1	\$142.08
PVC for goal repair	3/31	\$368.68
ACA club membership renewal	1/24	\$145.00
Tax filing fees	1/6	\$80.00
Stickers and Medals for Cup of the West	3/30	\$95.62
Expenses Subtotal		\$5,814.36

Miller, Roger

From: James McGrath <macmcgrath@comcast.net>
Sent: Monday, March 6, 2023 2:40 PM
To: Miller, Roger
Cc: Claudia Kawczynska
Subject: Public Records for ferry and BMASP studies

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please provide this e-mail to members of the Parks, Recreation, and Waterfront Commission for their meeting on March 8, 2023. The city has not discharged its responsibilities under either the Brown Act or the Public Records Act.

I want to bring to your attention the city's refusal to comply with the requirements of the Public Records Act. The city has refused to provide the background materials for the WETA ferry study and the BMASP in a timely manner. I began asking for these records under the PRA with a letter to the City attorney on December 27, 2022. In that letter I identified "all correspondence between the Coastal Conservancy staff and the City staff" regarding AB 179. I identified the documents that were referenced in the December 7, 2021 report on the large scale ferry study. I also identified, but rather generally, the consultant products for the BMASP. After receiving the contracts for the BMASP and the ferry studies, which identified the specific studies that were paid for by those contracts, I repeated my PRA's, specifically naming those documents.

To date, I have received no responses that provided either the information that I requested, or a rationale for withholding it. The PRA requires a response within ten days. More than two months have passed since my initial response. The latest city response is laughable. On March 1, I received an e-mail with this message:

Thank you for your email. The City has determined that additional records are disclosable. **The individual with this information is currently out of the country.** When they return the City will provide you with the responsive records. Have a great day.

That was the second time I had received exactly the same message. It appears that the City has a macro which allows them to not respond to PRA's in a timely manner, or perhaps at all. Maybe many city staff are out of the country, or will be, or will be claimed to be.

This lack of responsiveness is outrageous. The legislature has made it clear that the public has a right to public records, both in the Public Records Act and in the Brown Act. The policy in the Brown Act is directly on point, and a rebuke to the City's approach. Section 54950 of the Brown Act states that policy very clearly:

The people, in delegating authority, **do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.** The people insist on remaining informed so that they may retain control over the instruments they have created

Section 6250 of the Public Records Act establishes a fundamental right to that information:

In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to **information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.**

There is, of course, recourse to secrecy established under the Brown Act. Private citizens are authorized to force compliance by court action, and can recover their legal expenses if they prevail.

Jim McGrath

WARNING: This is not a city of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

----- Forwarded message -----

From: Susan Schwartz <susanschwa1236@gmail.com>

Date: Mon, Mar 6, 2023 at 9:07 AM

Subject: New community leadership for Aquatic Park?

To: <rmiller@cityofberkeley.info>

Cc: <sferris@cityofberkeley.info>, <lgarland@cityofberkeley.info>, <ttaplin@cityofberkeley.info>, <fjavandel@cityofberkeley.info>

March 6, 2023

To: Berkeley Parks, Recreation, and Waterfront Commission, for Mar. 8 meeting

From: Susan Schwartz, 1236 Oxford St., Berkeley

The February mass die-off of leopard sharks and rays in Berkeley's Aquatic Park was a powerful reminder of the complexities of managing these human-created lagoons -- shallow, with limited circulation, and subject to sudden and unpredictable insults from large flows of freshwater runoff, laden with unknown pollutants from the city that rings the park. These challenges will only increase with climate change and sea-level rise.

This incident may have a silver lining – awakening cooperative leadership for this beloved and heavily used urban open space. A loosely organized new "Friends of Aquatic Park" seems to be taking shape, with a Google group collecting information and exchanging ideas, and several beginning initiatives. For example:

- David McGuire, head of the international advocacy group Shark Stewards, is providing expertise and, working with UC Berkeley students, plans monitoring as well as information sharing at the upcoming Bay Festival .
- Cassandra Turgman has launched a Nextdoor group doing regular trash pickups.
- Toni Mester is sharing her many years of knowledge and experience, and working with the Northern Alameda County Sierra Club.
- Elaine Baden, head of the Berkeley Paddling and Rowing Club, is another fountain of knowledge. She is gathering information, sharing, and promising assistance from those who see the park from the water.
- Friends of Five Creeks is continuing and expanding the citizen science observations that last year documented, for example, the first known successful nesting of black-necked stilts (in two locations), and the apparent die-off of native oysters (perhaps due to increased tidal rise and fall due to cleaning the tide tubes).

