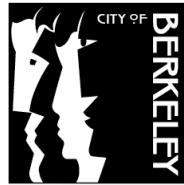


AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, November 17, 2020

6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/87576755752>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 875 7675 5752. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

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

Preliminary Matters

Roll Call:

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

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

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

Consent Calendar

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

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

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

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

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

Consent Calendar

1. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Cause by a Novel (New) Coronavirus (COVID-19)

From: City Manager

Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020 and September 22, 2020.

Financial Implications: See report

Contact: Farimah Brown, City Attorney, (510) 981-6950

2. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the council meetings of October 1, 2020 (closed), October 6, 2020 (closed), October 8, 2020 (closed), October 13, 2020 (special and regular), October 20, 2020 (closed and special), and October 27, 2020 (closed and regular).

Financial Implications: None

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

3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 17, 2020

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: Various Funds - \$7,429,349

Contact: Henry Oyekanmi, Finance, (510) 981-7300

4. Revenue Contract: The Center at Sierra Health Foundation for \$100,000 for Information Technology Equipment, Telehealth Licenses, and Personal Protective Equipment

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to apply for funding provided by The California Department of Health Care Services through the Behavioral Health Telehealth Request for Applications and accept the funding and execute any resultant revenue agreements and amendments to purchase Information Technology equipment, Telehealth licenses, and Personal Protective Equipment up to \$100,000 total in fiscal year 2021 and fiscal year 2022.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

- 5. Contract No. 32100021 Amendment: Telfords for Tyler Munis ERP System (locally referred to as ERMA) Implementation Support**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100021 with Telfords, for Consulting Services for Tyler Munis ERP system project management and implementation support services and to increase the contract amount by \$50,000 for a total not to exceed \$100,000 and to extend the contract through June 30, 2021.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
- 6. Refer to the Planning Commission to Amend the General Plan Land Use Classification and Rezone Parcels Located at 1709 Alcatraz Street, 3404 King Street, 3244 Ellis Street, 1717 Alcatraz Avenue and 2024 Ashby Avenue**
From: City Manager
Recommendation: Refer to the Planning Commission consideration that the parcels located at 1709 Alcatraz Street (APN 052-1533-001-03), 3404 King Street (APN 052-1435-001-02), 3244 Ellis Street (APN 052-1533-005-00), 1717 Alcatraz Avenue (APN 052-1533-005-00) and 2024 Ashby Avenue (APN 053-1592-022-00) be reclassified to the new Adeline Corridor Mixed Use General Plan Land Use Classification; and consideration that the same areas be rezoned to the new Commercial – Adeline Corridor District.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 7. Contract No. 103266-1 Amendment: Karste Consulting, Inc. for Emergency Preparedness Services and Training**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 103266-1 (Contract No. 9786C in FUND\$) with Karste Consulting, Inc. to increase the amount by \$100,000 for a total amount not to exceed \$350,000 and to extend the term through December 31, 2022.
Financial Implications: Various Funds - \$100,000
Contact: Liam Garland, Public Works, (510) 981-6300
- 8. Contract No. 108747-1 Amendment: Acumen Industrial Hygiene for Industrial Hygiene Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 108747-1 (Contract No. 10203A in FUND\$) with Acumen Industrial Hygiene for industrial hygiene services, increasing the amount by \$100,000 for a new total contract amount not to exceed \$250,000 and extending the contract through June 30, 2022.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

9. **Contract No. 108007-1 Amendment: Don's Tire Service, Inc. for Tire Repair Services for City Fleet Vehicles**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 108007-1 (Contract No. 10140 in FUND\$) with Don's Tire Services, Inc. for repair and replacement services for automobile and truck tires for City of Berkeley fleet vehicles for an additional \$123,534, for a new total not to exceed \$273,534, and extend the authorized term through June 30, 2021.
Financial Implications: Equipment Maintenance Fund - \$123,534
Contact: Liam Garland, Public Works, (510) 981-6300

10. **Purchase Order: Bruce's Tire, Inc. for New Automobile and Truck Tires for City Fleet Vehicles**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase the available spending with Bruce's Tire Inc. for the purchase of automobile and truck tires for City of Berkeley fleet vehicles for an additional \$317,563, for a new total not to exceed \$1,192,563, and extend the authorized term through June 30, 2021.
Financial Implications: Equipment Maintenance Fund - \$317,563
Contact: Liam Garland, Public Works, (510) 981-6300

11. **Annual Report on Gifts Received in Excess of \$1,000 Aggregate Value**
From: Board of Library Trustees
Recommendation: Adopt a Resolution accepting the Library's annual gift report to the Berkeley City Council as presented and recommended by the Board of Library Trustees.
Financial Implications: None
Contact: Tess Mayer, Commission Secretary, (510) 981-6100

Council Consent Items

12. **Budget Referral: Berkeley Age-Friendly Continuum**
From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation: Refer to the FY21 Annual Appropriations Ordinance process \$20,000 for the Berkeley Age-Friendly Continuum.
Financial Implications: \$20,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

13. **Improving Hate Crimes Reporting and Response** *(Reviewed by the Public Safety Committee)*

From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)

Recommendation: Refer to the City Manager to review the following proposals and implement new systems for reporting and response to hate incidents and crimes: - Develop a Hate Crimes Reporting Hotline (modeled after the San Francisco District Attorney's hotline) to be staffed by the Berkeley Mental Health Division or a non-profit community partner. The Hotline will provide support for victims and those reporting hate crimes/incidents, and direct victims to resources and how to report hate crimes or incidents. Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline. -Explore adding hate crimes to the BPD Online Crime Reporting System to allow individuals to report specific hate related criminal acts or incidents. -Launch a public information campaign including the production of informational videos, posters, and ads in different languages about what is a hate crime and how to report it to Berkeley Police. -Conduct proactive outreach and develop partnerships with religious leaders, community service providers and organizations that work with groups which have historically been the target of hate crimes/incidents. -Refer to the Police Review Commission to review existing BPD policy on hate crimes (BPD Policy 319), request a report from BPD on hate crimes statistics and its implementation of BPD Policy 319, and review: privacy policies/procedures for reporting; culturally appropriate personnel structures to respond to incidents that will encourage reporting, reduce fear and provide support; The creation of accessible and multilingual reporting procedures and resources that deliver the clear message that hate has no place in Berkeley. -Refer to the Peace and Justice Commission, Youth Commission and Police Review Commission to develop a citywide campaign to promote outreach, education and dialogue regarding bullying, hate incidents and hate crimes. -Develop a public facing mapping tool that indicates patterns of hate incidents and crimes to help with outreach and prevention; -Coordinate with educational institutions (e.g. UC Berkeley and BUSD) to achieve goals. -Review other emerging policies and best practices in other communities that support an inclusive and safe community.

(On November 2, 2020 the Public Safety Committee made a positive recommendation to send the item to the City Council, as submitted in the revised material received on November 2, 2020 and further revised to include: Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline; and to coordinate with educational institutions (e.g. UC Berkeley and BUSD) to achieve goals.)

Financial Implications: Unknown

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

Council Consent Items

- 14. Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley**
From: Councilmember Hahn (Author), Councilmember Robinson (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)

Recommendation:

1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information.
2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments.

Financial Implications: Staff time

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

Action Calendar

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

The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

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

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

Action Calendar – Public Hearings

15. Renewal of the Elmwood Avenue BID for Calendar Year 2021

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, “the District”, “the Elmwood BID” or “the BID”) for 2020-21 and, if no majority protest exists, levy annual assessments in the District for calendar year 2021 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.

Financial Implications: See Report

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

16. Renewal of the Solano Avenue BID for Calendar Year 2021

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, “Solano BID Advisory Board” or “the BID”) for 2020-2021 and, if no majority protest exists, levy annual assessments in the District for calendar year 2021 to finance services and improvements and authorize a fiscal agency contract for receipt and expenditure of District funds.

Financial Implications: See Report

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

17. Closure of the crossing at Camelia Street/Union Pacific (UP) Railroad Corridor; Amending Berkeley Municipal Code Chapter 14.24

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 14.24, to close the existing Union Pacific (UP) railroad crossing at Camelia Street to all traffic.

Financial Implications: See report

Contact: Liam Garland, Public Works, (510) 981-6300

18. General Plan Amendment: Vehicle Miles Traveled for Transportation Impact Analysis under the California Environmental Quality Act

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving a General Plan amendment that replaces Level of Service (LOS) with Vehicle Miles Traveled (VMT) as the criteria used to determine transportation-related environmental impacts under the California Environmental Quality Act (CEQA). This update is required by Senate Bill (SB) 743. Findings for the General Plan amendment are included in the report.

Financial Implications: None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – New Business

19. Amendment: FY 2021 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending FY 2021 Annual Appropriations Ordinance No. 7,724 - N.S. for fiscal year 2021 based upon recommended re-appropriation of committed FY 2020 funding and other adjustments since July 1, 2020 in the amount of \$184,267,388 (gross) and \$179,848,051 (net).

Financial Implications: See report

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

Council Action Items

20. Updates to the COVID-19 Emergency Response Ordinance

From: 4x4 Joint Task Force Committee on Housing

Recommendation: Adopt first reading of an ordinance (effective February 1) amending Berkeley Municipal Code 13.110, Title 13, "The COVID-19 Emergency Response Ordinance," to enhance emergency tenant protections consistent with recently adopted Alameda County laws, action in other jurisdictions, and consultation with community stakeholders representing marginalized groups.

Financial Implications: See report

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

21. Contract: Youth Listen Campaign with Voices Against Violence, A Program of the McGee Center for Food, Faith & Justice

From: Councilmember Davila (Author)

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments for the Youth Listen Campaign with Voices Against Violence: A Program of the McGee Center for Food, Faith & Justice, for the period October 15, 2020 through June 15, 2021, for an amount not to exceed \$50,000.

Financial Implications: \$50,000

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

Information Reports

22. FY 2020 Year-End Results and FY 2021 First Quarter Budget Update

From: City Manager

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use

permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

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

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

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

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

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

COMMUNICATION ACCESS INFORMATION:

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



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

I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on November 5, 2020.

A handwritten signature in black ink that reads "Mark Numainville".

Mark Numainville, City Clerk

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing through [Records Online](#).

North Berkeley BART Development Plans

1. 16 form letters
2. Laura Klein

3. Michael Katz
4. Virginia Browning
5. Eileen Hughes
6. Julieta Pisani McCarthy
7. Norma Harrison
8. Kelly Hammargren

Vision 2025

9. Philip le Roux
10. Andrew Sharo
11. Pathma Venasithamby
12. Karen Musalo
13. Maria Steinmann

Artificially Sweetened Drinks

14. Holly Scheider
15. Pauline Bondonno

Overtaxed and Overgoverned

16. Judy Hunt

Animal Welfare

17. Margaret McGarahan

Mental Health Services

18. Eric Friedman

South Berkeley Street Cleaning and Housing

19. Ann Einstein

Berkeley Mutual Aid

20. Karen Dewald

Barbeques During Red Flag Days

21. Barbara Freeman

Sharp Containers for People's Park

22. Christopher Kohler

5G

23. Vivian Warkentin (2)
24. Phoebe Anne Sorgen
25. Judy Ann Alberti

International Day of Tolerance

26. Mina Karimabadi

Supplemental Communications and Reports

Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.

- **Supplemental Communications and Reports 1**
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**
Available by 5:00 p.m. two days following the meeting.



Office of the City Attorney

CONSENT CALENDAR
November 17, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Farimah Faiz Brown, City Attorney

Subject: Resolution Reviewing and Ratifying the Proclamation of Local
Emergency Due to the Spread of a Severe Acute Respiratory Illness
Caused by a Novel (New) Coronavirus (COVID-19)

RECOMMENDATION

Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020 and September 22, 2020.

FISCAL IMPACT OF RECOMMENDATION

To be determined.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to California Government Code section 8630 and Berkeley Municipal Code Chapter 2.88, on March 3, 2020, the City Manager, in her capacity as Director of Emergency Services, proclaimed a local emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19), including a confirmed case in the City of Berkeley. As a result of multiple confirmed and presumed cases in Alameda County, the County has declared a local health emergency. The Proclamation of Local Emergency empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such local emergency. Pursuant to Government Code section 8630(b) and Berkeley Municipal Code section 2.88.040.A.1, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69,312-N.S.

Pursuant to Government Code section 8630(c), the City Council must review the need for continuing the local emergency at least once every sixty (60) days. The Council last reviewed and ratified the Proclamation of Local Emergency on September 22, 2020. The Council therefore must review the continuing need for the local emergency by November 21, 2020.

This item requests that the Council review the continued need for the local emergency and again ratify the Proclamation of Local Emergency issued on March 3, 2020, initially ratified by the Council on March 10, 2020, and subsequently review and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020 and September 22, 2020. If approved on November 17, 2020, the Council will need to again review the proclamation by January 16, 2021.

If at any time the Council determines that the need for continuing the local emergency has ended, state law directs the Council to terminate the local emergency at the earliest possible date that conditions warrant. (Cal. Gov. Code section 8630(d).)

BACKGROUND

On March 1, 2020, Alameda County Public Health Department and Solano County Public Health Department reported two presumptive cases of COVID-19, pending confirmatory testing by the Centers for Disease Control (CDC), prompting Alameda County to declare a local health emergency.

On March 3, 2020, the City's Director of Emergency Services proclaimed a local emergency due to the spread of COVID-19, including a confirmed case in the City of Berkeley and multiple confirmed and presumed cases in Alameda County.

On March 10, 2020, the City Council ratified the Proclamation of Local Emergency. Since that action, the number of confirmed and presumed cases of COVID-19 in the City of Berkeley has increased.

The City Council has subsequently reviewed and ratified the Proclamation of Local Emergency on April 21, 2020, June 16, 2020, July 28, 2020 and September 22, 2020.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

RATIONALE FOR RECOMMENDATION

The Resolution would enable the Director of Emergency Services to continue to efficiently allocate resources due to the ongoing and imminent threat to public safety.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Dee Williams-Ridley, City Manager, City Manager's Office (510) 981-7000

Farimah Brown, City Attorney, City Attorney's Office (510) 981-6998

Attachments:

1: Resolution

RESOLUTION NO. –N.S.

RESOLUTION REVIEWING AND RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, the Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, pursuant to Government Code section 8630, such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, Berkeley Municipal Code section 2.88.040 provides that the City Manager, serving as the Director of Emergency Services, may request that the City Council proclaim the existence of a local emergency; and

WHEREAS, under provision of local law, if the City Council cannot be convened and, in the judgment of the Director of Emergency Services, the circumstances warrant it, a proclamation of local emergency may be issued which must be ratified or nullified by the City Council within seven days of issuance; and

WHEREAS, in accordance with authority granted under the above provisions of state and local law, the Director of Emergency Services beginning on March 3, 2020 did proclaim the existence of a local emergency caused by epidemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (“COVID-19”), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69,312-N.S.; and

WHEREAS, Government Code section 8630(c) requires that the City Council review the need for continuing the local emergency at least once every sixty (60) days; and

WHEREAS, on April 21, 2020, the City Council reviewed the need for continuing the local emergency and ratified the Proclamation of Local Emergency; and

WHEREAS, on June 16, 2020, the City Council again reviewed the need for continuing the local emergency and ratified the Proclamation of Local Emergency; and

WHEREAS, on July 28, 2020, the City Council again reviewed the need for continuing the local emergency and ratified the Proclamation of Local Emergency; and

WHEREAS, on September 22, 2020, the City Council again reviewed the need for continuing the local emergency and ratified the Proclamation of Local Emergency; and

WHEREAS, the City Council does find that the aforesaid conditions of extreme peril continue to exist, and now include additional confirmed cases of COVID-19 in the City of Berkeley, thereby warranting and necessitating the continuation of the local emergency; and

WHEREAS, the City Council will need to again review the need for continuing the local emergency and ratify the Proclamation of Local Emergency by January 16, 2021.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that it is hereby proclaimed and ordered that the Proclamation of Local Emergency, issued by the Director of Emergency Services in March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the City Council on April 21, 2020, June 16, 2020, July 28, 2020 and September 22, 2020, has been reviewed and is hereby again ratified and confirmed; and

BE IT FURTHER RESOLVED that during the existence of this local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, and the Charter, ordinances, resolutions and approved plans of the City of Berkeley.



Office of the City Manager

CONSENT CALENDAR
November 17, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Mark Numainville, City Clerk
 Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the council meetings of October 1, 2020 (closed), October 6, 2020 (closed), October 8, 2020 (closed), October 13, 2020 (special and regular), October 20, 2020 (closed and special) and October 27, 2020 (closed and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. October 1, 2020 – Closed City Council Meeting
2. October 6, 2020 – Closed City Council Meeting
3. October 8, 2020 – Closed City Council Meeting
4. October 13, 2020 – Special City Council Meeting
5. October 13, 2020 – Regular City Council Meeting
6. October 20, 2020 – Closed City Council Meeting
7. October 20, 2020 – Special City Council Meeting
8. October 27, 2020 – Closed City Council Meeting
9. October 27, 2020 – Regular City Council Meeting

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

THURSDAY, OCTOBER 1, 2020

3:30 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

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

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

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*To join by phone: Dial 1-669-900-9128 and enter Meeting ID: 830 6259 9562. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 3:32 p.m.

Present: Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Kesarwani

Public Comment - Limited to items on this agenda only – 0 speakers.

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

a. **Title of position to be evaluated:** City Manager

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

Vote: Ayes – Davila, Harrison, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett, Hahn, Wengraf.

Adjourned at 5:54 p.m.

I hereby certify that the forgoing is a true and correct record of the closed session meeting held on October 1, 2020.

Mark Numainville
City Clerk

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, OCTOBER 6, 2020
2:30 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

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

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 817 2647 3970. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 2:34 p.m.

Present: Davila, Droste, Hahn, Harrison, Robinson, Wengraf, Arreguin

Absent: Bartlett, Kesarwani

Councilmember Bartlett present subsequent to roll call.

Public Comment - Limited to items on this agenda only – 2 speakers.

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

a. Title of position to be evaluated: City Manager

Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

No reportable action taken.

Adjournment

Action: M/S/C (Davila/Harrison) to adjourn the meeting.

Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani.

Adjourned at 5:16 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of October 6, 2020 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
THURSDAY, OCTOBER 8, 2020
4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

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

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*To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **846 6403 5815**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 4:01 p.m.

Present: Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Arreguin

Absent: Bartlett, Wengraf

Councilmember Wengraf present at 4:05 p.m.

Councilmember Bartlett present at 4:30 p.m.

Public Comment - Limited to items on this agenda only – 24 speakers.

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

a. **Title of position to be evaluated:** City Manager

Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

No reportable action taken.

Adjournment

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

Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Hahn, Wengraf, Droste.

Adjourned at 6:33 p.m.

Councilmembers Hahn, Wengraf, and Droste absent prior to adjournment.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of October 8, 2020 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Tuesday, October 13, 2020

5:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

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

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

Preliminary Matters

Roll Call: 5:04 p.m.

Present: Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Bartlett

Councilmember Bartlett present at 5:17 p.m.

Action Calendar

1. **Presentation: Ohlone History and Culture**

From: Councilmember Hahn

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150; Jesse Arreguin, Mayor, (510) 981-7100

Action: 8 speakers. Presentation made and discussion held.

Adjournment

Action: M/S/C (Davila/Robinson) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 6:38 p.m.

I hereby certify that the forgoing is a true and correct record of the special session meeting held on October 13, 2020.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1+

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

- None

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, October 13, 2020
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
 DISTRICT 2 – CHERYL DAVILA
 DISTRICT 3 – BEN BARTLETT
 DISTRICT 4 – KATE HARRISON

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

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

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Preliminary Matters

Roll Call: 6:47 p.m.

Present: Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: None

Ceremonial Matters:

1. Adjourned in memory of Sheila Darr, Local Activist
2. Adjourned in memory of all victims of COVID-19 and the Wildfires

City Manager Comments:

The City Manager provided an update on the process for Reimagining Public Safety.

Public Comment on Non-Agenda Matters: 7 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 14 speakers.

Action: M/S/C (Hahn/Harrison) to adopt the Consent Calendar in one motion except as indicated.

Vote: All Ayes.

Consent Calendar

1. **Amending Ordinance No. 7,692-N.S. extending the grace period for Fair Chance Housing Ordinance**
From: Mayor Arreguin (Author)
Recommendation: Adopt second reading of Ordinance No. 7,733-N.S. amending Ordinance No. 7,692-N.S. (Fair Chance Housing Ordinance) to extend the grace period for landlords to be held liable to January 1, 2021 so that staff has adequate time to complete the intended outreach prior to the ordinance going into full effect.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted second reading of Ordinance No. 7,733–N.S.

Consent Calendar

- 2. Healthy Checkout Ordinance; Adding Berkeley Municipal Code Chapter 9.82**
From: Councilmember Harrison (Author), Councilmember Hahn (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Davila (Co-Sponsor)
Recommendation: Adopt second reading of Ordinance No. 7,734-N.S. requiring stores over 2,500 square feet in size to sell more nutritious food and beverage options in their checkout areas, and adding Berkeley Municipal Code Chapter 9.82.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Adopted second reading of Ordinance No. 7,734–N.S.
- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 13, 2020**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.
Financial Implications: One-Time Grant Fund - \$325,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
- 4. Revenue Contract: Department of Health Care Services Performance Contract for City of Berkeley**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with the California Department of Health Care Services (DHCS). The contract, which will run through June 30, 2021, is for multiple projects that DHCS administers across the State, including the Mental Health Services Act (MHSA), the Lanterman-Petris-Short (LPS) Act, Projects for Assistance in Transition from Homelessness (PATH), Community Mental Health Services Block Grant (MHBG), and Crisis Counseling Assistance and Training Program (CCP) programs, and for county provision of community mental health services pursuant to the Bronzan-McCorquodale Act. The City of Berkeley will only receive revenue through the MHSA for this contract.
Financial Implications: Approximately \$6,000,000 (revenue)
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,580–N.S.