Agenda Item 16. Communications - S. Schwartz

I hope that this group can develop community leadership to work with the city to improve conditions hands-on, provide information needed for effective stewardship, and offer the breadth and balance needed to develop effective, and cost-effective, maintenance, improvement plans, and funding for this many-faceted and vital resource.

I hope that folks interested in offering time or resources to developing stewardship for Aquatic Park -- or those working on the park independently now -- will ask to join the Google Group Friends_of_Aquatic_Park or, just for now, email susanschwa1236@gmail.com for information. (I am not an official spokesperson or point of contact. This group is not yet formally organized. We don't claim to have answers and welcome ideas. Please bear with us and contribute.)

Susan Schwartz (as an individual)

Cc: Scott Ferris, Liam Garland, Terry Taplin, Berkeley Transportation and Infrastructure Commission

Susan Schwartz
1236 Oxford St., Berkeley, 94709



Berkeley won an award for the renovation of the “worst streets in town,” which connect to the popular Berkeley Marina.

April 1, 2023 | Local Works | By Brian Lee-Mounger Hendershot

Berkeley and Monterey’s awarding-winning infrastructure projects reduce greenhouse gas emissions

<https://www.westerncity.com/article/berkeley-and-monterey-s-award-winning-infrastructure-projects-reduce-greenhouse-gas>

Brian Lee-Mounger Hendershot is the managing editor for Western City magazine; he can be reached at bhendershot@calcities.org.

#LocalWorks

Two innovative infrastructure projects from the cities of **Berkeley** and **Monterey** received top honors at the 2023 Outstanding Local Streets and Roads Project Awards. Berkeley won an award for the renovation of the “worst streets in town.” The award program recognized Monterey for its citywide adaptive traffic control system. Both projects resulted in a noticeable reduction in greenhouse gas emissions.

Berkeley performs ‘open-heart surgery’ on ‘the worst roads in town’

Until recently, the city of Berkeley (pop. 124,321) was struggling with a battered street network that had a pavement condition index (PCI) score of 28. This was not just any stretch of streets. It is the sole connection to a group of hotels, restaurants, and recreational amenities on the Berkeley Marina that attract up to 300,000 visitors per year.

The PCI is divided into seven classes — with 0-10 categorized as failing. However, in practice, anything below 40 is considered near impassable.

“We basically had to do the work in different phases while keeping traffic going,” Supervising Civil Engineer Nelson Lam said. “It’s almost kinda like doing open heart surgery on a patient while keeping the patient alive.”



Berkeley moved travel lanes off the old pier extension and turned the former roadway into a green space as part of its Marina streets project.

There were multiple attempts to repair the streets in the past. All of them failed due to what was under the road: a filled-in pier extension. No matter what the city did, the roadway kept shifting and sinking in between the pier caps, creating a series of unpleasant bumps. The roads were also at different heights, which resulted in chronic drainage problems.

Residents signaled their strong support for the reconstruction by approving a related bond measure. A major marina business provided 35% of the funding, with the remaining funding coming from [SB 1 \(Beall, 2017\)](#) and the county.

“Our businesses [and residents] at the marina have just been big champions of the idea that we’re going to improve things for them,” said Dee Williams-Ridley, the Berkeley deputy city

<https://www.westerncity.com/article/berkeley-and-monterey-awarding-winning-infrastructure-projects-reduce-greenhouse-gas>

manager. “The mayor and city council are also big champions of this project.”

In the end, the city did more than smooth the road. It moved the travel lanes off the old pier extension and turned the former roadway into a green space.

Moving an old road is as complicated as it sounds. Decades-old utilities are rarely where they are supposed to be, so service interruptions are an unavoidable challenge. The city also had to coordinate with two other municipalities, the East Bay Regional Park District and the California Department of Transportation, to finish the project. Both agencies had their own projects going on at the same time. The Berkeley Marina streets project had to be approved by the Bay Conservation Development Commission as well.

The new roads have several new features, including a roundabout that is identical to nearby, soon-to-be-completed roundabouts by Caltrans. Roundabouts require less maintenance than traditional intersections, reduce greenhouse gas emissions, and improve safety for both drivers and pedestrians. Then there is the road itself, which was created with asphalt from the old roadway and has a permeable surface that allows stormwater to be treated before it flows into the ocean.



Roundabouts require less maintenance than traditional intersections, reduce greenhouse gas emissions, and improve safety for both drivers and pedestrians.

“Traditionally, you’ll see this type of installation in a handful of parking lots throughout the state,” said Scott Ferris, the director of the city’s Parks, Recreation & Waterfront Department. “We’re not absolutely sure, but this may be one of the first types of streets in California that has this type of storm drain installation.”

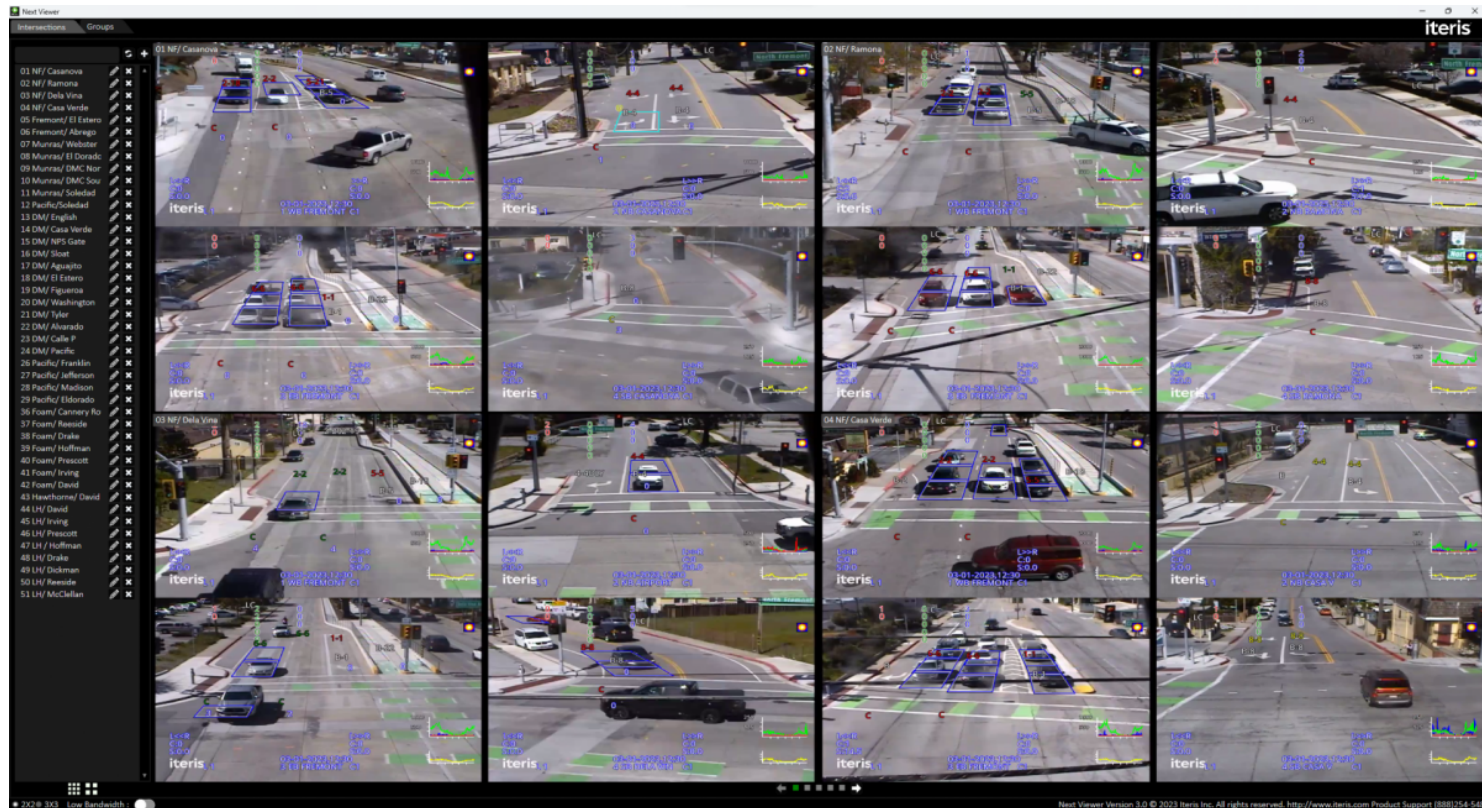
The improved network has several other notable elements, such as bioswales and bioretention basins with native pollinator plantings and access to other transportation options. Three of the network’s streets were improved, which now have a PCI score of 74. This puts it above the *statewide average* for local streets and roads.