Consent Calendar

- 5. Lease Agreement for 225 University Avenue – Qasemi Abdul Moqim dba Berkeley Sportsman Center**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement and necessary amendments with Qasemi Abdul Moqim, doing business as Berkeley Sportsman Center, at 225 University Avenue at the Berkeley Marina for a term of three years, with a two-year option.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopt first reading of Ordinance No. 7,735–N.S. Second reading scheduled for October 27, 2020.
- 6. Measure T1 Phase 1 Project List Additions**
From: City Manager
Recommendation: Adopt a Resolution authorizing the following additions to the Measure T1 Phase 1 project list with no additional funding: James Kenney Park play area (ages 2-5, and 5-12) and picnic area; Euclid Street (at Rose Garden); Cedar Street from 6th Street to San Pablo Avenue; Center Street from Martin Luther King Jr. Way to Shattuck Avenue; Rose Street from Le Roy Avenue to La Loma Avenue; Santa Fe Avenue from Gilman Street to Cornell Avenue/ Page Street; Shasta Road from Grizzly Peak Boulevard to east City limit; Arcade Avenue from Fairlawn Drive to Grizzly Peak Boulevard; Dohr Street from Ashby Avenue to Prince Street; and West Street from Bancroft Way to Dwight Way.
Financial Implications: None
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700; Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,581–N.S.
- 7. Resumption of Fees at Oregon Park Senior Apartments**
From: City Manager
Recommendation: Authorize the City Manager to resume charging fees, including housing inspection service fees, at Oregon Park Senior Apartments (OPSA), located at 1425 Oregon Street, to increase the effectiveness of housing code enforcement.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Item 7 removed from the agenda by the City Manager. Scheduled to November 10, 2020.

Consent Calendar

- 8. Revenue Grant: Fiscal Year 2020-21 Alcoholic Beverage Control Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager, and/or the Chief of Police, to execute a grant contract and any subsequent amendments with the State of California Department of Alcoholic Beverage Control (ABC) in the amount of \$51,900 for one fiscal year, July 1, 2020 through June 30, 2021.
Financial Implications: Alcoholic Beverage Control Program Fund - \$51,900 (grant)
Contact: Andrew Greenwood, Police, (510) 981-5900
Action: Adopted Resolution No. 69,582–N.S.
- 9. Contract No. 31900124 Amendment: B Bros Construction Inc. for Adult Mental Health Services Center Renovations Project at 2640 Martin Luther King Jr Way**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900124 with B Bros Construction, Inc. to complete renovation and seismic upgrade work at the Adult Mental Health Services Center, increasing the current contract amount of \$5,386,293 by \$230,000 for a total amount not-to-exceed of \$5,616,293.
Financial Implications: T1 Fund - \$230,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,583–N.S.
- 10. Contract Award: First Carbon Solutions, Inc. for California Environmental Quality Act Compliance for the Solid Waste & Recycling Transfer Station Replacement Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to award a contract with First Carbon Solutions, Inc. for California Environmental Quality Act compliance for the Solid Waste & Recycling Transfer Station Replacement Project for a total amount not to exceed \$500,000 for a contract term of November 1, 2020 through December 31, 2021.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,584–N.S.

Council Consent Items

11a. **Compiling Commission Recommendations in a Reference Manual** *(Reviewed by Agenda & Rules Committee)*

From: Homeless Commission

Recommendation: The Homeless Commission recommends that Council refer to staff to develop a procedure for staff secretaries to all City of Berkeley commissions to compile all commission recommendations, whether in report or letter form, in a binder. Such binder shall also track the outcomes of all commission recommendations including action taken by Council and subsequent implementation of Council action. One copy of the binder shall remain with the staff secretary; another copy of the binder shall be available as a resource in the City Clerk's office. The City Clerk shall index all subject matters of commission proposals so that there is cross-referencing of all subjects that commissions have addressed. This reference manual shall be available for use by commissions to share information, the Mayor and Council, staff and members of the public. The City Clerk shall also provide this information online.

(On August 31, 2020, the Agenda and Rules Committee took action to send Items 9a and 9b to the City Council with a Qualified Positive Recommendation to adopt the staff item in 9b to explore potential short term solutions and recommend that the commission recommendation be reintroduced to Council after the COVID-19 emergency is lifted.)

Financial Implications: See report

Contact: Brittany Carnegie, Commission Secretary, (510) 981-5400

Action: See action for Item 11b.

11b. **Companion Report: Compiling Commission Recommendations in a Reference Manual** *(Reviewed by Agenda & Rules Committee)*

From: Homeless Commission

Recommendation: Refer the commission recommendation to the City Manager to 1) consider the impacts on staffing levels, approved Strategic Plan projects, and existing baseline services in the context of the projected budget shortfall for FY 2021 and the hiring freeze currently in effect; and 2) work within existing resources to facilitate information sharing among commissions on items referred from the City Council.

(On August 31, 2020, the Agenda and Rules Committee took action to send Items 9a and 9b to the City Council with a Qualified Positive Recommendation to adopt the staff item in 9b to explore potential short term solutions and recommend that the commission recommendation be reintroduced to Council after the COVID-19 emergency is lifted.)

Financial Implications: No direct fiscal impact

Contact: Mark Numainville, City Clerk, (510) 981-6900; Brittany Carnegie, Commission Secretary, (510) 981-5400

Action: Approved recommendation of the Agenda and Rules Committee.

Council Consent Items

12. Authorize Installation of Security Cameras at the Marina and Request an Environmental Safety Assessment

From: Councilmember Kesarwani (Author), Councilmember Wengraf (Co-Sponsor)

Recommendation: Adopt the following recommendations in order to address the recent dramatic uptick in reported crime incidents at the Berkeley marina: -Request that the City Manager install security cameras and signage as expeditiously as possible as a long-term safety measure; -Refer to the City Manager to perform an environmental safety assessment of the Berkeley marina with particular attention to the berther parking areas.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Action: Approved recommendation amended to include that the cameras will not use facial recognition or biometric technology.

13. Oppose Proposition 22 on the November 2020 ballot

From: Councilmember Davila (Author), Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor)

Recommendation:

1. Adopt a resolution opposing Proposition 22 on the November 2020 ballot.
2. Send a letter to the 'No on CA Prop 22' coalition.

Financial Implications: None

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

Action: Councilmember Harrison added as a co-sponsor. 1. Adopted Resolution No. 69,585–N.S. 2. Approved recommendation.

14. Amending Council Rules of Procedures such that items submitted by the Mayor or Councilmembers be placed directly on the City Council Agenda to allow the whole City Council to review and take action on the submitted item to ensure equity in the process *(Reviewed by Agenda & Rules Committee)*

From: Councilmember Davila (Author)

Recommendation: Adopt a Resolution to amend Council Rules of Procedures Section C-1 and G-1 such that items submitted by the Mayor or Councilmembers be placed directly on the City Council agenda rather than beginning with submission to commissions or Council Policy Committees to ensure equity in the process.

(On August 31, 2020, the Agenda and Rules Committee took action to send Item 10 to the City Council with a Negative Recommendation.)

Financial Implications: None

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

Action: Approved recommendation of the Agenda and Rules Committee to not approve the recommendation.

Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.

Council Consent Items

15. Letter of Support for Proposition 16: Repeal Proposition 209 Affirmative Action Amendment (2020)

From: Councilmember Bartlett (Author); Councilmember Harrison (Co-Sponsor), Councilmember Robinson (Co-Sponsor), Councilmember Hahn (Co-Sponsor)

Recommendation: That the Mayor of Berkeley and Members of the City Council support Proposition 16--a ballot measure that would remove the ban on affirmative action--by sending 2 letters, 1) the YES ON 16, Opportunity for All Coalition Campaign and 2) State Assemblymembers Shirley Weber, Mike Gipson, Miguel Santiago, and Buffy Wicks.

Financial Implications: None

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action: Approved recommendation.

16. “Step Up Housing” Initiative: Allocation of Measure P Funds to Lease and Operate a New Permanent Supportive Housing Project at 1367 University Avenue

From: Councilmember Bartlett (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Mayor Arreguin (Co-Sponsor)

Recommendation: Adopt a resolution allocating approximately \$900,000 per year for 10 years, as well as a one-time allocation of approximately \$32,975 from Measure P transfer tax receipts to support the lease and operation of a new permanent supportive housing project for the homeless at 1367 University Avenue. This resolution is put forward out of consideration that the City Council has already approved in its FY 2020-21 budget—on June 30, 2020—an allocation of \$2.5 million for permanent housing subsidy, a portion of which is available to be spent on the 1367 University Avenue project.

Refer to the next meeting of the Budget and Finance Policy Committee to confirm the availability of requested funding for the 1367 University project and to set priorities for other Measure P-funded programs and services as part of the mid-year budget process.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action: Adopted Resolution No. 69,586–N.S.

Council Consent Items

17. **Removal of Traffic Bollards on the Intersection at Fairview and California St. From: Councilmember Bartlett (Author)**
Recommendation: Refer to the City Manager to remove the traffic bollards at the intersection at Fairview and California St. for the following reasons: 1. To allow residents, emergency responders, street cleaning and garbage disposal services, and delivery vehicles ease of access to enter and exit Fairview Street; 2. To allow residents of the 1600 block of Fairview St. access to additional parking spots because the current capacity is inadequate; and 3. To decrease illegal dumping that has been incentivized by the traffic bollards and eliminate the harborage of junk, debris, and garbage.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation.
18. **Enforce Bi-Weekly (Once Every Two Weeks) Residential Cleaning Measures to Address Encampments and Promote Clean Streets in Berkeley From: Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor)**
Recommendation: Refer to the City Manager to promote equitable street cleaning practices and require biweekly (once every two weeks), cleanings of populated encampment sites in Berkeley and adjacent residential neighborhoods. In order to determine where City Staff should prioritize residential cleaning services, the City Manager should establish a radius around the campsites. When encampments are on non-City owned property, such as Caltrans, the City should bill the appropriate agency for the cost of staff and materials.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Councilmembers Harrison and Davila added as co-sponsors. Approved recommendation amended to also refer the item to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.

Recess 8:28 p.m. – 8:38 p.m.

Action Calendar

19. **2019 Crime Report and Five Year Use of Force Report** *(Continued from September 22, 2020)*
From: City Manager
Recommendation: Review and discuss the presentation on Crime Report for 2019 and Use of Force Report for 2015-2019.
Financial Implications: None
Contact: Andrew Greenwood, Police, (510) 981-5900
- Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:30 p.m.
Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila.
- Action:** Report presented. Discussion held.

Action Calendar – Public Hearings

20. **California Municipal Finance Authority Bond Financing for 1717 University Avenue**
From: City Manager
Recommendation: Conduct a public hearing under the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986, as amended, and upon conclusion, adopt a Resolution approving the issuance of the bonds by the California Municipal Finance Authority (CMFA) for the benefit of the 1717 University Avenue rental housing development.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- Public Testimony:** The Mayor opened the public hearing. 0 speakers.
M/S/C (Arreguin/Wengraf) to close the public hearing.
Vote: Ayes – Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.
- Action:** M/S/C (Arreguin/Droste) to adopt Resolution No. 69,587–N.S.
Vote: Ayes – Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.
- Councilmember Harrison absent 11:14 p.m. – 11:50 p.m.

Action Calendar

21. ZAB Appeal: 1346 Ordway Street, Administrative Use Permit #ZP2018-0174 From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board decision to approve Administrative Use Permit #ZP2018-0174 to: legalize an existing 128 sq. ft. accessory building in the southwest corner of the subject lot; legalize an existing 5 ft. x 21 ft., 9-ft. tall trellis located within the south setback; legalize an existing 11-ft. tall hedge in the north and south setbacks; establish a front yard off-street parking space to comply with the Federal Fair Housing Act, the Americans with Disabilities Act and the California Fair Employment and Housing Act, under BMC's Reasonable Accommodation Section; and dismiss the appeal.

Financial Implications: None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:45 p.m.

Vote: Ayes – Kesarwani, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila; Abstain – None; Absent – Harrison.

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:50 p.m.

Vote: Ayes – Kesarwani, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila; Abstain – None; Absent – Harrison.

Public Testimony: The Mayor opened the public hearing. 2 speakers.

M/S/C (Hahn/Robinson) to close the public hearing.

Vote: Ayes – Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Action: M/S/C (Kesarwani/Droste) to adopt Resolution No. 69,588–N.S. to: 1) affirming the Zoning Adjustments Board decision to approve Administrative Use Permit #ZP2018-0174 to: legalize an existing 128 sq. ft. accessory building in the southwest corner of the subject lot; legalize an existing 5 ft. x 21 ft., 9-ft. tall trellis located within the south setback; approve a hedge with a Council-approved height of 14-ft. tall in the north and south setbacks; 2) approve an Administrative Use Permit to permanently establish a front yard off-street parking space and waiving the required two-foot wide planter strip to comply with the Federal Fair Housing Act, the Americans with Disabilities Act and the California Fair Employment and Housing Act, under BMC's Reasonable Accommodation Section; and 3) dismiss the appeal.

Vote: Ayes – Kesarwani, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila; Abstain – None; Absent – Harrison.

Action Calendar

- 22. Support Community Refrigerators** *(Continued from September 22, 2020)*
From: Councilmember Davila (Author)
Recommendation:
1. Adopt a Resolution to create an allocation of the homeless budget towards the purchasing of community refrigerators to be distributed in Council districts to provide access to food for those who have no refrigeration or may be food insecure.
2. Allocate \$8,000 of the budget for the purchasing of the refrigerators.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Item 22 referred as unfinished business to the Agenda & Rules Committee for scheduling.
- 23. Request the United States House of Representatives and/or Senate to introduce “The Breathe Act”** *(Continued from September 22, 2020)*
From: Councilmember Davila (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation:
1. Adopt a resolution requesting the United States House of Representatives and Senate to introduce legislation known as “The Breathe Act”
2. Send copies of this resolution to United States Congresswoman Barbara Lee, Alexandria Ocasio-Cortez, Pramila Jayapal, Rashida Tlaib, Ayanna Pressley and Senator Bernie Sanders.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Moved to Consent Calendar. 1. Adopted Resolution No. 69,589–N.S. as amended in Supplemental Communications Packet #2 and further revised to strike “proposed legislation known as”
2. Approved recommendation.
Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Kesarwani, Droste.
- 24. Proposed Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley** *(Continued from September 22, 2020)*
From: Commission on Disability
Recommendation: Receive a presentation on the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley.
Financial Implications: See report
Contact: Dominika Bednarska, Commission Secretary, (510) 981-6300
Action: Scheduled for the October 20, 2020 City Council Worksession.

Information Reports

- 25. LPO NOD: 2277 Shattuck Avenue/#LMSAP2020-0001**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

Information Reports

26. **LPO NOD: 1915 Berryman Street/#LMIN2020-0003**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
27. **LPO NOD: 2328 Channing Way/#LMIN2020-0001**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
28. **LPC Annual Report to City Council for the period May 2019 to May 2020**
From: Landmarks Preservation Commission
Contact: Fatema Crane, Commission Secretary, (510) 981-7400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 1 speaker.

Adjournment

Adjourned at 11:50 p.m.

I hereby certify that the forgoing is a true and correct record of the regular session meeting held on October 13, 2020.

Mark Numainville
City Clerk

Communications

Item #2: Healthy Checkout Ordinance; Adding Berkeley Municipal Code Chapter 9.82

1. Chris Labarbera
2. MP-fourtrax88@
3. Rico Vazquez
4. Vance Bean

Item #6: Measure T1 Phase 1 Project List Additions

5. Susan Schwartz, on behalf of Friends of Five Creeks

Item #16: “Step Up Housing” Initiative: Allocation of Measure P Funds to Lease and Operate a New Permanent Supportive Housing Project at 1367 University Avenue

6. Donald Frazier

Homelessness and Encampments

7. John Caner and Kristin MacDonald, on behalf of all the Berkeley Business Associations and the Chamber of Commerce (2)
8. Rodney Lerner, on behalf of Landry’s Restaurants
9. Paul Canin
10. Jahlee Arakaki
11. Alyson Mitchell
12. Marcia Abcarian
13. Jesse McFarlan

Street Trees

14. Erica Cleary (2)
15. Nancy Carleton, on behalf of the Halcyon Neighborhood Association
16. Jeanne Panek

Adeline Corridor Plan

17. 20 similarly worded form letters (significantly increases)
18. 11 similarly worded form letters (broad support)
19. 29 similarly worded form letters (1, 2, 3)
20. Phyllis Orrick
21. Michael Katz
22. Tony Corman
23. David Kellogg
24. Jason Martens
25. Jennifer Natali
26. Ariella Granett
27. Larisa Cummings
28. Catherine Betts
29. Andrew Fox
30. Deborah Matthews
31. Jonathan Singh
32. Eileen Hughes
33. Zipporah Collins
34. John Selawsky
35. Angela Gallegos-Castillo
36. Pablo Diaz-Gutierrez
37. Charles Khan
38. Liza Lutzker
39. Serena Lim
40. Aaron Foxworthy
41. Matt Nichols
42. Jack Kurzeil

- 43. Theo Posselt
- 44. Adam Lenz

COVID-19 Related

- 45. Virginia Browning
- 46. Gina Rieger
- 47. Kelly Hammargren
- 48. David Lerman
- 49. City of Berkeley COVID-19 Information Services
- 50. russbumper

Wildfire Dangers on Grizzly Peak

- 51. Elizabeth Strode
- 52. Sylvie Sullivan
- 53. John Ruble
- 54. Jim Hanson
- 55. David Thill (3)
- 56. Mimi Nielsen
- 57. Mary Pat Farrell
- 58. Kathryn Levenson
- 59. Ramona Naddaff
- 60. Barbara Freeman (2)
- 61. Joseph Heil
- 62. Joe Van Steen
- 63. Bcf1@

Berkeley Police Department

- 64. Julia West
- 65. Michael Odiari
- 66. Zach Palchick
- 67. Christine Schwartz

City-Run Real Estate Vulture Fund

- 68. Barbara Gilbert

Traffic Safety – Street Calming Devices

- 69. Wendy Alfsen and Marilyn Cleveland

5G

- 70. Wanda Warkentin
- 71. Phoebe Anne Sorgen

Rockefeller Foundation Scenarios

- 72. Ming

Support Vision 2025

- 73. Gretchen Ellis
- 74. Barb Noon
- 75. Nilang (3)
- 76. Boona Cheema
- 77. Sandeep Pandya

Needle Hazard

- 78. Thomas Lord (2)

Landlords are “Mom and Pop” Property Owners

- 79. Anne Whyte

Civic Center Vision

- 80. Claire Kahane
- 81. Alison Lingo

Downtown Berkeley Merchant Militia

- 82. Carol Denny

Use of Grove Park for the Public

- 83. Mia Villanueva and Alex Torres

Berkeley Schools Re-Opening

- 84. Dana Kilian

Berkeley #UNBOUND

- 85. Cherilyn Parsons, on behalf of the Bay Area Book Festival

Supplemental Communications and Reports 1

Item #6: Measure T1 Phase 1 Project List Additions

- 86. Sabina McMurtry

Item #16: “Step Up Housing” Initiative: Allocation of Measure P Funds to Lease and Operate a New Permanent Supportive Housing Project at 1367 University Avenue

- 87. Colleen McCann

Item #19: 2019 Crime Report and Five Year Use of Force Report

- 88. Supplemental material, submitted by Councilmember Hahn

Supplemental Communications and Reports 2

Item #2: Healthy Checkout Ordinance; Adding Berkeley Municipal Code Chapter 9.82

- 89. Jessica Mause, on behalf of the American Beverage Association

- 90. Jessica Hixson, on behalf of SNAC
- 91. Nefer Kelley Farias
- 92. Holly Scheider

Item #12: Authorize Installation of Security Cameras at the Marina and Request an Environmental Safety Assessment

- 93. Jack Hlavac, on behalf of the DoubleTree by Hilton Berkeley Marina
- 94. Dave Collins
- 95. Charles Bullett, on behalf of the Berkeley Yacht Club
- 96. Janet Cobb
- 97. Paul and Helen Canin
- 98. Bonnie Cerruti
- 99. Captain Brewster
- 100. Steven Kornberg

Item #16: “Step Up Housing” Initiative: Allocation of Measure P Funds to Lease and Operate a New Permanent Supportive Housing Project at 1367 University Avenue

- 101. John Gilmore
- 102. Katharine Bierce
- 103. Elizabeth Amberg
- 104. Sarah Patrick
- 105. Patti Prunhuber

Item #18: Enforce Bi-Weekly (Once Every Two Weeks) Residential Cleaning Measures to Address Encampments and Promote Clean Streets in Berkeley

- 106. Sallie Hanna-Rhyne
- 107. Jon Howarth
- 108. Audre Newman
- 109. Elizabeth Amberg
- 110. John Gilmore
- 111. Lauren Schiller
- 112. Patty Sullivan
- 113. Diana Bohn

Item #19: 2019 Crime Report and Five Year Use of Force Report

- 114. Charles Clarke

Item #21: ZAB Appeal: 1346 Ordway Street, Administrative Use Permit #ZP2018-0174

- 115. Jennie Durant and Keki Burjorjee
- 116. Elizabeth Hubbell

Item #23: Request the United States House of Representatives and/or Senate to Introduce “The Breathe Act”

- 117. Supplemental material, submitted by Councilmember Hahn

Supplemental Communications and Reports 3

Item #2: Healthy Checkout Ordinance; Adding Berkeley Municipal Code Chapter 9.82

- 118. Juan Garay
- 119. Monique Blodgett

Item #7: Resumption of Fees at Oregon Park Senior Apartments

- 120. Igor Tregub

Item #12: Authorize Installation of Security Cameras at the Marina and Request an Environmental Safety Assessment

- 121. Tracy Rosenberg
- 122. John Hess
- 123. Jack Hlavac, on behalf of the DoubleTree Berkeley Marina
- 124. Dan Bohn

Item #17: Removal of Traffic Bollards on the Intersection at Fairview and California Street

- 125. Jerome Solberg

Item #18: Enforce Bi-Weekly (Once Every Two Weeks) Residential Cleaning Measures to Address Encampments and Promote Clean Streets in Berkeley

- 126. Pamela Michaud
- 127. John McCarthy
- 128. Pedro Alvarez, Jr.
- 129. Chimey Lee
- 130. Andrea Cesar
- 131. Sarah Garrett
- 132. Henri Davis

Item #19: 2019 Crime Report and Five Year Use of Force Report

- 133. Presentation, submitted by the Police Department
- 134. Todd Andrew

Item #21: ZAB Appeal: 1346 Ordway Street, Administrative Use Permit #ZP2018-0174

- 135. Presentation and appeal letter, submitted by Planning

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, OCTOBER 20, 2020
4:30 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/83546478052>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 835 4647 8052. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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Preliminary Matters

Roll Call: 4:35 p.m.