The network is part of a larger, ongoing \$45 million investment in the city’s waterfront. “This project is the spine that’s going to allow all those other projects to happen,” Ferris said.

Agenda Item 16. Communications - S. Ferris

“Nelson has another eight to ten projects in the waterfront that he is working on [and] all of them will feed into this project in some shape or form.”

The project also received top marks from the Northern California Chapter of the American Public Works Association, which awarded it the Best Project of the Year and Best Project Between \$5 and \$25 million awards for 2022.



Monterey's adaptive traffic system adjusts individual signals to move groups of vehicles through a corridor with few or no stops.

Monterey keeps traffic flowing and reduces emissions

The city of Monterey’s population (30,218) can swell to a service population of well over 100,000 on any given day — especially during a warm inland summer. Unsurprisingly, Monterey traffic can become unpredictable and frustratingly slow.

Like many cities, Monterey once relied on traditional time-of-day plans to coordinate its traffic signals. However, these plans are best guesses that become less reliable over time. Moreover, these plans cannot predict things like a global pandemic that completely changes how people

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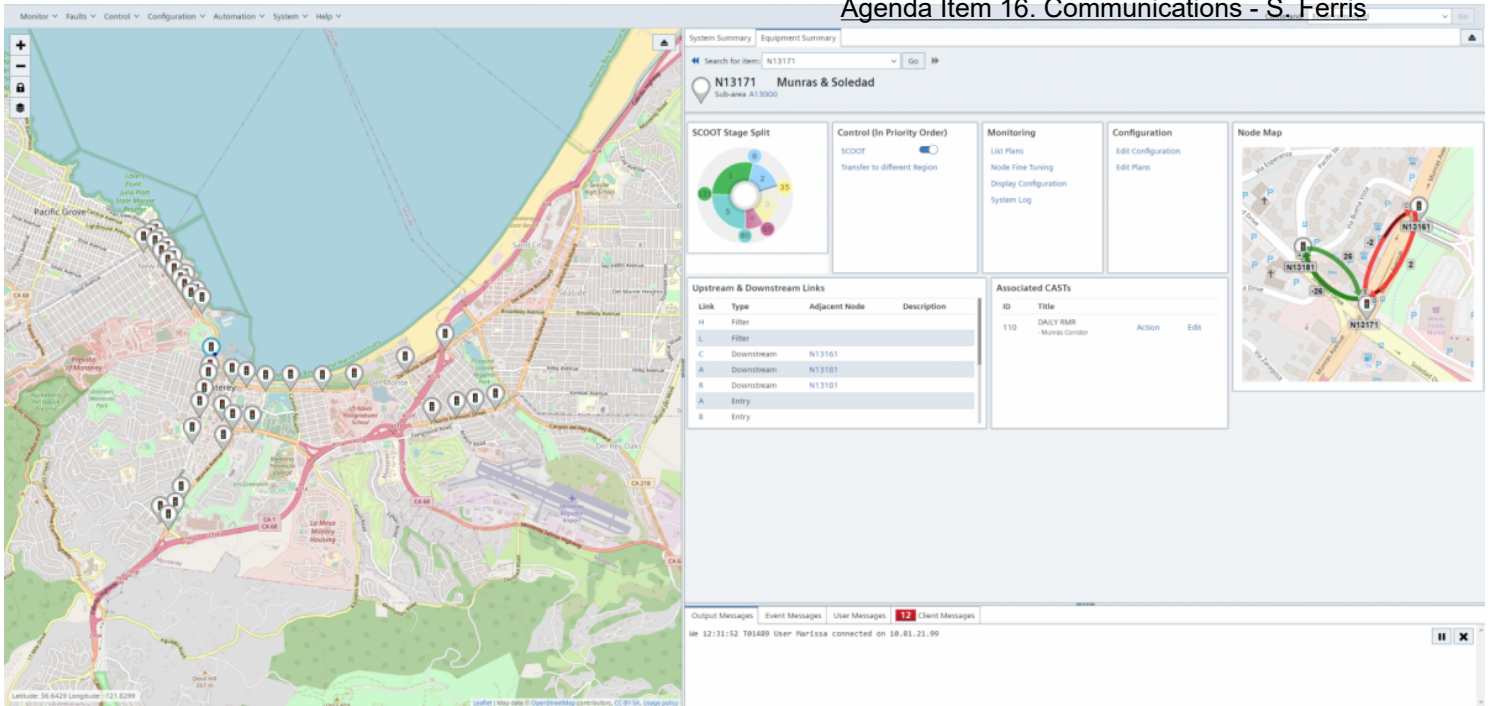
drive. When these plans fail, complaints and greenhouse gas emissions go up and safety is degraded.

After years of research, the city found a solution: an adaptive traffic system called SCOOT. Each linked SCOOT traffic signal communicates traffic volumes and queues to a central server, which then adjusts individual signals to move groups of vehicles through a corridor with few or no stops. The system also uses historical data to predict traffic and staff can create different plans to help the system better respond to seasonal traffic patterns.

The system has been implemented on 41 of the city's 56 arterial roads. When the project is completed, the system will control 51 traffic signals — an unusually high amount for a city of Monterey's size.

“The remaining few signals are outliers,” said Marissa Garcia, the city's engineering assistant. “They are not on the main corridors, so they don't necessarily make sense to put on an adaptive system. The power with an adaptive system is really with the connectivity and corridor. It works best when it's working in conjunction with others.”

The system is not completely automatic. Staff still need to make adjustments when traffic becomes extremely unruly. “It's not magic. It does not make cars disappear,” Monterey Public Works Director Andrea Renny said. “When you have saturated flow, you still have congestion. But what SCOOT does really well is delay the onset of congestion and it also recovers more quickly from congestion.”



A screenshot of the web-based portal the city of Monterey uses for its adaptive traffic signal system.

Still, the statistics are impressive. SCOOT has reduced the average travel time by 16%, delays by 30%, and stops by 40%. Since the system dramatically decreases idling and the resulting acceleration, vehicles burn less fuel and expel fewer pollutants and particulate matter. When fully implemented, the system will reduce criteria pollutants by 20 tons per year.

The system also proved its worth early in the COVID-19 pandemic. “If we had traditional time of day plans that assumed that our largest corridors were just going to carry the most traffic and take the most time, people on side streets would have a lot of unnecessary delays because our travel patterns just changed completely,” Renny said. “The peak times were different. The demands were very different than we normally see.”

The new system is part of a larger effort to make traveling through Monterey as pleasant as dipping your toes in the Pacific Ocean on a hot summer day. The city also has a robust transportation demand management program and is focused on building out a biking network that is safe and comfortable for people of all ages and skill levels.

Monterey’s adaptive traffic control system was also given the Clean Air Leader award for Technology by the Monterey Bay Air Resources District. The system is funded through the

city's Neighborhood Community Improvement Program, Monterey Bay Air Resources District and Regional Surface Transportation Program grants, and a special transportation tax measure.



City and county public works officials accepted their 2023 Outstanding Local Streets and Roads Project Awards at the Cal Cities and CEAC Public Works Officers Institute in Universal City.

Other winners and honorable mentions

Monterey and Berkeley were not the only winners this year. **Stanislaus County** received an award for its work on the new **Tuolumne River Bridge**. The vital connection between the city of Waterford and the community of Hickman was “scour critical and seismically deficient” before the new bridge. The project also included improvements to the adjacent Waterford River Park and River Park Trail and environmental mitigation efforts, such as homes for an estimated 6,000 bats.

Fresno County was recognized for its 14.5-mile sustainable pavement rehabilitation and **Tehama County** received an award for a bridge replacement project that runs over the Sacramento River. Honorable mentions include the cities of Montebello, San Jose, Manhattan

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Beach, Salinas, Santa Clarita, and Stockton; Orange County, and the San Diego Association of Governments.

The Outstanding Local Streets and Roads Project Awards are sponsored by the League of California Cities, County Engineers Association of California, and California State Association of Counties. Visit [Save California Streets](#) to view all the award-winning projects.