Present: Davila, Droste, Hahn, Kesarwani, Robinson, Wengraf, Arreguin

Absent: Bartlett, Harrison

Councilmember Bartlett present at 4:38 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers.

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property addresses:

MLK Junior Services Center 1730 Oregon Street; Willard Pool 2701 Telegraph Avenue; West Campus Pool 2100 Browning Street; King Pool 1700 Hopkins Street

Measure Y Parks - King Park, 1700 Hopkins Avenue; Thousand Oaks Park, 1780 Tacoma Ave at Ensenada Ave; Leconte School, 2241 Russell Street (play/open space area in back of school); Malcolm X School, 1731 Prince Street (play area/open space in back of school); Rosa Parks School, 920 Allston Way (play area/open space in back of school); John Muir School, 2995 Claremont Avenue (play area/open space in back of school); Washington School, 2300 Martin Luther King Jr. Way (play area/open space in back of school)

Agency Negotiators: Dee Williams-Ridley, City Manager, David White, Deputy City Manager, Scott Ferris, Director of Parks, Recreation and Waterfront

Negotiating parties: City of Berkeley, 2180 Milvia Street, Berkeley, CA
Property Owner – Berkeley Unified School District, 2020 Bonar Street, Berkeley, CA

Under negotiation: Price and terms

Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

No reportable action taken.

Adjournment

Action: M/S/C (Robinson/Davila) to adjourn the meeting.

Vote: Ayes – Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Adjourned at 5:58 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of October 20, 2020 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Tuesday, October 20, 2020

6:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

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

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

Preliminary Matters

Roll Call: 6:15 p.m.

Present: Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: None

Action Calendar

- 1. Proposed Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley** *(Continued from October 13, 2020)*
From: Commission on Disability
Recommendation: Receive a presentation on the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley.
Financial Implications: See report
Contact: Dominika Bednarska, Commission Secretary, (510) 981-6300
Action: 3 speakers. Presentation made and discussion held.
- 2. University of California, Berkeley, Long Range Development Plan Update and Housing Projects #1 and #2**
From: City Manager
Recommendation: Review and discuss a presentation from the University of California (UC), Berkeley, Capital Strategies staff on the Long Range Development Plan Update (LRDP) and Housing Projects #1 and #2.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: 10 speakers. Presentation made and discussion held.

Recess 8:58 p.m. – 9:08 p.m.

Adjournment

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

Vote: All Ayes.

Adjourned at 10:08 p.m.

I hereby certify that the forgoing is a true and correct record of the special meeting of October 20, 2020 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #2: University of California, Berkeley, Long Range Development Plan Update and Housing Projects #1 and #2

1. Phil Bokovoy, on behalf of Southside Neighborhood Consortium
2. Presentation, submitted by University of California, Berkeley – Capital Strategies
3. Chris Cullander
4. Kate May
5. Arlene Silk
6. Jean Mudge

**BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

TUESDAY, OCTOBER 27, 2020

3:30 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

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

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

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To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/81772761502>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 817 7276 1502. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

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

Preliminary Matters

Roll Call: 3:34 p.m.

Present: Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Kesarwani, Bartlett

Councilmember Bartlett present at 3:36 p.m.

Councilmember Kesarwani present at 3:53 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, David White, Deputy City Manager, LaTanya Bellow, Human Resources Director, Dania Torres-Wong, Chief Labor Negotiator, Burke Dunphy, Chief Labor Negotiator, David Brannigan, Fire Chief.

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021, Public Employees Union Local 1.

Action: No reportable action taken.

2. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)

- a. *1444 Fifth Street LLC v. City of Berkeley*, Alameda County Superior Court Case No. 19032434

Action: Item 2 continued to a closed session meeting on November 10, 2020.

OPEN SESSION:

No reportable action taken.

Adjournment

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

Vote: All Ayes.

Adjourned at 5:56 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on October 27, 2020.

Mark Numainville
City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, October 27, 2020
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

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

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

Preliminary Matters

Roll Call: 6:12 p.m.

Present: Davila, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin

Absent: Kesarwani, Wengraf

Ceremonial Matters:

1. Recognition of the City's Single Use Disposable Foodware Ordinance by the Bay Area Regional Water Quality Control Board
2. Adjourned the meeting in memory of Yuksel Dinkeng, Local Artist
3. Adjourned the meeting in memory of Sereinat'e Henderson, Victim of Gun Violence
4. Adjourned the meeting in memory of Walter Wallace, Jr., Victim of Police Shooting in Philadelphia

City Auditor Comments:

The City Auditor expressed gratitude for the leadership, collaboration, and commitment of city staff in their response to the COVID-19 pandemic. The Auditor provided an update on the Police Audit, noting that many of the requested documents and data has been received and her office will work as quickly as possible to complete the data analysis.

City Manager Comments:

The City Manager provided a thorough update on the Reimagining Public Safety Process.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Arreguin/Davila) to accept an urgency item from Councilmember Bartlett pursuant to Government Code Section 54954.2(b)(2) entitled Urgent Item: Create an Interjurisdictional Group Violence Intervention Program "GVI," or "Operation Ceasefire," to Reduce Gun Violence.

Vote: All Ayes.

Consent Calendar

Action: M/S/C (Arreguin/Hahn) to accept supplemental material from Councilmember Bartlett on Item 20.

Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.

Public Comment on Consent Calendar and Information Items Only: 32 speakers.

Action: M/S/C (Droste/Robinson) to adopt the Consent Calendar in one motion except as indicated.

Vote: All Ayes.

Consent Calendar

Urgent Item: Create an Interjurisdictional Group Violence Intervention Program “GVI,” or “Operation Ceasefire,” to Reduce Gun Violence

From: Councilmember Ben Bartlett (Author), Mayor Jesse Arreguin (Co-Sponsor), and Councilmember Rashi Kesarwani (Co-Sponsor)

Recommendation: Refer to the Community Engagement Process for Reimagining Public Safety creation of a Group Violence Intervention Program (GVI), or “Operation Ceasefire,” that will assemble a Berkeley-centered interjurisdictional working group of community members, law enforcement personnel, and supportive services providers to address gun violence.

Financial Implications: Staff time and monetary amount to be determined
Contact: Councilmember Bartlett (510) 981-7130

Action: Councilmember Harrison added as a co-sponsor. Approved recommendation.

1. Lease Agreement for 225 University Avenue – Qasemi Abdul Moqim dba Berkeley Sportsman Center

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,735-N.S. authorizing the City Manager to execute a lease agreement and necessary amendments with Qasemi Abdul Moqim, doing business as Berkeley Sportsman Center, at 225 University Avenue at the Berkeley Marina for a term of three years, with a two-year option.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Action: Adopted second reading of Ordinance No. 7,735–N.S.

2. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the council meetings of September 15, 2020 (closed and regular), September 22, 2020 (closed and regular) and September 29, 2020 (closed and special).

Financial Implications: None

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

Action: Approved the minutes as submitted.

3. Annual Commission Attendance and Meeting Frequency Report

From: City Manager

Recommendation: Review and accept the annual Commission Attendance and Meeting Frequency Report.

Financial Implications: None

Contact: Mark Numainville, City Clerk, (510) 981-6908

Action: Item 3 continued to November 10, 2020.

Consent Calendar

- 4. Addendum to the Berkeley Revolving Loan Fund (RLF) Administrative Plan to augment the RLF with a COVID-19 Resiliency Loan Program**
From: City Manager
Recommendation: Adopt a Resolution approving temporary changes to the Administrative Plan of the Berkeley Revolving Loan Fund (RLF) to encompass the COVID-19 Resiliency Loan Program as financed by the CARES Act Recovery Assistance Grant.
Financial Implications: See report
Contact: Dave White, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 69,590–N.S.
- 5. Berkeley Economic Dashboards and Demographic Profile Update** *(Reviewed by the Land Use, Housing, & Economic Development Committee)*
From: City Manager
Recommendation: On September 17, 2020, the Land Use, Housing, & Economic Development Committee made a positive recommendation that this item be deemed received.
Financial Implications: None
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Approved recommendation of the Land Use, Housing, & Economic Development Committee.
- 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 27, 2020**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$1,067,302
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
- 7. Amending Berkeley Municipal Code Chapter 12.70 Sections 12.70.020 V, 12.70.035 E and 12.70.037 C to be in accordance with California Health and Safety Code**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 12.70 to update Section 12.70.020 Definitions section V and repealing Section 12.70.035.E and 12.70.037.C and adjusting the definition of "smoke" or "smoking" to include medical cannabis to align with the State of California Health and Safety code.
Financial Implications: None
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopt first reading of Ordinance No. 7,736–N.S. Second reading scheduled for November 10, 2020.

Consent Calendar

8. **Contract: Allana Buick & Bers, Inc. and Wiss, Janney, Elstner Associates, Inc. for On-Call Citywide Roof Assessment Services**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute a contract and any amendments with the following firms for On-Call Roof Assessment Services for City-owned facilities, each for the period July 1, 2020 through July 1, 2023.
1. Allana Buick & Bers, Inc. (ABB), for an amount not to exceed \$175,000.
 2. Wiss, Janney, Elstner Associates, Inc. (WJE), for an amount not to exceed \$175,000.
- Financial Implications:** See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,591–N.S. (Allana Buick & Bers), and Resolution No. 69,592–N.S. (Wiss, Janney, Elstner).
9. **Contract Award: DMR Builders for the 125/127 University Avenue Tenant Improvement Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the 125/127 University Avenue Tenant Improvements Project, Specification No.19-11324; 2. Accepting the bid of DMR Builders as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, for an amount not to exceed \$293,000.
- Financial Implications:** Various Funds - \$293,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,593–N.S.
10. **Contract No. 115731-1 Amendment: SKIDATA, Inc. (formerly Sentry Control Systems) for Extending Parking Access and Revenue Control System Maintenance Services and Warranties**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 115731-1 (Contract No. 10661B in FUND\$) with SKIDATA, Inc. (formerly Sentry Control Systems) to provide critical maintenance services and warranties for parking access and revenue control system equipment nearing the end of its useful life, extending the term to June 30, 2024 and increasing the contract amount by \$660,283 for a total not-to-exceed of \$1,995,540.
- Financial Implications:** See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,594–N.S.

Consent Calendar

- 11. Contract No. 112119-1 Amendment: Technology, Engineering, and Construction, Inc. for Tank Maintenance and Certification Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 112199-1 with Technology, Engineering and Construction, Inc. for the provision of tank maintenance and certification services, extending the term to June 30, 2022 and increasing the contract by \$100,000 for a total contract amount not to exceed \$250,000.
Financial Implications: Various Funds - \$100,000
 Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,595–N.S.
- 12. Contract No. 102354-1 Amendment: Direct Line Tele Response for Citywide After-Hours Answering Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment for up to \$150,000 to Contract No. 102354-1 with Direct Line Tele Response to provide continued customer service support after normal business hours, on weekends and holidays, for a total contract amount not to exceed \$432,750, and extending the contract term through December 31, 2022.
Financial Implications: Various Funds - \$150,000
 Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,596–N.S.
- 13. Referral Response: Game Day Parking – Minor Update to Include RPP Area K**
From: City Manager
Recommendation: Adopt a Resolution re-establishing parking restrictions on UC Berkeley football game days to include Residential Preferential Parking (RPP) Zone K (Panoramic Hill), and rescinding Resolution No. 69,089-N.S.
Financial Implications: See report
 Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,597–N.S.
- 14. Renewal of the Elmwood Avenue BID for Calendar Year 2021**
From: Elmwood Advisory Board
Recommendation: Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board’s (hereafter “Elmwood BID Advisory Board” or “the Advisory Board”) recommendation that Council: 1) approve the 2020 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2021; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2021 and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 17, 2020.
Financial Implications: See Report
 Contact: Kieron Slaughter, Commission Secretary, (510) 981-7530
Action: Adopted Resolution No. 69,598–N.S.

Consent Calendar

15. **Renewal of the Solano Avenue BID for Calendar Year 2021**

From: Solano Avenue BID Advisory Board

Recommendation: Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2020 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2021; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2021; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 17, 2020.

Financial Implications: See report

Contact: Eleanor Hollander, Commission Secretary, (510) 981-7530

Action: Adopted Resolution No. 69,599–N.S.

Consent Calendar

16a. **Smoke-Free Multi-Unit Housing Ordinance Policy and Enforcement Modifications** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

From: Housing Advisory Commission

Recommendation: The Commission recommends that City Council:

1. Make a short term referral directing the City Manager to correct current City Policies for enforcing BMC 12.70.035 so that these policies do not contradict the ordinance and BMC 12.70.035 requires that second and third complaints must refer to a violation or violations that occur after the 12.70.035(C) notice has been made.
2. Modify BMC 12.70.035 so that the requirement that signs be posted is enforced as part of the Residential Safety ordinance. Failure to post signage may result in fines, accordingly.
3. Modify BMC 12.70.035 so that repeated failure to provide new tenants with the City's brochure shall be guilty of an infraction. It shall also be an infraction for landlords to tell new tenants, in contradiction to the law, that tobacco smoking by some tenants is permitted.
4. Obtain an analysis of the financial impacts of the recommended modifications to the BMC.

(On September 29, 2020, the Health, Life Enrichment, Equity & Community Committee made a qualified positive recommendation to send the item to Council including the following referrals: 1. Refer to staff to explore expanding the Ordinance to buildings with one unit; 2. Refer to staff to explore and consider improvements in the interface between the residential and commercial non-smoking Ordinances in mixed-use buildings; 3. Refer to staff to create a web-based complaint filing mechanism/service; 4. Refer to staff to create special protocols for chronic situations and to consider including requirements for better air filtration and purification as well as other measures to effectively manage chronic cases; 5. Refer to staff to study the infraction and enforcement mechanisms and determine if they have any benefits and to consider other potential enforcement end points; 6. Refer to staff to look for opportunities for bias in enforcement and mechanisms to better guard against bias while still allowing for maximum action to resolve legitimate complaints; 7. Refer to staff to propose funding sources for enforcement; 8. Refer to staff to collect demographic data around complaints and targets of complaints (as much as possible); and 9. To return to Council with Ordinance amendments to accomplish the following: (a) amend or remove the 10-day language element (b) modify or remove the 2-complainant rule if warranted (c) adjust for the medical cannabis state law changes, (d) propose any and all other improvements beneficial to the Ordinance.)

Financial Implications: See report

Contact: Mike Uberti, Commission Secretary, (510) 981-7400

Action: See action for Item 16b.

Consent Calendar

16b. Companion Report: Smoke-Free Multi-Unit Housing Ordinance Policy and Enforcement Modifications *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

From: City Manager

Recommendation: The City Manager appreciates the Housing Advisory Commission's efforts to strengthen the implementation of the Smoke-free Multi-Unit Housing ordinance and recommends that the proposed modifications be referred to the City Manager Office for an analysis of the financial and legal feasibility of the proposed changes.

(On September 29, 2020, the Health, Life Enrichment, Equity & Community Committee made a qualified positive recommendation to send the item to Council including the following referrals: 1. Refer to staff to explore expanding the Ordinance to buildings with one unit; 2. Refer to staff to explore and consider improvements in the interface between the residential and commercial non-smoking Ordinances in mixed-use buildings; 3. Refer to staff to create a web-based complaint filing mechanism/service; 4. Refer to staff to create special protocols for chronic situations and to consider including requirements for better air filtration and purification as well as other measures to effectively manage chronic cases; 5. Refer to staff to study the infraction and enforcement mechanisms and determine if they have any benefits and to consider other potential enforcement end points; 6. Refer to staff to look for opportunities for bias in enforcement and mechanisms to better guard against bias while still allowing for maximum action to resolve legitimate complaints; 7. Refer to staff to propose funding sources for enforcement; 8. Refer to staff to collect demographic data around complaints and targets of complaints (as much as possible); and 9. To return to Council with Ordinance amendments to accomplish the following: (a) amend or remove the 10-day language element (b) modify or remove the 2-complainant rule if warranted (c) adjust for the medical cannabis state law changes, (d) propose any and all other improvements beneficial to the Ordinance.)

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Action: Approved recommendation of the Health, Life Enrichment, Equity & Community Committee.

Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Kesarwani.

Consent Calendar

- 17a. Recommendation to Modify Policies Related to the Enforcement of the Berkeley Smoke-Free Multi-Unit Housing Ordinance** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*
From: Housing Advisory Commission
Recommendation: Approve modifications to policies related to the enforcement of the Smoke-Free Multi-Unit Housing Ordinance, as follows:
1. Increase staffing to implement enforcement of the ordinance as part of the next budget;
 2. Improve signage related to the ordinance in residential buildings;
 3. Make the complaint process less onerous and more user-friendly, including enabling complainants to submit complaints electronically, providing complaint forms in different languages, and removing language requiring the statements to be “sworn,” and considering other, less threatening language that still expects a complaint be provided under the best of appellant’s knowledge;
 4. Relax the current requirements around how the Ordinance-based complaint form must be completed in order to be processed (e.g., removing the requirement of providing two separate complaints from different individuals within a six-month period, if the building contains two or fewer units, removing the requirement of providing a sworn statement under penalty of perjury); and
 5. Refer to the Community Health and Cannabis Commissions the question of whether the use of recreational (non-medical) cannabis should be incorporated into the Smoke-Free Housing Ordinance.
- (No final action was taken by the Health, Life Enrichment, Equity & Community Committee. Item is automatically returning to the Council agenda pursuant to the 120-day time limit for items referred to policy committees.)*
- Financial Implications:** See report
Contact: Mike Uberti, Commission Secretary, (510) 981-7400
Action: See action for Item 17b.
- 17b. Companion Report: Recommendation to Modify Policies Related to the Enforcement of the Berkeley Smoke-Free Multi-Unit Housing Ordinance** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*
From: City Manager
Recommendation: The City Manager appreciates the Housing Advisory Commission’s efforts to strengthen the implementation of the Smoke-free Multi-Unit Housing ordinance and recommends that the proposed modifications be referred to the City Manager Office for an analysis of the financial and legal feasibility of the proposed changes.
- (No final action was taken by the Health, Life Enrichment, Equity & Community Committee. Item is automatically returning to the Council agenda pursuant to the 120-day time limit for items referred to policy committees.)*
- Financial Implications:** See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: The Council took no action on the Item 17a and Item 17b due to the responsive action on Item 16b.

Council Consent Items

- 18. Budget Referral: \$50,000 to UC Theatre Concert Career Pathways Education Program**
From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation: Refer to the November 2020 AAO budget process the allocation of \$50,000 to the UC Theatre Concert Career Pathways Education Program.
Financial Implications: \$50,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmembers Harrison and Davila added as co-sponsors. Approved recommendation.
- 19. Treatment of Horses at Golden Gate Fields**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Send a letter to the California Horse Racing Board to investigate the treatment and welfare of horses at Golden Gate Fields.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmember Harrison added as a co-sponsor. Approved recommendation.
- 20. Equitable Clean Streets Budget Referral: Funding for Staff to Conduct Bi-Weekly (Once Every Two Weeks) Residential Cleaning Services**
From: Councilmember Bartlett (Author), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer to the November AAO budget process to allocate \$500,000 from the General Fund to require biweekly (once every two weeks) cleaning of populated encampment sites, major corridors, and encampments adjacent to residential neighborhoods throughout the City of Berkeley for approximately one year. The City should also partner with appropriate non-profit organizations to create work opportunities for homeless residents who can help City staff clean the streets on an ongoing basis.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation revised to remove “from the General Fund” from the recommendation. Supplemental material submitted at the meeting from Councilmember Bartlett.

Council Consent Items

21. **Convert 62nd Street between King St, and Adeline St. into a One-Way Line that exits in the direction of Adeline St.**
From: Councilmember Bartlett (Author); Mayor Arreguin (Co-Sponsor)
Recommendation: Refer to the City Manager to convert 62nd Street between King St. and Adeline St. into a one-way lane that exits to Adeline and blocks motorists from entering 62nd Street through Adeline Street.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Approved recommendation.
22. **Resolution Adopting the 2020 Traffic Circle Vegetation Policy and Maintenance Plan** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt the 2020 Traffic Circle Vegetation Policy and Maintenance Plan as revised by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee.
(On September 16, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to Council, as submitted by staff, and as further revised by the committee to include: 1. That this policy be reviewed every five (5) years. 2. Tree standards will be refined overtime to meet the needs of the traffic circles. 3. If any trees are to be removed, the policy is to replace the tree with a more appropriate tree when possible. 4. If a tree is to be removed and it can be successfully replanted, it shall be.)
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Approved recommendation of the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee. Adopted Resolution No. 69,600-N.S.
23. **Support for Berkeley Mutual Aid**
From: Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer to the City Manager and to the November FY2020 AAO budget adjustment process to identify existing resources, or propose a new allocation of funds, to provide emergency financial support to Berkeley Mutual Aid (BMA) to allow the organization to continue its highly valued programs and services addressing the needs of Berkeley residents sheltering-in- place during the COVID-19 health emergency. Support required for BMA to continue providing critical services to the community is \$3,000 per month, starting as soon as possible and continuing until 3 months after the COVID-19 emergency order is lifted.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Councilmember Wengraf added as a co-sponsor. Approved recommendation.

Recess 8:33 p.m. – 8:45 p.m.

Action Calendar – New Business

24. Referral Response: Lessons Learned in Organizational Management During Crisis and COVID-19 Response 2020 Summary Report

From: City Manager

Recommendation: Review and discuss the report and presentation on COVID-19 Response 2020 Summary Report.

Financial Implications: None

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

Action: M/S/C (Arreguin/Wengraf) to accept revised material from the City Manager on Item 24.

Vote: All Ayes.

Action: M/S/C (Arreguin/Davila) to suspend the rules and extend the meeting to 11:10 p.m.

Vote: Ayes.

Action: 8 speakers. Presentation made and discussion held.

Council Action Items

- 25. Adopt a Resolution to Upgrade Municipal Accounts to 100% Renewable Plan**
(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee) (Item contains revised material)

From: Councilmember Harrison (Author), Mayor Arreguin (Author), Councilmember Robinson (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation:

a. Adopt a Resolution to opt up Berkeley's municipal accounts to Renewable 100 (100% renewable and 100% greenhouse gas-free) electricity service, and provide for yearly Council review of the City's default municipal, residential, and commercial plans.

b. Refer the estimated annual increased cost of \$94,063 to the November 2020 budget process.

(On February 6, 2020, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee took action to:

1. Approve recommendations b and c, as revised in the supplemental report submitted by Councilmember Harrison, with a Positive Recommendation.

Revised recommendation:

b. Opt up municipal East Bay Community Energy accounts to renewable 100 (100% renewable and 100% greenhouse gas-free) electricity service, and refer the estimated increased cost of \$100,040 to the June 2020 budget process; and,

c. Providing for yearly Council review of the City's default residential, commercial and municipal plans.

And:

2. Approve recommendation a, as revised in the supplemental report submitted by Councilmember Harrison, and send the item back to the City Council with a Positive Recommendation.

Revised recommendation:

a. Changing the service plan for current and new Berkeley residential Bright Choice accounts, except those enrolled in the California Alternate Rates for Energy Program, Family Electric Rate Assistance and Medical Baseline Allowance Program accounts, and all commercial East Bay Community Energy Bright Choice accounts to the Brilliant 100 (100% greenhouse gas-free) electricity service plan, effective [] for residential customers and [] for commercial customers. Customers will not lose the option of changing their plan or opting out of EBCE entirely.)

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action: Moved to Consent Calendar. Adopted Resolution No. 69,601–N.S. as printed in the agenda packet in the item from Councilmember Harrison

(recommendations a. and b. above) with an amended resolved clause as follows:

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized, and if funded by the Council, directed to select Renewable 100 as the electricity product for the City of Berkeley's municipal accounts, and that the Council shall review annually the City's default municipal, residential, and commercial plans in order to determine whether further adjustment is appropriate.

Information Reports

26. Police Review Commission Work Plan for 2020-2021

From: City Manager

Contact: Katherine Lee, Commission Secretary, (510) 981-4950

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 0 speakers.

Adjournment

Adjourned at 11:10 p.m.

I hereby certify that the forgoing is a true and correct record of the regular session meeting held on October 27, 2020.

Mark Numainville
City Clerk

Communications

COVID-19 Related

1. David Lerman
2. Andrea Davis
3. Thomas Lord (2)
4. Ben Esposito

Grizzly Peak Fire Danger

5. Poppy Davis
6. Barbara Freeman (8)
7. Rachel Bradley
8. Joseph Heil
9. Sandi Thompson
10. David Thill (2)
11. Carla Shapreau
12. Sally Francis
13. Melinda Drayton
14. Joshua Bloom
15. Susan Griffin
16. Jurgen Aust
17. Ellen Archilla

Adeline Corridor

- 18. Rahwa Neguse, on behalf of Healthy Black Families
- 19. Anne Torney
- 20. Steve Martinot

Encampments and Homelessness

- 21. Diana Bohn
- 22. Jack Hlava, on behalf of the DoubleTree by Hilton at the Berkeley Marina

Berkeley Police Department

- 23. Buraaq Alrawi
- 24. Becca Nipper
- 25. Catherine Huchting
- 26. Barnali Ghosh, on behalf of Walk Bike Berkeley
- 27. Robert Landers (2)

Gun Violence

- 28. Gigi Satris
- 29. Robert Landers

Bird Scooters

- 30. Bob Walsh, on behalf of Bird Scooters

Raccoon Attacks

- 31. Jane Kitchel

Census Deadlines/Fake News

- 32. Chimey Lee

Installing Broadband During Street Repairs

- 33. Norie Clarke

San Pablo Tennis Courts

- 34. Carly McLane

Election Related

- 35. Geoff Lomax
- 36. Bill Rosen

Berkeley Fire Department EMT Thanks

- 37. Thomas Lord
- 38. Councilmember Harrison

Berkeley Property Transfer Tax

- 39. Barbara Gilbert (2)

Berkeley Art Center

- 40. Berkeley Art Center

Vision 2025

- 41. Karen Rubio
- 42. Lisa Wade
- 43. Debbie Parsons
- 44. Niland

EBCE: Resilient Home Program

- 45. Alex DiGiorgio, on behalf of East Bay Community Energy

Sharps Container

- 46. Thomas Lord

5G

- 47. Wanda Warkentin

North Berkeley BART and Affordable Housing

- 48. Claudia Valas
- 49. Carol Hirth
- 50. Jason Warriner
- 51. Betty Kano
- 52. Robert and Junko Kenmotsu
- 53. Robbin Henderson
- 54. Eileen Hughes
- 55. Janice Schroeder
- 56. Cece Littlepage

Firefighters Hiring Freeze

- 57. Justin Ironside, on behalf of the Berkeley Firefighters Association
- 58. Mayor Arreguin

Construction at 1155-1173 Hearst Avenue

- 59. Tracey Emerson (2)
- 60. Pam Ormsby

Turnouts on Winding Hill Streets

- 61. Bob Flasher

Berkeley Rental Housing Safety bill

- 62. Evan Meyer

Supplemental Communications and Reports 1

Item #20: Equitable Clean Streets Budget Referral: Funding for Staff to Conduct Bi-Weekly (Once Every Two Weeks) Residential Cleaning Services

- 63. Sallie Hanna-Rhyne

Supplemental Communications and Reports 2

Item #25: Adopt a Resolution to Upgrade Municipal Accounts to 100% Renewable Plan

- 64. Jessica Woodward
- 65. Marcia Edelen

Urgent Item: Create an Interjurisdictional Group Violence Intervention Program “GVI” or “Operational Ceasefire” to Reduce Gun Violence

- 66. Urgent item, submitted by Councilmember Bartlett, Mayor Arreguin and Councilmember Kesarwani
- 67. Moni Law
- 68. Boona Cheema
- 69. Bekka
- 70. John Lindsay-Poland

Supplemental Communications and Reports 3

Item #7: Amending Berkeley Municipal Code Chapter 12.70 Sections 12.70.020 V, 12.70.035 E and 12.70.037 C to be in accordance with California Health and Safety Code

- 71. Barbara Gilbert

Item #16 & #17: Smoke-Free Multi-Unit Housing Ordinance Policy and Enforcement Modifications

- 72. Igor Tregub

Item #20: Equitable Clean Streets Budget Referral: Funding for Staff to Conduct Bi-Weekly (Once Every Two Weeks) Residential Cleaning Services

- 73. Supplemental material, submitted by Councilmember Bartlett
- 74. Beth Trask
- 75. Sam Kang
- 76. Brian LaFranchi
- 77. Hilary Winters
- 78. Andy Pinost

Item #21: Convert 62nd Street between King Street, and Adeline Street into a One-Way Line that exits the direction of Adeline Street

- 79. Willa Willis Jacobs
- 80. Jacquelyn Willis-McGhee
- 81. Bert Jacobs
- 82. Robert Garvey
- 83. Elena Ocean Levin
- 84. Catherine Huchting
- 85. Anna Levin
- 86. Brian LaFranchi
- 87. Hilary Winters

Item #23: Support for Berkeley Mutual Aid

88. Gregory Lemieux
89. Barbara Freeman
90. Betsy Beazley
91. Jordan Place
92. Daveed Mandell
93. David Peattie
94. Susan Springborg
95. Rada Chandra
96. Susan Snyder
97. Allison Murray
98. Barbara Lewis
99. Alexander Aguiar
100. Jonathan Larson
101. Valerie Hammer
102. Catherine Cade
103. Sameera Mangena
104. Kamardip Singh
105. Mark Misoshnik
106. Patrice Igelzi
107. Ari Fellows-Mannion
108. Kris Muller
109. Liza Lutzker
110. Plumeria Hertz
111. Emily McAfee
112. Kim Tonkyro
113. Karen Anderson
114. Andrew Reichart
115. Anastasia Mallillin
116. Betty Kano
117. Peter Bruce DuMont
118. Zoe Hall
119. Doris Fine
120. Linda Zagula
121. Becca Freed
122. Liz Exter
123. Shari Simburg
124. Veta Jacquelin
125. Jenner Greer
126. Maile Sherman and Jerome Behrens
127. Lynn Orlando
128. Alix Blair Darling
129. Vita Wells
130. Vicki Young
131. Denni Liebowitz
132. Cheryl Buckingham

133. LeeAnn Dowd
134. Kate Dworkin
135. Sandra Barlow
136. Liz Ruhland
137. Sandy Bredt
138. Tobie Helene Shaapiro
139. Aida Curtis
140. Cherly Lorenz
141. Karen Barad
142. Mariah Skye
143. Perlita Payne
144. Sierra Wagner
145. Stella Livingston
146. Gradiva Couzin
147. Patricia Bulitt
148. Margaret Rigg

Item #24: Referral Response: Lessons Learned in Organizational Management During Crisis and COVID-19 Response 2020 Summary Report

149. Presentation, submitted by the City Manager's Office

Item #25: Adopt a Resolution to Upgrade Municipal Accounts to 100% Renewable Plan

150. Kathy Dervin and Mary Ann Furda
151. Irene Rosenthal
152. Ruby MacDonald, on behalf of the League of Women Voters
153. Veronika Fukson
154. Judith Daar
155. Igor Tregub, on behalf of the Sierra Club
156. Judy Bertelsen

Urgent Item: Create an Interjurisdictional Group Violence Intervention Program "GVI" or "Operational Ceasefire" to Reduce Gun Violence

157. Linda Franklin
158. Leah Redwood
159. Diana Bohn
160. Faith Fuller
161. Susan Marchionna
162. Heather Bradley
163. Lucy Slater
164. Jesse McFarland
165. Tiffany Veivia
166. Shana DeClercq
167. Mary Lou Van Deventer
168. Joey Flegel-Mishlove
169. Abigail Tarail

- 170. Kitt Sagior
- 171. Sarah Garrett
- 172. Nicole Freeling
- 173. Mark Rhoades
- 174. Alexandra Mitnick
- 175. Ann Rogers
- 176. Corinne Allen
- 177. Jason Lelchuk
- 178. Sally Hughes

Miscellaneous Communications

People's Park Sharps Container

- 179. Max Ventura, on behalf of the People's Park Committee

Cell Towers

- 180. Clifford Fred
- 181. KO
- 182. Connie Anderson
- 183. Sgilma2340@
- 184. Stephanie Thomas



Office of the City Manager

CONSENT CALENDAR
November 17, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 17, 2020

RECOMMENDATION

Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is \$7,429,349

<u>PROJECT</u>	<u>Fund</u>	<u>Source</u>	<u>Amount</u>
New Automobile and Truck Tires	672	Equipment Maintenance	\$1,650,000
Street Rehabilitation FY 2021	127 130 133 134 501	State Transportation Tax Meas B – Local St and Rds Meas F – ALA CT VRF St and Rd Meas BB – Local St and Rd Capital Improvements	\$3,200,000
Automobile and Truck Tires Repair	672	Equipment Maintenance	\$250,000
On-Call marina Project and Construction Management Services	TBD	TBD	\$500,000
Southside Complete Streets	305 147	Capital Grants – Federal US Settlement	\$979,349

John Hinkel Park Amphitheater Area Improvements	138	Park Tax	\$850,000
Total:			\$7,429,349

CURRENT SITUATION AND ITS EFFECTS

On May, 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager’s purchasing authority for services to \$50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of \$100,000 for goods; and \$200,000 for playgrounds and construction; and \$50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

BACKGROUND

On May 6, 2008, Council adopted Ordinance No. 7,035-N.S., amending the City Manager’s purchasing authority for services.

ENVIRONMENTAL SUSTAINABILITY

The Finance Department reviews all formal bid and proposal solicitations to ensure that they include provisions for compliance with the City’s environmental policies. For each contract that is subject to City Council authorization, staff will address environmental sustainability considerations in the associated staff report to City Council.

RATIONALE FOR RECOMMENDATION

Need for the services.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Darryl Sweet, General Services Manager, Finance, 510-981-7329

Attachments:

- 1: Formal Bid Solicitations and Request for Proposals Scheduled For Possible Issuance After Council Approval on November 17, 2020
 - a) New Automobile and Truck Tires
 - b) Street Rehabilitation FY 2021
 - c) Automobile and Truck Tires Repair
 - d) On-Call Marina Project and Construction Management Services

Formal Bid Solicitations and Request for Proposals
Scheduled for Possible Issuance After Council
Approval on November 17, 2020

CONSENT CALENDAR
November 17, 2020

- e) Southside Complete Streets
- f) John Hinkel Park Amphitheater Area improvements

Note: Original of this attachment with live signature of authorizing personnel is on file in General Services.

DATE SUBMITTED: November 17 ,2020

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
21-11421-C	New Automobile and Truck Tires	11/18/2020	12/10/2020	Tire purchases for City Fleet Vehicles.	\$ 1,650,000 /over 5 years.	672-54-626-722-0000-000-473-642140-	Public Works / Equipment Maintenance	Greg Ellington, 510-981-6469
21-11422-C	Street Rehabilitation FY 2021	1/1/2021	2/1/2021	Pavement rehabilitation of various streets	\$3,200,000	127-54-623-673-3012-000-431-665110-\$63,815 130-54-623-673-3012-000-431-665110-\$660,000 133-54-623-673-3012-000-431-665110-\$55,000 134-54-623-673-3012-000-431-665110-\$1,380,000 501-54-623-673-3012-000-431-665110-\$1,041,185 Total – \$3,200,000	Yes Public Works/ Engineering	Joe Enke 981-6411 Wendy Wong 981-6428
21-11423-C	Automobile and Truck Tires Repair	11/18/2020	12/10/2020	Tire Repair Services for City Fleet Vehicles.	\$ 250,000 /over 5 years.	672-54-626-722-0000-000-473-642140-	Public Works / Equipment Maintenance	Greg Ellington, 981-6469

DATE SUBMITTED: November 17 ,2020

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
21-11424-C	On-Call marina Project and Construction Management Services	11/18/2020	12/10/2020	Construction management and inspection services for various Waterfront capital improvement projects at City-owned and maintained facilities. (3-year term).	\$500,000 Total over three years	TBD (on-call contract) funds are built into projects TBD-52-545-000-0000-000-461-612330	PRW/Waterfront	Nelson Lam 981-6395
21-11425-C	Southside Complete Streets	11/18/2020	12/10/2020	Conceptual design, alternatives analysis, preliminary engineering, environmental study, and plans, specifications and estimates for pedestrian, bicycle and transit facilities on streets in the Southside area, including Bancroft from Piedmont Ave to Milvia, and Telegraph, Dana and Fulton between Dwight and	\$979,349	\$867,018 from 305-54-622-668-0000-000-431-612310-PWTRCS2001 \$112,331 from 147-54-622-668-0000-000-431-612310-PWTRCS2001	Public Works/ Transportation	Eric Anderson 981-7062

DATE SUBMITTED: November 17 ,2020

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
21-11426-C	John Hinkel Park Amphitheater Area Improvements	2/1/2021	3/1/2021	This project includes ADA improvements, drainage improvements, resurfacing, picnic area, play area, parking and historic masonry repair.	\$850,000	138-52-542-000 0000-000-461-663110 PRWPK19004	PRW/ Capital Projects	Isaac Carnegie 981-6342
DEPT. TOTAL					\$7,429,349			
GRAND TOTAL					\$7,429,349			



Office of the City Manager

CONSENT CALENDAR

November 17, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing & Community Services

Subject: Revenue Contract: The Center at Sierra Health Foundation for \$100,000 for Information Technology Equipment, Telehealth Licenses, and Personal Protective Equipment

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to apply for funding provided by The California Department of Health Care Services through the Behavioral Health Telehealth Request for Applications and accept the funding and execute any resultant revenue agreements and amendments to purchase Information Technology equipment, Telehealth licenses, and Personal Protective Equipment up to \$100,000 total in fiscal year 2021 and fiscal year 2022.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds up to the amount of \$100,000 from The Center at Sierra Health Foundation for the purchase of Information Technology (IT) equipment, telehealth licenses, and Personal Protective Equipment (PPE). The funds for this contract will be deposited and expensed from the One-Time Grant: No Capital Expenditures Fund and will be appropriated in a future amendment to the Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

The Health, Housing & Community Services Department applied for these grant funds and has received notification that it has been awarded \$100,000 in funding. The funding is restricted for use in providing IT equipment, Telehealth Licenses, and PPE for mental health staff. The funding through this grant will allow the Department to offset expected costs for IT and PPE due to the Covid-19 pandemic, and will support staff in providing mental health services through telehealth. The grant will fund the purchase of laptops, monitors, Zoom Telehealth licenses, N95 masks and other PPE. These items are needed to safely provide services during the Covid-19 pandemic.

BACKGROUND

The Mental Health Division of the Health, Housing & Community Services Department identified this funding opportunity and applied for these funds with a short turn-around time. During the Covid-19 Pandemic, the Mental Health Division has shifted many

services to Telehealth through phone or Zoom. In order to comply with requirements around staff distancing, most Mental Health Division staff are working from home for several days per week, and are in need of laptops to access and enter client information and perform other essential business functions.

On September 25, 2020, The Center at Sierra Health Foundation awarded the City of Berkeley \$100,000 for the purchase of specific IT equipment and PPE to support the Mental Health Division is providing services through the Covid-19 Pandemic. The IT equipment will support the provision of tele-health services, and the PPE will support staff safety in providing services.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

These funds will support the Health, Housing and Community Services Department in providing services for individuals with Medi-Cal or no insurance who have mental health needs in Berkeley. The funding provided in this agreement will offset expected costs during the Covid-19 Pandemic.

ALTERNATIVE ACTIONS CONSIDERED

No alternatives were considered.

CONTACT PERSON

Steven Grolnic-McClurg, Manager of Mental Health Services, (510) 981-5290

Attachments:

1: Resolution

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

REVENUE CONTRACT: THE CENTER AT SIERRA HEALTH FOUNDATION FOR
INFORMATION TECHNOLOGY EQUIPMENT, TELEHEALTH LICENSES, AND
PERSONAL PROTECTIVE EQUIPMENT

WHEREAS, The Department of Health Care Services issued a Behavioral Health Telehealth Request for Applications administered by The Center at Sierra Health Foundation; and

WHEREAS, The Mental Health Division of the Health, Housing and Community Services Department will incur costs for Internet Technology Equipment and Personal Protective Equipment to provide needed services during the Covid-19 Pandemic; and

WHEREAS, applying for and accepting funding provided through the Behavioral Health Telehealth Request for Applications will assist the Mental Health Division acquire the information technology equipment, telehealth licenses and personal protective equipment; and

WHEREAS, The Center at Sierra Health Foundation has awarded the City of Berkeley \$100,000 for the purchase of Internet Technology Equipment and Personal Protective Equipment after receiving an application for this funding.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council approves the following: The City Manager or her designee is hereby authorized to, submit an application for funding from The Center at Sierra Health Foundation, accept the funding and execute any resultant revenue agreements and amendments to purchase Internet Technology equipment and Personal Protective Equipment in the projected amount of \$100,000 total in fiscal year 2021 and fiscal year 2022. The funds for this contract will be deposited and expensed from the One-Time Grant: No Capital Expenditures Fund and will be appropriated in a future amendment to the Annual Appropriations Ordinance. A signature copy of said documents, agreements and any amendments shall be on file in the office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
November 17, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: LaTanya Bellow, Director, Human Resources Department
 Subject: Contract No. 32100021 Amendment: Telfords for Tyler Munis ERP System (locally referred to as ERMA) Implementation Support

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32100021 with Telfords, for Consulting Services for Tyler Munis ERP system project management and implementation support services and to increase the contract amount by \$50,000 for a total not to exceed \$100,000 and to extend the contract through June 30, 2021.

FISCAL IMPACTS OF RECOMMENDATION

This proposed contract amendment will provide funding through June 30, 2021 in an amount not to exceed \$100,000. The initial funding of \$50,000 for the contract is being appropriated as part of the First Amendment to the FY 2021 Annual Appropriations Ordinance, which is on tonight's Council agenda. The additional \$50,000 will be appropriated as part of the Second Amendment to the FY 2021 Annual Appropriations Ordinance. All of the funding for the contract and the contract amendment are being appropriated in the FUND\$ Replacement Fund.

CURRENT SITUATION AND ITS EFFECTS

The City entered into a contract with Telfords to provide the City with consulting services for Tyler Munis ERP System (locally referred to as ERMA) Implementation. Telfords will continue to help project manage the Payroll module implementation and make sure all the tasks and testing that are needed in order to "GO Live" are conducted efficiently and are delivered as intended.

BACKGROUND

Since 1991, the City has used the SunGard Public Sector (formerly HTE) solution for financials, budgeting, and payroll functions. In May 2015, the City contracted with the Government Finance Officers Association (GFOA) for a review of its current financial processes. GFOA was also tasked with identifying areas for improvement and to recommend business process changes to implement a modern Enterprise Resource Planning (ERP) software to provide improved core financial, human resources and payroll processes. This assessment led to the determination that a new enterprise system will

improve integration, reporting and roll-up capabilities, organizational processes, and allow for the implementation of best practices for business processes.

The City has invested significant time over the past two years preparing for the ERP implementation. The needs assessment process included working with GFOA. GFOA worked with City Departments to map “as-is” processes for the preparation and procurement of a modern core ERP system which included developing new “to-be” processes that are modern, streamlined, and followed best practices. This process resulted in the City’s evaluation team recommending the City to proceed with Tyler Technologies. Tyler’s system, Munis, will provide financial, human resources and payroll solutions for the City and will replace the core services currently supported through SunGard HTE system.

Telfords and staff have conducted extensive testing of the ERMA system running parallel testing in FUND\$ and ERMA, and the ERP implementation project is now in the final Go Live testing phase. However, the ERMA team’s time working on the project has been impacted by the COVID-19 pandemic and the Tyler’s system has recently been a victim of a ransomware attack. As result, the team has moved to a phased approach to launch the payroll function before finalizing the electronic time keeping tool, ExecuTime, resulting in increased costs. This phased implementation will extend the launch date to February 2021 and creates space for staff to respond to the ongoing COVID-19 pandemic impacts, and provides Telfords time to respond to the ransomware attack.

ENVIRONMENTAL SUSTAINABILITY

The implementation of a modern ERP system will reduce the amount of paper used in processing the City’s business activities. The new system will also greatly reduce the paperwork involved in timesheet processing for the City employees.

RATIONALE FOR RECOMMENDATION

The additional funding is necessary to continue to support and guide the project team through the final project objectives and deliverables needed to replace the Payroll Module.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

LaTanya Bellow, Director of Human Resources, 510-981-6807

Attachments:

1: Resolution

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

CONTRACT NO 32100021 AMENDMENT: TELFORDS AGREEMENT FOR CONSULTING SERVICES FOR THE TYLER MUNIS ERP PROJECT IMPLEMENTATION

WHEREAS, the City desired to hire a consultant to help identify key issues and work with the project team to develop a plan to meet the project objectives and deliverables; and

WHEREAS, the consultant provided an independent analysis of the in-process results of the project and provides on-going support to the project team to meet project objectives; and

WHEREAS, it is important that these services be provided before the implementation of the ERP system; and

WHEREAS, Telfords has worked with many local cities to implement ERP systems in similar environments, including the cities of Sunnyvale and South San Francisco; and

WHEREAS, the City entered into a Contract No. 32100021 in the amount not to exceed \$50,000 with Telfords to provide implementation support for Tyler Munis ERP System locally referred to as ERMA; and

WHEREAS, the project team recognized the need to delay the go-live date, and revise the project plan with a target date of February 28, 2021; and

WHEREAS, the funding for the agreement is being appropriated in the Fiscal Year 2021 budget in the FUNDS\$ Replacement Fund (503) as part of the First and Second Amendments to the FY 2021 Annual Appropriations Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32100021 with Telfords to provide implementation support for Tyler Munis ERP system and to increase the contract amount by \$50,000 for a total not to exceed \$100,000 and to extend the contract through June 30, 2021.



Office of the City Manager

CONSENT CALENDAR
November 17, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Interim Director, Planning and Development Department

Subject: Refer to the Planning Commission to Amend the General Plan Land Use Classification and Rezone Parcels Located at 1709 Alcatraz Street, 3404 King Street, 3244 Ellis Street, 1717 Alcatraz Avenue and 2024 Ashby Avenue

RECOMMENDATION

Refer to the Planning Commission consideration that the parcels located at 1709 Alcatraz Street (APN 052-1533-001-03), 3404 King Street (APN 052-1435-001-02), 3244 Ellis Street (APN 052-1533-005-00), 1717 Alcatraz Avenue (APN 052-1533-005-00) and 2024 Ashby Avenue (APN 053-1592-022-00) be reclassified to the new Adeline Corridor Mixed Use General Plan Land Use Classification; and consideration that the same areas be rezoned to the new Commercial – Adeline Corridor District.

FISCAL IMPACTS OF RECOMMENDATION

There are no direct fiscal impacts to the City of Berkeley by considering the proposed General Plan redesignation and rezoning.

CURRENT SITUATION AND ITS EFFECTS

Later this year the City Council will be presented with the proposed Adeline Corridor Specific Plan and associated General Plan and zoning amendments, which would apply the new Adeline Corridor Mixed Use General Plan land use classification and Commercial – Adeline Corridor District zoning to all the parcels within the Specific Plan boundary. The new Adeline Corridor Mixed Use General Plan Land Use Classification is designed to incentivize more affordable housing through providing streamlined approval and incrementally more density, height and floor-area ratio, in return for specified amounts of on-site affordable housing units. The new C-AC zoning permits uses that align with Plan Area vision and goals. The Plan Area for the Adeline Corridor Specific Plan does not include the parcels described in this staff report, so subsequent to the plan adoption and General Plan and zoning amendments, these parcels will retain their existing designations. Staff is recommending that the City Council refer to the Planning Commission consideration that the five parcels shown in Table 1 (below) be reclassified to the Adeline Corridor Mixed Use General Plan land use classification, and

consideration that these same parcels be rezoned to the Commercial – Adeline Corridor (C-AC) District. See Attachment A for a map of the parcels proposed for amendments.

Table 1. Parcels Proposed for General Plan and Zoning Map Amendments

	<u>Existing General Plan</u>	<u>Existing Zoning</u>
1. 1709 Alcatraz Street (APN 052-1533-001-03)	Avenue Commercial and Medium Residential	R-2A and Commercial – South Area (C-SA)
2. 3404 King Street (APN 052-1435-001-02)	Medium Density Residential	R-2A Restricted Multiple-Family Residential District
3. 3244 Ellis Street (APN 052-1533-005-00)	Neighborhood Commercial	Commercial – South Area (C-SA)
4. 1717 Alcatraz Avenue (APN 052-1533-005-00)	Neighborhood Commercial	Commercial – South Area (C-SA)
5. 2024 Ashby Avenue (APN 053-1592-022-00)	Avenue Commercial	Commercial – South Area (C-SA)

BACKGROUND

At the February 1, 2020 meeting of the Planning Commission Subcommittee for the Adeline Corridor Specific Plan, Subcommittee members heard public comment requesting specific expansions to the Plan Area boundary to include two parcels located at 3404 King Street and 1709 Alcatraz Avenue:

- The parcel located at 1709 Alcatraz Avenue is approximately one acre and is owned by the Ephesian Church of God in Christ. It is located at the northern corner of King Street and Alcatraz Avenue, near the Adeline Corridor Specific Plan Area boundary. Current uses on the parcel include the Ephesian Church building, surface parking, and a vacant building. The parcel is currently has two different General Plan and zoning designations: Medium Density General Plan Restricted Multiple-Family Residential District (R-2A), and Avenue Commercial General Plan South Area Commercial District (C-SA). The Ephesian Church has indicated that it is interested in redeveloping 0.52-acres of the site with a 100% affordable senior housing project along King, Harmon, and Ellis Streets.
- The parcel located at 3404 King Street is a 0.1 acre parcel owned by Fred Finch Youth and Family Services. It is adjacent to, but outside of, the Adeline Corridor Specific Plan Area boundary. It currently is classified as Medium Density

Residential in the General Plan and is in the R-2A Restricted Multiple-Family Residential District. The current use on the parcel is “Turning Point,” a temporary, transitional housing program designed to assist homeless youth age 18-25 to obtain and maintain independent permanent housing. The Berkeley Municipal Code (BMC) defines “transitional housing” as a type of Group Living Accommodation (GLA), which are not allowed to operate in the R-2A District. However, this property was granted a Use Permit (UP) with a Variance in 1978 to allow for a transitional home serving 12 youth. Amending the General Plan classification and rezoning the parcel from R-2A to the proposed C-AC zoning which would allow the current GLA uses and any potential future expansion/modification of the current use, with a Use Permit (with a public hearing).

Since the Adeline Corridor Specific planning process has been underway since 2015, and the Plan and the Environmental Impact Report (EIR) were prepared based on the current Plan Area boundary, staff recommends that these General Plan and zoning map amendments be considered separately from the approval process of the Adeline Corridor Specific Plan and associated General Plan, zoning and environmental review documents. At its meeting on September 30, 2020 the Planning Commission voted to recommend adoption of the Adeline Corridor Specific Plan and associated documents to the City Council.

In addition to the two parcels described above, staff has also included three other parcels to be considered for amendment of their General Plan Land Use Classification and zoning:

- The parcel located at 3244 Ellis Street is approximately 0.1 acres and its current use is a 6-unit apartment complex.
- The parcel located at 1717 Alcatraz Avenue is approximately 0.1 acres and current uses include a mixed-use building.
- The parcel located at 2024 Ashby Avenue is approximately 0.07 acres and its current use is a parking lot for St. Paul’s A.M.E. church, which is located on the adjacent parcel to the west (APN 053-1592-022-00). St. Paul’s A.M.E. church owns both parcels. The parcel on which the church is located is within the Adeline Specific Plan Area boundary, and is proposed through that Plan to have its General Plan and zoning changed to the Adeline Corridor Mixed Use General Plan land use classification, and rezoned to the C-AC District.

ENVIRONMENTAL SUSTAINABILITY

There are no direct environmental opportunities from these proposed actions. These parcels are located near or on a major transit corridor (Adeline Street) and within walking distance of the Ashby BART station. Future development proposed for some of these parcels would bring more transit oriented and affordable housing to the area.

RATIONALE FOR RECOMMENDATION

The new Adeline Corridor Mixed Use General Plan Land Use Classification and C-AC zoning is designed to incentivize more affordable housing through providing streamlined approval and incrementally more density, height and floor-area ratio, in return for specified amounts of on-site affordable housing units.

Amending the General Plan and zoning for the parcel located at 1709 Alcatraz Street would facilitate the development of affordable housing and support the Ephesian Church, a longstanding institution of South Berkeley’s African American community, which is consistent with the goals of the Adeline Corridor Specific Plan.

Amending the General Plan and zoning for the parcel located at 3404 King Street would allow for the potential change or expansion of the current use through the granting of a Use Permit (with a public hearing), which would be consistent with the goals of the Adeline Corridor Specific Plan.

Amending the General Plan and zoning of the two parcels located at 3244 Ellis Street and 1717 Alcatraz Avenue to the new Adeline Corridor Mixed Use General Plan Land Use Classification and C-AC zoning would ensure that there would not be two parcels classified as Avenue Commercial (General Plan) and zoned Commercial – South Area (C-SA) sandwiched between parcels that have the Adeline Corridor Mixed Use General Plan land use classification and C-AC District zoning. Existing uses on these two parcels, including a mixed-use building and a six-unit apartment complex, respectively, would not be affected by the change from C-SA to C-AC zoning.

Amending the General Plan and zoning of 2024 Ashby Avenue would facilitate the development of affordable housing and support St. Paul’s A.M.E. Church, a longstanding institution of South Berkeley’s African American community, which is consistent with the goals of the Adeline Corridor Specific Plan.

ALTERNATIVE ACTIONS CONSIDERED

The Council may choose not to refer this item to the Planning Commission.

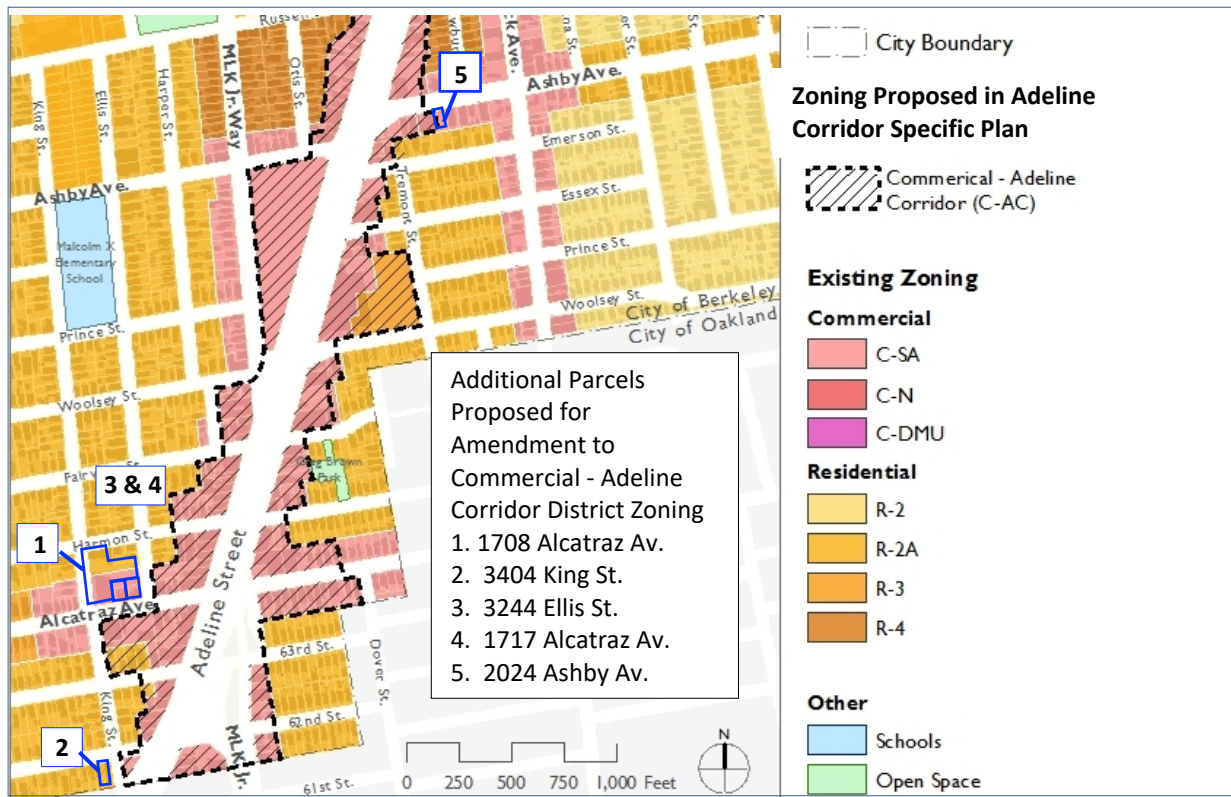
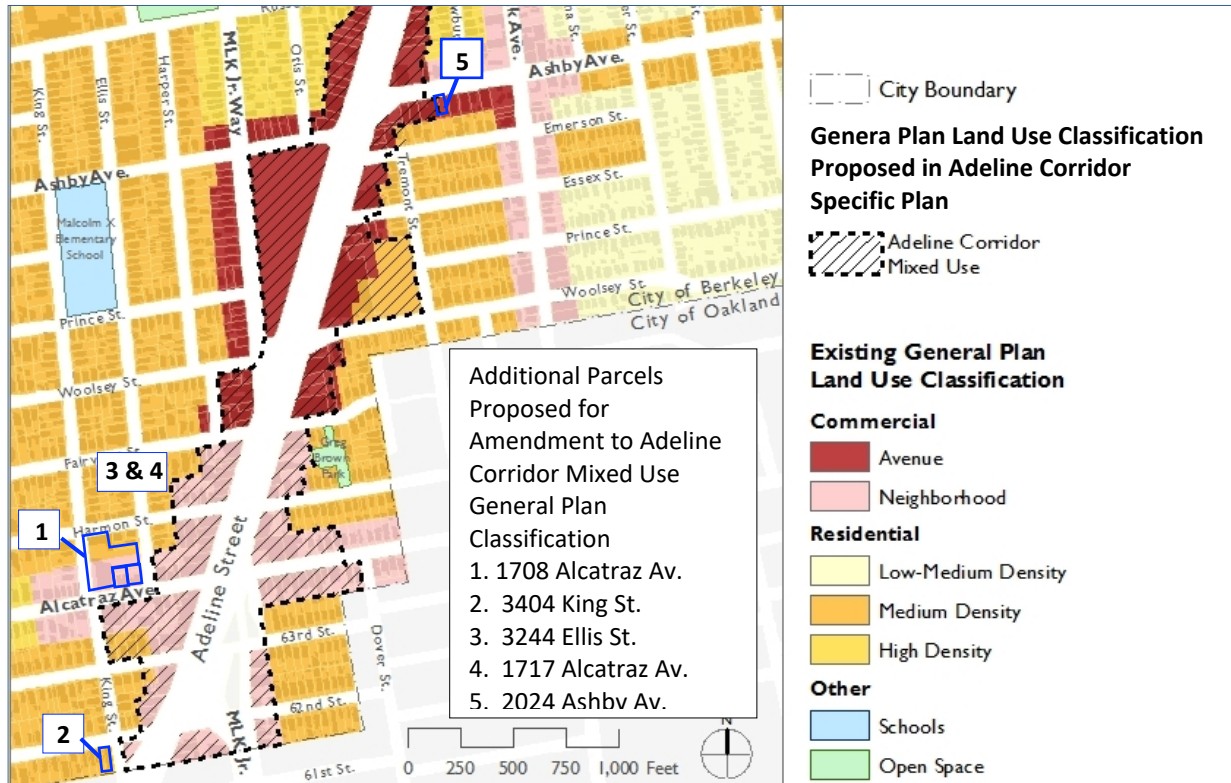
CONTACT PERSON

Alisa Shen, Principal Planner, Planning and Development Department, 510-981-7409.

Attachments:

- 1: Parcels Proposed for General Plan and Zoning Map Amendments

Attachment 1: Parcels Proposed for General Plan and Zoning Map Amendments





Office of the City Manager

CONSENT CALENDAR
November 17, 2020

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Liam Garland, Director, Department of Public Works
Subject: Contract No. 103266-1 Amendment: Karste Consulting, Inc. for Emergency Preparedness Services and Training

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 103266-1 (Contract No. 9786C in FUND\$) with Karste Consulting, Inc. to increase the amount by \$100,000 for a total amount not to exceed \$350,000 and to extend the term through December 31, 2022.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the amendment will be recommended for appropriation through the Second Amendment to the FY 2021 Annual Appropriation Ordinance (AAO2) and as part of the FY 2022 & 2023 Biennial Budget Process for the estimated annual cost of approximately \$30,000 and will be allocated from the following Public Works Funds:

General Fund (011).....	\$2,400
Street Light Fund (142)	\$2,400
Zero Waste Fund (601)	\$1,800
Sewer Fund (611)	\$11,400
Clean Storm Water Fund (616).....	\$2,400
Equipment Maintenance Fund (672)	\$2,400
State Transportation Fund	\$2,400
Estimated annual expense	\$30,000

The FY 2022 and FY 2023 appropriations are subject to Council adoption of the budgets. Actual expenditures may change based on specific training needs.

CURRENT SITUATION AND ITS EFFECTS

The staff of the Department of Public Works are first responders to Citywide disasters and emergencies, and its Department Operations Center (DOC) may be activated and mobilized in emergency events. Public Works’ staff must maintain relevant and up to date training to respond appropriately to emergency and disaster situations. Karste Consulting, Inc. (Karste) is well-qualified to provide the expertise needed to assist the Department with updating its emergency response plan; providing guidance on

materials and equipment selection for the DOC; coordinating table top and activation exercises; and providing recommendations for improving the DOC and staff preparedness.

Public Works has worked successfully with Karste for the past six years, and Karste has recently supported the department with the creation of a Virtual DOC Plan. The ongoing training continues to enhance communication efforts between divisions and departments. Karste also facilitates coordination efforts with the City's Emergency Operations Center and Public Health DOC. This contract amendment will be the final one with Karste Consulting, Inc. as the Public Works Department will transition the management of emergency preparedness in house or with the support of a new consultant.

The services provided under this contract supports the City's Strategic Goal of creating a resilient, safe, connected and prepared City.

BACKGROUND

In September 2014 the City issued an RFP for Emergency Services Review and Training for the Department of Public Works (Specification No. 15-10888). Karste was selected through that competitive bid process and was authorized by the City Manager to enter into Contract Number 9786 for a not-to-exceed amount of \$25,000 for the period October 1, 2014 to September 30, 2016.

On September 4, 2015, the City Manager approved an amendment for a revised not to exceed amount of \$50,000 for the period of October 1, 2014 to June 30, 2017.

On June 28, 2016, City Council approved a contract amendment to increase the contract not to exceed amount by \$100,000 and extend the contract term through June 30, 2019.

On September 25, 2018, City Council approved a contract amendment to increase the contract amount by \$100,000 for a total not to exceed amount of \$250,000 and extend the contract term through June 30, 2021.

The Department of Public Works is responsible for responding to citywide emergencies and disasters. Karste offers direction on needed updates to the DOC Emergency Operations Plan and provides opportunities to test the effectiveness of the Plan through ongoing staff training and exercises.

ENVIRONMENTAL SUSTAINABILITY

Karste has prepared a Debris Management Plan which in the event of an emergency or disaster will manage generated debris in the most sustainable way possible.

RATIONALE FOR RECOMMENDATION

The recommended amendment allows the City continued access to a proven consultant providing exceptional disaster and emergency preparedness training, exercises and

guidance to Public Works staff. Karste has consistently provided high quality cost effective professional services to the City. Currently the Department does not have staff in house who possess needed expertise in this area.

ALTERNATIVE ACTIONS CONSIDERED

None. The Department currently needs external expertise to support its ongoing emergency preparedness training.

CONTACT PERSON

Liam Garland, Director, Department of Public Works, (510) 981-6303
Joy Brown, Senior Management Analyst, Public Works, (510) 981-6629

Attachment:
1: Resolution

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

CONTRACT NO. 103266-1 AMENDMENT: KARSTE CONSULTING, INC. FOR
EMERGENCY PREPAREDNESS SERVICES AND TRAINING

WHEREAS, Karste Consulting, Inc. was selected through the City's competitive bid process, and in September 2014 the City Manager executed a contract to provide emergency preparedness services and training in an amount not-to-exceed \$25,000; and

WHEREAS, on September 4, 2015, the contract was amended and approved by the City Manager for a revised not to exceed amount of \$50,000 for the period of October 1, 2014 to June 30, 2017; and

WHEREAS, on June 28, 2016, City Council approved a contract amendment for a revised not to exceed amount of \$100,000 for additional training and preparedness through June 30, 2019; and

WHEREAS, on September 25, 2018, City Council approved a contract amendment for a revised not to exceed amount of \$250,000 and extend the contract term through June 30, 2021.

WHEREAS, Public Works is in need of consulting services to provide ongoing training and assistance to the Department Operations Center to prepare for emergencies and disasters; and

WHEREAS, funding for the amendment will be recommended for appropriation through the Second Amendment to the FY 2021 Annual Appropriation Ordinance, and approximately \$30,000 of annual costs will be allocated in each fiscal year FY 21 through FY 2023 from General Fund 011 and Public Works Divisions Funds 672, 601, 611, 616, 142,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley the City Manager is authorized to execute the amendment of Contract No. 103266-1 with Karste Consulting, Inc. increasing the amount by \$100,000 for a total contract amount not to exceed \$350,000, and extending the term through December 31, 2022. A record signature copy of said agreement and any amendments to be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
November 17, 2020

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Liam Garland, Director, Department of Public Works
Subject: Contract No. 108747-1 Amendment: Acumen Industrial Hygiene for Industrial Hygiene Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 108747-1 (Contract No. 10203A in FUND\$) with Acumen Industrial Hygiene for industrial hygiene services, increasing the amount by \$100,000 for a new total contract amount not to exceed \$250,000 and extending the contract through June 30, 2022.

FISCAL IMPACTS OF RECOMMENDATION

The on-call contract for industrial hygiene services is a citywide contract and used by several departments. This proposed contract amendment will provide funding through June 30, 2022. Annual costs are estimated at approximately \$30,000. Funding is identified as projects arise either from the Capital Fund 501 or contributing Department Funds. Funding will be appropriated as needed through the Annual Appropriations Ordinance process and a baseline amount of \$10,000 will be proposed in the upcoming FY 2022/2023 biennial budget.

Original contract amount	\$50,000
Previous contract amendment	\$100,000
<u>This amendment amount</u>	<u>\$100,000</u>

Total contract amount.....\$250,000

CURRENT SITUATION AND ITS EFFECTS

Acumen Industrial Hygiene is well-qualified to provide the resources necessary to assist the City in asbestos, lead, mold and other hazardous material sampling, investigations, surveys and program management. They have been instrumental in providing these types of services over several years for both Public Works and Parks. There is an ongoing need for industrial hygiene services to support the safety of City employees and the public. This is an on-call contract and Acumen will provide written proposals for individual projects.

BACKGROUND

The City of Berkeley is responsible for the maintenance and construction of City buildings including fire stations, senior centers, public garages, and multi-storied office buildings. Many of these buildings were constructed prior to 1980 and are likely to contain lead based paint and/or asbestos. The Department of Public Works requires routine on-call industrial hygiene services for sampling and testing materials for lead, asbestos, mold or other hazardous materials. Acumen has provided instrumental support of T1 projects including the renovations of the North Berkeley Senior Center and the Mental Health Clinic. Their industrial hygiene services are going to be needed for upcoming T1 projects.

In June 2015 the City issued an RFP for On-Call Industrial Hygiene Services (Specification No. 15-10954). Acumen Industrial Hygiene was selected through that competitive bid process. Acumen's original contract was approved by the City Manager for a not-to-exceed amount of \$50,000 for the period August 1, 2015 to June 30, 2018. On June 28, 2016, City Council amended the contract to increase the not to exceed amount to \$150,000 and extend the contract to June 30, 2019. On May 13, 2019, the City Manager extended the contract by letter through December 30, 2020.

ENVIRONMENTAL SUSTAINABILITY

Acumen assists the City with sampling for lead and asbestos and other hazardous materials in City facilities. They also provide recommendations for abatement and management of these materials. These services assist the City in properly managing and maintaining City Facilities.

RATIONALE FOR RECOMMENDATION

The recommended amendment will enable the City to continue having a certified industrial hygienist on-call to sample, monitor and provide abatement for lead, asbestos or hazardous materials. Acumen Industrial Hygiene has consistently provided high quality, cost effective, and timely professional services to the City.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Liam Garland, Director, Department of Public Works, (510) 981-6303
Joy Brown, Environmental Compliance Specialist, Public Works, (510) 981-6629

Attachment:
1: Resolution

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

CONTRACT NO. 108747-1 AMENDMENT: ACUMEN INDUSTRIAL HYGIENE FOR INDUSTRIAL HYGIENE SERVICES

WHEREAS, Acumen Industrial Hygiene was selected through the City's competitive bid process, and in August 2015 the City Manager executed a contract to provide on-call industrial hygiene services in an amount not to exceed \$50,000; and

WHEREAS, certified industrial hygienists are needed to perform asbestos, lead or hazardous materials sampling, monitoring, and abatement; and

WHEREAS, on June 28, 2016, City Council approved a contract amendment for a revised not to exceed amount of \$150,000 and extend the term through June 30, 2019; and

WHEREAS, on May 13, 2019, the City Manager extended the contract by letter through December 30, 2020; and

WHEREAS, funding for this amendment will be appropriated as needed through the Annual Appropriations Ordinance process for specific Capital Improvement Projects funded by Fund 501 or T1 Fund 511 as appropriate and appropriated as projects arise in each fiscal year FY 2022 through FY 2023;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute the amendment of Contract No. 108747-1 with Acumen Industrial Hygiene increasing the contract by \$100,000 for a total contract amount not to exceed \$250,000 and extend through June 30, 2022. A record signature copy of said agreement and any amendments to be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
November 17, 2020

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Liam Garland, Director, Public Works
Subject: Contract No. 108007-1 Amendment: Don’s Tire Service, Inc. for Tire Repair Services for City Fleet Vehicles

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 108007-1 (Contract No. 10140 in FUND\$) with Don’s Tire Services, Inc. for repair and replacement services for automobile and truck tires for City of Berkeley fleet vehicles for an additional \$123,534, for a new total not to exceed \$273,534, and extend the authorized term through June 30, 2021.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY 2021 Equipment Maintenance Fund 672.

Current contract amount	150,000
<u>This amendment</u>	<u>123,534</u>
New total not-to-exceed amount	\$273,534

CURRENT SITUATION AND ITS EFFECT

Equipment Maintenance Division needs additional spending authority in contract No. 108007-1 to pay for ongoing tire repair and replacement services for automobile and truck tires. The spending limit authorized by City Council Resolution No. 67,196 – N.S. has been reached. Funding is needed to continue services until the Department is able to complete the competitive process for a new vendor which is scheduled to be completed within the next six months.

This contract amendment supports the City’s Strategic Plan Goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

On May 14, 2015, Public Works released a Request for Proposals (RFP specification no. 15-10942-C) for tire repair service. Two proposals were received, and Equipment Maintenance and General Services staff reviewed the proposals and determined Don’s Tire Service, Inc. is the most responsive and responsible proposer that met the specifications.

Don's Tire has provided cost effective and reliable automobile and truck tire repair and replacement services for City of Berkeley fleet vehicles since September 2015.

ENVIRONMENTAL SUSTAINABILITY

The selected contractor, Don's Tire Service, Inc. eliminates tire and parts waste by following Environmental Protection Agency guidelines to properly dispose and recycle used and scrap tires, waste oil, oil filters, and old wheel weights, in keeping with the City of Berkeley's zero waste goal.

RATIONALE FOR RECOMMENDATION

Don's Tires has provided quality services under the terms of their agreement and the Department needs additional time to complete the competitive process to select a vendor.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Greg Ellington, Superintendent, 981-6469

Attachment:

1: Resolution

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

CONTRACT NO. 108007-1 AMENDMENT: DON'S TIRE SERVICES, INC. FOR TIRE REPAIR SERVICES FOR CITY FLEET VEHICLES

WHEREAS, the City Council adopted Resolution No. 67,196-N.S., in September, 2015 authorizing repair services for automobile and truck tires for City of Berkeley fleet vehicles, and

WHEREAS, the authorized spending authority and term of the contract has reached its limit; and

WHEREAS; a new Invitation for Bid Specification No. 21-11423-C for the repair and servicing of automobile and truck tires for City fleet vehicles us scheduled for release in November 2020; and

WHEREAS; Funding is available in the FY 2021 Equipment Maintenance Fund 672.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 108007-1 with Don's Tire Services, Inc. to increase the spending authority by \$123,534 for a new total not to exceed of \$273,534 and extend the term by 1 year from June 1, 2020 through June 30, 2021.



Office of the City Manager

CONSENT CALENDAR
November 17, 2020

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Liam Garland, Director, Public Works
Subject: Purchase Order: Bruce’s Tire, Inc. for New Automobile and Truck Tires for City Fleet Vehicles

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to increase the available spending with Bruce’s Tire Inc. for the purchase of automobile and truck tires for City of Berkeley fleet vehicles for an additional \$317,563, for a new total not to exceed \$1,192,563, and extend the authorized term through June 30, 2021.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY 2021 Equipment Maintenance Fund 672.

Current authorized spending authority.....	875,000
<u>This spending authority increase</u>	<u>317,563</u>
Total not-to-exceed amount	\$1,192,563

CURRENT SITUATION AND ITS EFFECT

Equipment Maintenance Division needs increased spending authority with Bruce’s Tire to support the purchase of new tires for City Fleet vehicles. The spending limit authorized by City Council Resolution No. 67,195 – N.S. has been reached. Funding is needed to continue services until the Department is able to complete the competitive process for a new vendor which is scheduled to be completed within the next six months.

This Purchase Order supports the City’s Strategic Plan Goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

Bruce’s Tire has provided automobile and truck tires for City of Berkeley fleet vehicles since September 2015 when City Council authorized multi-year purchase orders with Resolution No. 67,195. Bruce’s Tire was selected as the lowest responsive and responsible bidder to the Invitation for Bid No. 15-10949-C.

RATIONALE FOR RECOMMENDATION

Bruce's Tires has provided quality services under the terms of their agreement and the Department needs additional time to complete the competitive process to select a vendor.

ENVIRONMENTAL SUSTAINABILITY

Bruce's Tire, Inc. is working to limit their carbon footprint by recycling waste tires. They also retread the casings of truck and industrial tires per industry standards. Retreading generates 70% fewer carbon emissions than production of a new tire.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Greg Ellington, Superintendent, 981-6469

Attachment:

1: Resolution

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

PURCHASE ORDER: BRUCE'S TIRE, INC. FOR NEW AUTOMOBILE AND TRUCK
TIRES FOR CITY FLEET VEHICLES

WHEREAS, the City Council adopted Resolution No. 67,195-N.S., in September, 2015 authorizing the purchase of automobile and truck tires for City of Berkeley fleet vehicles; and

WHEREAS, the previously authorized spending authority has reached its limit; and

WHEREAS; a new IFB Specification No. 21-11421-C for the purchase of automobile and truck tires for City fleet vehicles is scheduled for release in the November 2020; and

WHEREAS; Funding is available in the FY 2021 Equipment Maintenance Fund 672.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to increase the spending authority in by \$317,563 for a new total not to exceed of \$1,192,563, and extend the purchase order term through June 30, 2021.



Office of the City Manager

CONSENT CALENDAR
November 17, 2020

To: Honorable Mayor and Members of the City Council
 From: Board of Library Trustees
 Submitted by: Tess Mayer, Director of Library Services, Acting as Secretary, Board of Library Trustees
 Subject: Annual Report on Gifts Received in Excess of \$1,000 Aggregate Value

RECOMMENDATION

Adopt a Resolution accepting the Library's annual gift report to the Berkeley City Council as presented and recommended by the Board of Library Trustees.

FISCAL IMPACT OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Board of Library Trustees accepts gifts throughout the fiscal year; for the period July 1, 2019 through June 30, 2020 the following gifts equal to or in excess of the \$1,000 aggregate were received and accepted into Library Fund accounts: the Friends of the Berkeley Public Library for \$120,000, and the Berkeley Public Library Foundation for \$19,079.

Donor funds are kept separate and apart from other funds and are managed as part of the regular budget management process per the *Library's Gift / Donation Policy A.R. Number 10.11*.

BACKGROUND

The Council has delegated the responsibility of acceptance and appropriation of Library gift funds to the Board of Library Trustees, such that the Library will be better able to honor the intent and wishes of the grantor/donor and fulfill identified community needs in a timely manner. The Council's delegation of authority to the Board of Library Trustees ensures that public noticing of gifts occurs on a regular basis and annual reporting ensures that the Council remains well-informed regarding gifts to the Library.

On September 20, 2011 the Council approved Resolution No. 65,444-N.S., "Mandating annual reporting from the Board of Library Trustees of gifts in excess of \$1,000 in aggregate in an informational report to be presented before the Council on a regular

meeting agenda.” Information relevant to the report was prepared by staff for Board of Library Trustee consideration and approved for communication to the City Council. The submitted report will fulfill the ordinance’s obligation covering the period from July 1, 2019 through June 30, 2020.

RATIONALE FOR RECOMMENDATION

The approval of this recommendation will satisfy the intent of the Council Resolution regarding acceptance of gift funds. In addition, the Board of Library Trustees has reviewed and recommends the report for acceptance. This action will have no negative implications and honors the original intent of the donor parties.

ALTERNATIVE ACTIONS CONSIDERED

No other alternative actions were considered.

CONTACT PERSON

Tess Mayer, Director of Library Services, 981-6195

Attachment:

1. Resolution

RESOLUTION NO.: ##,### N.S.

ANNUAL REPORT TO COUNCIL FROM THE BOARD OF LIBRARY TRUSTEES ON
GIFTS RECEIVED IN EXCESS OF \$1,000 AGGREGATE

WHEREAS, the Berkeley Public Library regularly receives gifts from two support organizations, the Berkeley Public Library Foundation and the Friends of the Berkeley Public Library, as well as many individuals and groups; and

WHEREAS, the Open Government Ordinance, pursuant to section 2.06.150, stipulates that, *“Contributions to the City or any of its functionaries or Legislative Bodies, for the purpose of carrying out or assisting any City function, shall be disclosed and approved on the Agenda of a regular Meeting of the City Council”*; and

WHEREAS, the City Council at a regular meeting on September 20, 2011 approved on the consent calendar Resolution No. 65,444-N.S., which delegated to the Library Board of Trustees the authority to accept any gifts of funds, goods, or services made to the Library up to \$200,000 that do not include unduly restrictive conditions on their use, and all gifts from the Library Foundation constituting payments toward the Foundation’s Branch Library FF&E Campaign and included a requirement that the Board of Library Trustees report to Council annually gifts in excess of \$1,000 in aggregate; and

WHEREAS, the submitted covers the period from July 1, 2019 through June 30, 2020, corresponding with the fiscal year calendar; and

WHEREAS, gifts to the Library subject to reporting to the City Council during this period are: the Friends of the Berkeley Public Library for \$120,000, and the Berkeley Public Library Foundation for \$19,079; and

WHEREAS, on October 14, 2020 at a special meeting of the Board, by Resolution 20-057 the board voted to approve the annual gift report to Council as presented.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby accepts the annual report of gifts in excess of \$1,000 in aggregate from the Board of Library Trustees.

BE IT FURTHER RESOLVED that the following gifts to the Library are hereby approved:

1. The Friends of the Berkeley Public Library for \$120,000; and
2. The Berkeley Public Library Foundation for \$19,079.



Office of the Mayor

CONSENT CALENDAR
November 17, 2020

To: Honorable Members of the City Council
 From: Mayor Jesse Arreguín and Councilmember Susan Wengraf
 Subject: Budget Referral: Berkeley Age-Friendly Continuum

RECOMMENDATION

Refer to the FY21 Annual Appropriations Ordinance process \$20,000 for the Berkeley Age-Friendly Continuum

BACKGROUND

The goal of the Berkeley Continuum is to implement an integrated, replicable and citywide continuum of services and supports for older adults and people with disabilities as they navigate the transitions of aging. The Age-Friendly Berkeley Action Plan was published in December 2018, and is the culmination of several years of community and stakeholder input. It is now in implementation mode. It is a 3-year plan and priority actions for the first year are being finalized. An internal cross-department steering committee has been appointed for the City and the Community Partners Team is also meeting. Last year, the City of Berkeley was awarded the SCAN Foundation Innovation Award for the State of California for the Continuum's approach to preparing Berkeley for growth in the older population and for people with disabilities.

There are several programs that have been and are in the process of being implemented as a part of the Age-Friendly Continuum:

- The Gateway Program, a prevention/intervention program that helps older adults proactively plan for their aging experience. Three seniors from the community have been trained and are doing well with the visits. An evaluation has been completed and the coming year will focus on how to move this to a sustainable future.
- The project to create a senior portal for easy access to information is in contract with the county vendor and includes collaboration with the county, the Area Agency on Aging, the Berkeley Libraries and the Senior Center.
- The model service linked senior housing/community center project has left the gate and will continue to be developed over the next few years, and the Berkeley Home Match pilot with the University has met its targets and will continue.
-and several other projects are in process.

One of the four priority areas in the Age-Friendly Continuum is health and wellness. Much of this year the world has been grappling with the COVID-19 pandemic. This virus is significantly deadlier to seniors, especially those of a more advanced age and/or with preexisting conditions. Approximately two thirds of deaths in Alameda County from COVID-19 as of November 2 were from patients over 70 years old. Beyond the health impacts of COVID-19, it also has had an economic and social impacts, in addition to limiting transportation options, which round up the other priority areas of the Age-Friendly Continuum. Continued funding of this program will allow us to further refine our approach to assisting the senior community during these difficult and unprecedented times.

In December 2019, the City Council voted to allocate \$20,000 to the Age-Friendly Continuum during the FY20 budget update.

FINANCIAL IMPLICATIONS

\$20,000

ENVIRONMENTAL SUSTAINABILITY

Berkeley Age-Friendly Continuum aims to improve the quality of life and the health and well-being of older adults

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100



Office of the Mayor

CONSENT CALENDAR
November 17, 2020

To: Honorable Members of the City Council

From: Mayor Jesse Arreguin (Author) and Councilmembers Bartlett, Hahn and Wengraf (Co-Sponsors)

Subject: Improving Hate Crimes Reporting and Response

RECOMMENDATION

Refer to the City Manager to review the following proposals and implement new systems for reporting and response to hate incidents and crimes:

- Develop a Hate Crimes Reporting Hotline (modeled after the San Francisco District Attorney's hotline) to be staffed by the Berkeley Mental Health Division or a non-profit community partner. The Hotline will provide support for victims and those reporting hate crimes/incidents, and direct victims to resources and how to report hate crimes or incidents. Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline.
- Explore adding hate crimes to the BPD Online Crime Reporting System to allow individuals to report specific hate related criminal acts or incidents.
- Launch a public information campaign including the production of informational videos, posters, and ads in different languages about what is a hate crime and how to report it to Berkeley Police.
- Conduct proactive outreach and develop partnerships with religious leaders, community service providers and organizations that work with groups which have historically been the target of hate crimes/incidents.
- Refer to the Police Review Commission to review existing BPD policy on hate crimes (BPD Policy 319), request a report from BPD on hate crimes statistics and its implementation of BPD Policy 319, and review:
 - privacy policies/procedures for reporting
 - culturally appropriate personnel structures to respond to incidents that will encourage reporting, reduce fear and provide support
 - The creation of accessible and multilingual reporting procedures and resources that deliver the clear message that hate has no place in Berkeley
- Refer to the Peace and Justice Commission, Youth Commission and Police Review Commission to develop a citywide campaign to promote outreach, education and dialogue regarding bullying, hate incidents and hate crimes.
- Develop a public facing mapping tool that indicates patterns of hate incidents and crimes to help with outreach and prevention;

- Coordinate with educational institutions (e.g. UC Berkeley and BUSD) to achieve goals.
- Review other emerging policies and best practices in other communities that support an inclusive and safe community.

POLICY COMMITTEE

On November 2, 2020, the Public Safety Policy Committee adopted the following action: M/S/C (Wengraf/Kesarwani) to send the item with a positive recommendation to the City Council, as submitted in the revised material received on November 2, 2020 and further revised to include: Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline; and to coordinate with educational institutions (e.g. UC Berkeley and BUSD) to achieve goals. Vote: All Ayes.

SUMMARY

Hate crime victims are usually targeted not because of anything they have said or done, but because of who they are or what they believe in. As such, hate crimes violate the very basic tenets of our democracy by targeting the right of every resident to be themselves and live safely and freely.

Perpetrators of hate crimes seek to send a message to the victim and his or her community that they are unwanted, that they do not belong, and that the community at large does not care about what happens to them. While we cannot eliminate all hate crimes, we can drastically diminish their impact by the approach taken by the City when hate crimes or incidents occur. We can send an even stronger counter-message to hate by developing a strong community-based infrastructure to support victims and ensure that accurate and transparent reporting and accountability occurs.

BACKGROUND

A 1969 federal hate crimes law was expanded in 2009 to provide protections beyond federally protected activity. The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act gave the federal government the authority to investigate and prosecute crimes against victims targeted because of race, ethnicity, sexual orientation, gender identity, religion or disability. Proponents of this expansion argued that hate crimes are worse than regular crimes without a prejudiced motivation from a psychological perspective. The time it takes to mentally recover from a hate crime is almost twice as long as it is for a regular crime.

Sadly, Berkeley is not immune to hate incidents and hate crimes and has policies for police response to address hate incidents. (Attachment #1) In 2001, after a rise in violence and hate speech resulting from the September 11, 2001 terrorist attacks, Berkeley declared itself a Hate-Free Zone for those of Middle-Eastern descent and of Muslim faith in order to provide sanctuary and support and discourage hate crimes.

More recently, Berkeley has seen an increase in the number of hate incidents and crimes. Since Donald Trump's election in 2016, there has been a reported increase in hate crimes throughout the country. In response to this alarming trend, the Berkeley City

Council adopted Resolution No. 67,794-N.S. The resolution recitals (Attachment #2) described the increase in hate incidents:

“Communities all over America have witnessed a rise in violence directed towards minorities, particularly against those who are Immigrants, of Middle Eastern descent, Muslim, Jewish, Asian-American, African-American, Hispanics, Women, Disabled, part of LGBTQQIA+ communities, and advocating for equality; and”

“Hate speech, hate behavior and hate crimes appear to be proliferating now, after many years of progress at reducing explicit public displays of hate; and”

On June 19, 2020, two black children learning to rock climb at the popular and picturesque Indian Rock Park in the Berkeley Hills were subjected to a racial slur by a white passerby.¹ And on that same day, Black Lives Matter posters were torn down on Hillcrest Road and a racist altercation occurred concerning the efforts of children chalking their support for their black neighbors. Back on October 23, 2017, at Berkeley’s Pacific Center a man burned a rainbow flag and punched a volunteer.² And on November 28, 2018, someone entered the Pacific School of Religion campus chapel and drew a swastika inside a bible on display. A piece of paper with the words ‘Adolph Hitler’ scribbled on it was tacked onto a nearby bulletin board.³

Acts of hate violence or threats should be viewed as serious and investigations given priority. Such acts generate fear and concern in victims and the public; and have the potential for recurring, escalating and possibly cause retaliation. They divide us, intimidate our most vulnerable citizens and damage our collective spirit. Without addressing these incidents and crimes, communities experience broad harms – well beyond those of the individual victims.

Hate requires a visible and swift response. When such incidents occur the community must be reminded that an attack on one is an attack on all. It is important that Berkeley take proactive steps to create a system of response and reporting and enact procedures to prevent hate incidents. We must remain vigilant and committed to the visible rejection of hate, racism and bigotry.

CURRENT SITUATION AND ITS EFFECTS

Hate Crimes targeted at people based on their perceived race, color, national origin, gender, gender identity, sexual orientation, religion and/or disability are a widespread problem in communities across the United States. However, an acute discrepancy exists between the number of actual hate crimes committed, and the number officially reported to the FBI. This results in significant challenges for a community:

- Hate and bias crimes can escalate if not identified, addresses and tracked
- Without accurate data, appropriate resources cannot be allocated to address tensions and violence in communities
- Inadequate response to hate crimes can leave affected victims feeling unheard and unsafe

¹ <https://www.berkeleyside.com/2020/06/19/black-girls-at-climbing-camp-in-indian-rock-park-called-n-word-by-white-woman>

² <https://www.berkeleyside.com/2017/10/23/man-burns-rainbow-flag-punches-volunteer-pacific-center-berkeley>

³ <https://www.berkeleyside.com/2018/11/28/pacific-school-of-religion-startled-by-anti-semitic-incidents>

Furthermore, there are serious factors that relate to underreporting:

- Communities targeted for hate may not feel safe or comfortable reporting hate crimes to law enforcement
- Long-standing distrust among some communities leads victims to believe law enforcement will be unwilling or unable to help
- Immigrant communities may fear deportation or other consequences if they step forward
- Victims who speak different languages or have disabilities may not report due to cumbersome, inaccessible hate crime reporting procedures
- Individuals and targeted communities may fear retaliation if they report incidents.

Approximately 25% of victims⁴ do not report a hate crime because they do not believe the police would or could help. These statistics point out the reluctance of many targeted groups due to historical difficulties with police departments or a feeling that their interests will not be protected. For victims that are not comfortable reporting to law enforcement, a trusted intermediary or community group should be part of the reporting process, familiar with agency policies and demand accurate, transparent reporting protocols.

The Department of Justice recommends creating and fostering partnerships within community to respond to hate incidents and crime – communities need to be involved in the solutions. They also note that victims of hate and other vulnerable individuals are sometimes mistrustful or fearful of law enforcement and turn first to community groups or faith-based organizations for support and as a link to law enforcement and other authorities.⁵

California Attorney General, Xavier Becerra, launched a new hate crime prevention website, intended to be a one-stop shop for information and resources, and a Hate Crime Rapid Response Team. At the time it was launched, AG Becerra stated, “When someone commits a crime motivated by hate, it is not just an attack on one innocent person, but an attack on the entire State.”⁶

Los Angeles has recently launched LA vs HATE in partnership with Los Angeles County’s Human Relations Commission and Department of Mental Health. 211 LA hosts a hotline for individuals who have been victims or witnesses to acts of bullying or incidents motivated by hate or discrimination to connect with services. San Diego has created a San Diego Regional Hate Crime Coalition⁷ that coordinates outreach, education, and dialogue regarding bullying, hate incidents and hate crimes and also developed a Model Hate Crime Protocol Procedure Manual in coordination with their Hate Crimes Community Working Group.⁸

When a hate crime occurs:

1. Victimization is projected outward to all members of the victim’s wider community.

⁴ <https://www.bjs.gov/content/pub/pdf/hcv0415.pdf>

⁵ <https://www.justice.gov/hatecrimes/preventing-hate-crimes-your-community>

⁶ <https://oag.ca.gov/hatecrimes>

⁷ <https://sdnohate.org>

⁸ https://www.ncjrs.gov/ovc_archives/reports/responding/files/appendixA.pdf

2. Other members of the same group feel victimized.
3. Members of other commonly targeted groups are reminded of their vulnerability to similar attacks.
4. The community is polarized into an “us-versus-them” mentality.
5. It impedes community spirit, morale, and growth.
6. Property values are lowered.
7. It increases security concerns at schools, churches, businesses, and private homes.

RATIONALE FOR RECOMMENDATIONS

While Berkeley police do respond to hate crimes and incidents, real change and support for victims will only occur with a constructed, socially appropriate response from an organized community and neighborhoods infrastructure. City and community mechanisms must be developed to support impacted community members and organizations,

- Consistent communication that the City takes hate crimes and bias incidents seriously
- Online and call-center reporting systems that will allow the incident or crime to be directed to the appropriate resource within the City of Berkeley
- Conduct outreach to individuals and communities targeted for hate to listen to their concerns, assist with their needs and respect requests for privacy
- Develop easy, transparent reporting resources for victims and/or their support networks including accessible and multilingual reporting procedures
- Engage youth to make it clear that bullying, racial slurs and vandalism are hate-fueled incidents
- Establish culturally appropriate and supportive networks that prioritizes clear, decisive response to hate crimes and hate incidents, ongoing collaboration to promote healing and strengthen prevention activities
- Engage and organize the community when it is necessary to stand up to hate groups

Victims should be given an option of first speaking with a public health official or community support group before officially reporting a hate event to Berkeley Police. This could encourage reporting for those that would be otherwise inclined to stay silent. It would also provide support for the victims if it is determined that reporting the crime to Berkeley Police is necessary.

Engaging the community to respond to hate incidents, empowers all to stand up against hateful acts. The response from the Berkeley community to the tragic events of Charlottesville, and the still evident Berkeley Stands United Against Hate signs, speaks to the powerful message embraced by an entire community and region. Ensuring that there are mechanisms in place to rally the community when hate happens will only make Berkeley safer and more inclusive.

FINANCIAL IMPLICATIONS

Unknown. Staff time to determine the optimal approaches for hate crime reporting, organizing an internal response team and engaging the community for real-time action.

Possible resource development that educates the public about what to do when a hate crime occurs.

ENVIRONMENTAL SUSTAINABILITY

Consistent with Berkeley's policies for a safe and resilient community

CONTACT PERSON

Mayor Jesse Arreguin 510-981-7100

Attachments:

1. Berkeley Police Department Policy 319, Hate Crimes
2. Resolution No. 67,794-N.S., "Expand the City's Hate-Free Zone Resolution in Order to Support Vulnerable Individuals and Communities", December 13, 2016, Berkeley City Council
3. Memo on San Francisco Hate Crimes Reporting Hotline

Hate Crimes

319.1 PURPOSE AND SCOPE

The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.1.1 DEFINITIONS

Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

- (a) Disability
- (b) Gender, gender identity or gender expression
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics
- (h) Examples of hate crimes include, but are not limited to:
 1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
 2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
 3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
 4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

Victim - Includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library or other victim or intended victim of the offense (Penal Code § 422.56).

Hate Crimes

319.2 POLICY

The Berkeley Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

319.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

- (a) Make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.
- (b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.
- (c) Providing victim assistance and community follow-up as outlined below.
- (d) Educating community and civic groups about hate crime laws.
- (e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

319.4 HATE CRIME VS. HATE INCIDENT

Many acts of hate violence fall under the category of a hate crime, which is punishable by law. However, not all hate incidents are hate crimes. For example, verbal name calling, although offensive, is not a crime and must be accompanied by a viable threat of violence and the ability to carry out the threat.

For a hate incident to be categorized as a hate crime, it must violate a criminal law. A hate crime might include threatening phone calls, physical assaults, destruction of property, bomb threats, and/or the disturbance of religious meetings.

A hate incident that does not constitute a hate crime might include hate speech, display of offensive materials on one's property, the distribution of hate materials in public places, and the posting of hate materials that does not result in property damage. Even if a hate incident does not rise to the level of a hate crime, the victim will still need support and assistance and may have an actionable civil claim as well.

319.5 CRIMINAL STATUTES

The key criminal statutes on hate crimes are

- (a) Penal Code § 422.6 which provides that it is a misdemeanor to both (a) threaten or injure an individual or (b) damage property because of the real or perceived beliefs or characteristics of the other person; and
- (b) Penal Code § 422.7 which provides that it is a felony to both (a) threaten or injure an individual (when the injury could or does result in great bodily injury) or (b) damage

Hate Crimes

property (when the damage is in excess of \$950) because of the real or perceived beliefs or characteristics of the other person.

319.6 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once in-progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of suspects at the scene), the assigned officers should take all reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
 1. Officers should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the officer once the offense is documented.
- (e) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
 1. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))
 2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).
- (f) Depending on the situation, the assigned officers or supervisor may request additional assistance from detectives or other resources.
- (g) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, should be completed and submitted by the assigned officers before the end of the shift.
- (h) The assigned officers will provide the victims of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations.
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

Hate Crimes

319.6.1 SUPERVISOR RESPONSIBILITY

The supervisor should confer with the initial responding officers to identify reasonable and appropriate preliminary actions. The supervisor should:

- (a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.
- (b) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increase neighborhood surveillance.
- (d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems.

319.6.2 DETECTIVE BUREAU RESPONSIBILITY

If a hate crime case is assigned to the Detective Bureau, the assigned detective will be responsible for:

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victims and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023). See the Records Management Policy.
- (d) Make reasonable efforts to identify additional witnesses.
- (e) Utilize available criminal intelligence systems as appropriate.
- (f) Provide the supervisor and the Public Information Officer (PIO) with information that can be responsibly reported to the media.
 - 1. When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

319.7 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should also include recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group.

RESOLUTION NO. 67,794–N.S.

Attachment #2

EXPAND BERKELEY HATE FREE ZONE TO SUPPORT VULNERABLE INDIVIDUALS
AND COMMUNITIES

WHEREAS, after a rise in violence and persecution resulting from the attacks of September 11, 2001, the City established Berkeley as a Hate-Free Zone for those of Middle-Eastern descent and of Muslim faith in order to provide sanctuary and support; and

WHEREAS, communities all over America have witnessed a rise in violence directed towards minorities, particularly against those who are Immigrants, of Middle Eastern descent, Muslim, Jewish, Asian-American, African-American, Hispanics, Women, Disabled, part of LGBTQQIA+ communities, and advocates for equality; and

WHEREAS, members of the affected communities have expressed their deep concerns for their safety and well-being; and

WHEREAS, hate speech, hate behavior and hate crimes appear to be proliferating now, after many years of progress at reducing explicit public displays of hate; and

WHEREAS, immigrant families and children live in fear of separation and possible permanent loss of loved ones who may be forcibly returned to a country where their lives are in danger; and

WHEREAS, numerous Muslims are facing, what the Council on American-Islamic Relations described as an accelerated spike in Islamophobia and Anti-Muslim rhetoric that have triggered an unbelievable spike of hate crimes targeting Muslims and other minorities with more than 100 incidents specifically targeting Muslims post-election; and

WHEREAS, the Jewish community has faced what the Anti-Defamation League (ADL) described as “growing numbers of reports about anti-Semitic, racist, and bigoted incidents, including vandalism, assaults and harassment, from around the country”; and

WHEREAS, according to Anirvan Chatterjee, the curator of the Berkeley South Asian Radical History Walking Tour that numerous Asian American community members experienced harassments including words like “go back to where you come from”, even when many of those members are in fact from the United States; and

WHEREAS, the disabled community has experienced ridicule and disrespect, on top of practical fears of privatization and reductions to life saving health support programs; and

WHEREAS, the LGBTQQIA+ community fears the ongoing failure to ban employment discrimination nationwide will be compounded by high ranking officials including Cabinet nominees who demean and disparage them, and risk rollbacks of the great progress seen in recent years of positive executive branch actions; and

WHEREAS, an estimated 1,500 Berkeley high students walked out of their classes to protest against the prospects of the new Trump administration; and

WHEREAS, the Southern Poverty Law Center has counted over 867 reported incidents of election related intimidation and harassment as of November 29.

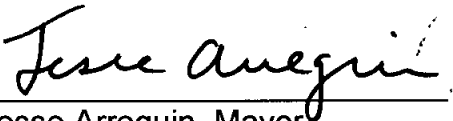
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley sends a clear message to all of our vulnerable threatened communities that we accept them, value them and respect them. Furthermore our city and our leaders will offer solidarity, stand up and speak out against hate speech, hate behavior and hate crimes, and that we will do everything we can to protect people during these difficult days.

The foregoing Resolution was adopted by the Berkeley City Council on December 13, 2016 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: None.



Jesse Arreguin, Mayor

Attest: 

Mark Numainville, City Clerk



MEMORANDUM

Date: November 1, 2020
To: Berkeley City Council Public Safety Policy Committee
From: Mayor Jesse Arreguin
Regarding: Research on San Francisco Hate Crimes Hotline

On September 21, 2020, the Berkeley City Council Public Safety Committee discussed the item Improving Hate Crimes Reporting and Response, which recommends that the City Manager implement the following new systems for reporting and responding to hate crimes and hate incidents:

- Develop easy, transparent reporting systems for victims and/or their support networks, including a hate crime reporting hotline and/or an online reporting tool
- Privacy policies and procedures that will provide support for victims and encourage reporting
- Culturally appropriate personnel structures to respond to incidents that will encourage reporting, reduce fear and provide support
- Establishing supportive community-based networks that provide clear, decisive response to hate crimes and hate incidents
- The creation of accessible and multilingual reporting procedures and resources that deliver the clear message that hate has no place in Berkeley
- Engaging youth and BUSD to make it clear that bullying, racial slurs and vandalism are hate-fueled incidents
- Develop a public facing mapping tool that indicates patterns of hate incidents and crimes to help with outreach and prevention
- Other emerging policies and activities that support an inclusive and safe community

The item noted that San Francisco had developed a hotline for hate crimes. On September 28, my staff spoke with Alex Bastian, Prosecutor and Deputy Chief of Staff at San Francisco's District Attorney's Office, to learn about the office's hotline and hate crime reporting policies.

Background

San Francisco, like Berkeley, has seen an uptick in hate crimes and hate incidents since the last presidential election. In response, the then District Attorney George Gascón developed a hate crime hotline in 2016 to be managed by the District Attorney's Office. The office has continued to operate the hotline under the leadership of District Attorney Chesa Boudin.

The San Francisco Hate Crime Hotline's Purpose

San Francisco's hate crime hotline was never intended as a reporting tool. Rather, its purpose is

to provide information about hate crimes and hate incidents and to help connect callers to helpful organizations and sources of information. The District Attorney's Office was wary to develop a hate crime reporting hotline for two reasons:

1. All information provided in a hate crime report, including that in a call to a hate crime reporting hotline, is admissible evidence in court. By *Brady v. Maryland* (1963) the defense has the right to access this information.¹ A civilian employee who answers the hate crime call would become a witness to the reported crime. Police department employees are better trained to be criminal witnesses, and therefore less likely to compromise the case of the District Attorney's Office.

2. Bastian stressed that the hotline is "not a replacement for 911." The SF District Attorney's Office wants the SF Police Department to always be the first to hear reports of hate crimes that are in progress, so that it can quickly respond to emergency situations. Despite its intent, the office has received some hate crime reports through the hate crime hotline.

In these cases, callers have been connected with the dedicated hate crimes prosecutor of the District Attorney's Office, who works with SFPD's Special Investigations Division.

Online Hate Crime Resources

The SF District Attorney's Office did at one point run an email address that people could contact to receive information similar to what the Hate Crime Hotline provides. However, the office encouraged the public to use the hotline instead. Under the California Public Records Act, the office's email threads are recorded for public inspection, making privacy an issue. There is no longer an email for hate crime information listed on the office's website.

Outreach

San Francisco's Hate Crime Hotline is listed on the "Contact" page of the website for the District Attorney's Office.² The office's website also includes Vimeo clips in three languages that offer definitions of hate crimes and explain the city's resources for victims before directing viewers to the hotline.³ In addition, the office has run public service announcements on the radio and on television to raise awareness of the hotline, in multiple languages.

Use Demographics

The hotline is geared towards a diverse population. It is available in Cantonese, Mandarin, Spanish, Tagalog, Vietnamese, and Arabic. Bastian did not have exact statistics for the demographics of the hotline's callers, but he said that the calls "mirror substantially" the demographics of victims of hate crimes and hate incidents. In other words, the proportion of callers coming from a certain victim demographic (e.g. Muslims) roughly correlates with the proportion of hate crimes and incidents committed against that group. However, outreach campaigns have impacted caller demographics. For example, after a PSA about hate crimes

¹ <https://supreme.justia.com/cases/federal/us/373/83/>

² <https://sfdistrictattorney.org/contact/>

³ You can see these videos here: <https://sfdistrictattorney.org/victim-services/combating-hate-crimes/>

against San Franciscans of Asian descent aired in Cantonese on KTSF, the office saw an increase in callers speaking Cantonese. The same trend occurred after a similar PSA in Spanish.

Costs

According to Bastian, the SF District Attorney’s Office incurred only “nominal” costs to develop and implement its Hate Crime Hotline. Gascon and Bastian relied on internal employees and did not need to purchase new information technology. They developed the Hate Crime Hotline by extending the capacity of their Consumer Mediation Hotline. Note that the hotlines have the same phone number: (628) 652-4311.

**SOPHIE HAHN**

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

CONSENT CALENDAR
 November 17, 2020

To: Honorable Members of the City Council
 From: Vice Mayor Sophie Hahn (Author), Councilmember Rigel Robinson (Co-sponsor), and Councilmember Ben Bartlett (Co-Sponsor)
 Subject: Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley

RECOMMENDATION

1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information.
2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments.

BACKGROUND

The Commission on Disability recently agreed upon a series of priorities including a proposed Navigable Cities Framework to guide investments, regulations, and other actions in the City of Berkeley. The framework features three principles of navigable cities and four initiatives, summarized as follows:

Navigable Cities Principles:

1. All people residing in and/or visiting the City of Berkeley have the right to efficient, convenient and barrier-free movement;
2. People with disabilities (PWDs) often have distinct transportation-related needs and may be less able to navigate around items obstructing pathways; and
3. Changes to commercial activities and government policies (whether in Berkeley, the Bay Area, the State of California, or the United States as a whole) can have notable impacts on navigability.

Navigable Cities Initiatives:

1. Support smooth, barrier-free pathways frequently used by PWDs;
2. Ensure that new transportation services provide appropriate access to PWDs and do not negatively impact navigability;
3. Provide appropriate input on plans to adjust the layout of neighborhoods, urban centers, streets, pathways, etc.; and
4. Address the availability and accessibility of appropriate parking options, especially in city-owned and/or city-maintained parking lots/garages.

The City of Berkeley contains hundreds of miles of streets, sidewalks and other public spaces (e.g. outdoor plazas and parks), many of which do not provide smooth navigation for people with disabilities, who collectively represent around 15% of the City's residents and visitors. In addition, Berkeley features many transportation options including pedestrian and bicycle pathways, BART, buses, paratransit, nonprofit transportation services, transportation network companies (TNCs, e.g. Uber & Lyft), bike-sharing services, etc.; however, not all of these provide full access to people with disabilities, endangering independence.

These issues and more represent ongoing barriers for people with disabilities in Berkeley. The Commission on Disability is concerned by a lack of accessibility, in general, and in particular considering Berkeley's identity as the home of the modern disability rights movement. The Navigable Cities Framework is aimed at ensuring access and freedom-of-movement for people with disabilities in Berkeley, advancing their goal to champion and demonstrate social and racial equity.

FISCAL IMPACTS

Staff time.

CONTACT INFORMATION

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

ATTACHMENTS

1. [Commission on Disability, Proposed Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, Oct. 20, 2020](#)



Office of the City Manager

PUBLIC HEARING
November 17, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Eleanor Hollander, Acting Economic Development Manager
 Subject: Renewal of the Elmwood Avenue BID for Calendar Year 2021

RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, “the District”, “the Elmwood BID” or “the BID”) for 2020-21 and, if no majority protest exists, levy annual assessments in the District for calendar year 2021 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.

FISCAL IMPACTS OF RECOMMENDATION

Projected BID revenue of approximately \$30,000 will be deposited into the Elmwood BID Fund, and expensed from budget code 782-21-208-251-0000-000-446-636110. The BID constitutes an independent funding source that must be targeted to commercial revitalization efforts that are recommended by the Advisory Board. The City of Berkeley operates a parking lot within the district and will thus be assessed \$1,000, paid through the Off-Street Parking Fund (835-4942-410-4046). To the extent that the work of the Elmwood BID enhances the development of the Elmwood and its business climate over the long term, the BID contributes towards improving City revenues through increased sales and property taxes.

CURRENT SITUATION AND ITS EFFECTS

Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code Section 36500 et. seq.) that authorized the establishment of the Elmwood BID, the City Council must hold a public hearing before levying assessments for 2021. The renewal process was initiated on October 27, 2020, when Council approved by Resolution No. 69,598–N.S. (Attachment 1, Exhibit A) the Annual report and budget for 2020-21 and set the public hearing date for November 17, 2020. The City Clerk noticed businesses in the Elmwood BID area by publishing Resolution No. 69,598–N.S. in a newspaper of general circulation. If no majority protest is received at the public hearing, at its conclusion the City Council may confirm the Annual report and budget for 2021 and levy assessments.

BACKGROUND

The Elmwood BID was established in November 2013 to provide the Elmwood Business Association with a sustainable, predictable source of funding for its activities to promote, maintain and beautify the Elmwood commercial district. The Elmwood Business Association has used the funds raised through the BID to implement a variety of activities such as marketing and branding, events, and capital improvements.

ENVIRONMENTAL SUSTAINABILITY

By maintaining and enhancing the district, the Elmwood BID creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The environmental enhancements contribute to making the Elmwood a more pleasant walking destination. Because the district is served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation choices.

RATIONALE FOR RECOMMENDATION

State law requires that the City Council annually renew the Elmwood BID by conducting a public hearing on the proposed renewed assessment for the coming year.

ALTERNATIVE ACTIONS CONSIDERED

The Advisory Board has considered many alternatives for expenditure of its limited revenues and has decided upon the activities described in the Annual Report as its priorities for 2021.

CONTACT PERSON

Kieron Slaughter, Community Development Project Coordinator, 981-2490

1: Resolution

Exhibit A: Resolution No. 69,598–N.S., with incorporated Annual Report, map of the District and Assessment table

2: Public Hearing Notice

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

CONFIRMING THE ANNUAL REPORT FOR THE ELMWOOD BUSINESS IMPROVEMENT DISTRICT (BID), LEVYING AN ANNUAL ASSESSMENT FOR THE ELMWOOD BID FOR 2021, AND AUTHORIZING A CONTRACT OR CONTRACT AMENDMENTS WITH ELMWOOD BUSINESS ASSOCIATION TO SERVE AS FISCAL AGENT FOR RECEIPT AND EXPENDITURE OF ELMWOOD BID FUNDS

WHEREAS, the Elmwood Business Improvement District (BID) Advisory Board recommended an Annual Report to the Berkeley City Council that outlined the activities of the District proposed for the year 2021, including a budget for said activities, as required by California Streets and Highways Code Section 36533 and Berkeley Municipal Code Section 7.97.080; and

WHEREAS, on October 27, 2020, the City Council by Resolution No. 69,598–N.S. (attached as Exhibit A) approved the Annual Report and proposed budget of the Elmwood BID for 2020-21 and declared its intent to levy an assessment in the District to finance the proposed activities for the calendar year 2021; and

WHEREAS, Resolution No. 69,598–N.S. also scheduled a public hearing for November 17, 2020, to consider levying said assessment and gave notice that interested parties could attend and be heard on the issue, for and against; and

WHEREAS, the City Clerk has notified potential assessees of the public hearing by publishing the Resolution of Intention in a newspaper of general circulation; and

WHEREAS, the public hearing has now been held and there has not been protests by business owners who collectively pay 50 percent or more of the assessment proposed to be levied.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that any protests are overruled and the Annual Report of the Elmwood BID is confirmed, thereby levying an annual assessment for the Elmwood BID for calendar year 2021.

BE IT FURTHER RESOLVED that the Council authorizes the City Manager to enter into a contract or contract amendments with Elmwood Business Association to receive and spend funds for purposes approved in the Annual Report and Budget and as directed by the Elmwood BID Advisory Board.

Exhibit A: Resolution No. 69,598–N.S., including the 2020 Annual Report, map of the District and Assessment Table

RESOLUTION NO. 69,598-N.S.

APPROVING THE ANNUAL REPORT AND PROPOSED BUDGET OF THE ELMWOOD BUSINESS IMPROVEMENT DISTRICT FOR 2021; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2021; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR NOVEMBER 17, 2020 REGARDING LEVYING OF A RENEWED ASSESSMENT FOR 2021

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highway Code section 36500 et seq.) authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on November 19, 2013 the Berkeley City Council established such an area known as the Elmwood Business Improvement District (the "District"); and

WHEREAS, the City Council established a Elmwood Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2021 as required by the California Streets and Highways Code Section 36533; and

WHEREAS, the Annual Report is clear and complete and found to comply with the interests of Elmwood BID assessees; and

WHEREAS, the annual process for levying assessments in Business Improvement Districts requires that cities adopt a Resolution of Intent that declares their intent to levy such an assessment and then set a date for a public hearing where interested parties may be heard on the issue.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. The City Council hereby approves the Elmwood Business Improvement District Annual Report for 2020-21 (Exhibit A) as submitted to the City Clerk by the Elmwood Business Improvement District Advisory Board.

Section 2. Pursuant to the provisions of Section 36500 et seq. of the California Streets and Highways Code (the "Act"), the City Council declares its intent to levy an annual assessment for the parking and business improvement area known as the Elmwood Business Improvement District.

Section 3. The boundaries of the District are set forth in Exhibit A1 to the 2020-21 Annual Report which is attached hereto and incorporated herein by reference.

Section 4. The improvements and activities proposed for the District are as described in the Report and budget (Exhibit A) and appended hereto.

Council intends that these funds be used for designated activities and improvements in the Elmwood commercial area. Council explicitly intends that funds generated through this BID shall not be used to pay for activities routinely paid for by the City.

Section 5. The City Council intends to levy assessments on businesses located within the boundaries of the District shown Exhibit A1 and according to the business classifications and rates set forth in Exhibit A2 which is attached hereto and incorporated herein by reference.

Section 6. A public hearing shall be held before the City Council on November 17, 2020, virtually on a publicly accessible Zoom conference call. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Elmwood Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

Formal protests against the levying of the District assessment must be made in writing. All written and oral protests should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Elmwood Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, prior to the close of the public hearing on November 17, 2020 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscribing the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

Section 7. The City Clerk is directed to give notice of said public hearing by publishing the Resolution of Intention in a newspaper of general circulation.

The foregoing Resolution was adopted by the Berkeley City Council on October 27, 2020 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Absent: None.



Jesse Arreguin, Mayor

Attest:



Mark Numainville, City Clerk

EXHIBIT A

Annual Report for the Elmwood Business Improvement District for 2020-21

August 11, 2020

To: Members of the Berkeley City Council
From: The Elmwood Business Improvement District Advisory Board
Re: 2021 Elmwood BID Renewal

We respectfully request that the Elmwood Business Improvement District be renewed for the 2021 fiscal year, without any changes to the assessment method or amount. The Elmwood BID was established in November 2013 to promote, maintain and beautify the Elmwood commercial district. Revenues of roughly \$32,000 per year provide a regular, predictable source of funding for the activities of the Elmwood Business Association (EBA). The Elmwood BID has allowed the EBA to expand its activities into areas such as maintenance and capital improvements.

The Elmwood Business Association is continuing to be the catalyst for Elmwood Business District's on-going vitality.

Here are some highlights of our projects:

- Permanent year-round lighting installation on district buildings
- Website: www.shoptheelmwood.com serves as one of the district's main marketing tool – District Events, Introducing New Businesses, and on-going marketing updates
- Hired a landscaping contractor to maintain 70 tree wells – currently on a bi-monthly maintenance schedule
- Quarterly weeding and cleaning of Russell St. parking lot partnering with UC Berkeley
- On-going feasibility study of installation of security camera at Russell St. parking lot
- Maintaining a part-time Administrative Assistant to:
 - Post on social media
 - Manage merchant communications
 - Promote monthly happenings/specials among Elmwood Merchants
 - Updating the website to keep it current
- Sponsored the following events:
 - October 2019: 5th Elmwood Wine Walk in The Elmwood w/ 28 merchants participating
 - October 2019: The Elmwood Trick or Treating
 - December 2019: Tap Dancing Christmas Trees, 27th Annual Christmas Caroling in the Elmwood, Pet Photos with Santa
- Held a Merchant Social in conjunction with our Annual Meeting
- Members of the board active in other Berkeley commercial and residential neighborhoods to promote harmony and cooperation
- Planned Elmwood District Shopping Guide/Map

Below for your review is a summary of our current financial position and our proposed budget for 2020-21

2020 - 21 Projected Expenditures

Income Statement

Elmwood Business Association For the 12 months ended 30 June 2020

	Jun-20	Jun-19	YTD
Revenue			
Merchant Dues	31,482	30,000	-
Other Revenue	8,023	9,607	-
Total Revenue	39,504	39,607	-
Gross Profit	39,504	39,607	-
Operating Income / (Loss)	39,504	39,607	-
Other Income and Expense			
Advertising	-	(5)	-
Charitable Donation	(1,500)	(1,000)	-
Consulting & Accounting	(99)	(108)	(45)
Dues & Subscriptions	(3)	(405)	(3)
Events - Marketing	(4,005)	(5,620)	-
General Expenses	(134)	(246)	(134)
Holidays - Marketing	(1,204)	(12,151)	(335)
Insurance	(1,191)	(1,143)	-
Licenses & Permits	(30)	(80)	(30)
Marketing - General	(67)	(593)	(25)
Office Supplies	(136)	-	-
Printing & Stationery	(524)	(422)	(87)
Repairs and Maintenance	(430)	(3,675)	-
Security	(5,000)	(6,400)	-
Wages and Salaries	(9,000)	(9,000)	(4,500)
Web Site - Marketing	(693)	(611)	(645)
Total Other Income and Expense	(24,015)	(41,459)	(5,804)
Net Income / (Loss) before Tax	15,489	(1,852)	(5,804)
Net Income	15,489	(1,852)	(5,804)
Total Comprehensive Income	15,489	(1,852)	(5,804)

Thank you for your attention to this matter. We look forward to an equally productive year for the BID in 2021.

Exhibit A1: Elmwood Business Improvement District, Map

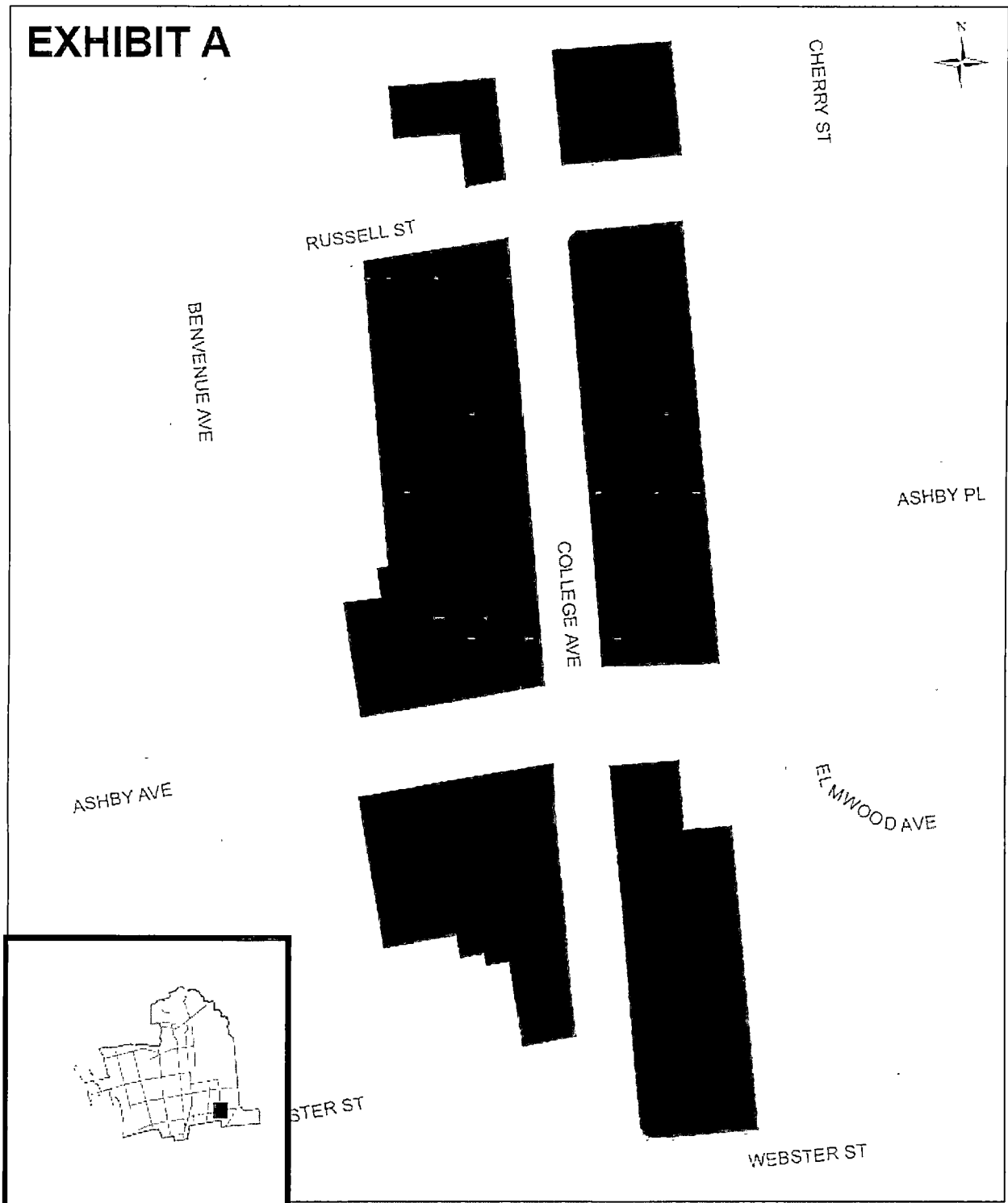


Exhibit A2: Elmwood Business Improvement District, Assessment Rates

Classifications	Rates
Retail including jewelers and groceries but not restaurants (Tax Codes R, M and G but without NAICS 722, Food Services and Drinking Places) <ul style="list-style-type: none"> • Gross receipts under \$350,000 • Gross receipts \$350,000-\$999,000 • Gross receipts \$1,000,000 	\$250.00 per year \$350.00 per year \$500.00 per year
Restaurants, including all businesses that prepare and serve food at the request of customers (NAICS 722)	\$500.00 per year
Professionals including offices of real estate brokers (Tax Code P) <ul style="list-style-type: none"> • Gross receipts under \$100,000 • Gross receipts over \$100,000 	\$300.00 per year \$400.00 per year
Entertainment and Recreation (Tax Code E)	\$450.00 per year
Business, Personal and Repair Services (Tax Code B) except Hair, Nail and Skin Care Services (NAICS 81211)	\$200.00 per year
Hair, Nail and Skin Care Services (NAICS 81211)	\$250.00 per year
Parking lot operators	\$1,000.00 per year
Financial Institutions	\$2,500.00 per year

Any business that is classified as a nonprofit (Tax Code N) for business license purposes shall nevertheless pay the assessment at the rate that corresponds to its North American Standard Industrial Classification if it is engaged in the sale of products or services and occupies a space zoned for commercial purposes.

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL**

**RENEWAL OF THE ELMWOOD BUSINESS IMPROVEMENT DISTRICT
AND LEVYING OF ASSESSMENT FOR 2021**

The Elmwood Business Improvement District (BID) Advisory Board is proposing that the Berkeley City Council confirm the Annual Report of the Elmwood BID for 2020 and levy an assessment for 2021.

The hearing will be held on November 17, 2020 at 6:00 p.m. via teleconference.

A copy of the agenda material for this hearing will be available on the City’s website at www.CityofBerkeley.info as of **November 5, 2020**. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

Written comments should be mailed directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or emailed to council@cityofberkeley.info in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or clerk@cityofberkeley.info for further information.

For further information, please contact Kieron Slaughter, Office of Economic Development, at 510-981-2490.

Published: Resolution of Intention No. 69,598–N.S., November 6, 2020 – Berkeley Voice

As required by Streets and Highways Code Section 36534.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on November 5, 2020.

Mark Numainville, City Clerk





Office of the City Manager

PUBLIC HEARING  
November 17, 2020

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Eleanor Hollander, Acting Economic Development Manager  
 Subject: Renewal of the Solano Avenue BID for Calendar Year 2021

### RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, "Solano BID Advisory Board" or "the BID") for 2020-2021 and, if no majority protest exists, levy annual assessments in the District for calendar year 2021 to finance services and improvements and authorize a fiscal agency contract for receipt and expenditure of District funds.

### FISCAL IMPACTS OF RECOMMENDATION

Projected BID revenue of approximately \$25,000 will be deposited into the Solano Avenue BID Fund, revenue budget code 783-21-208-251-0000-000-000-412110 and expensed from budget code 783-21-208-251-0000-000-446-636110. The BID constitutes an independent funding source that must be targeted to commercial revitalization efforts that are recommended by the Solano BID Advisory Board. The work of the Solano BID enhances the economic development of Solano Avenue and its business climate over the long term, and therefore the BID contributes towards improving City revenues through increased sales and property taxes.

### CURRENT SITUATION AND ITS EFFECTS

Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code Section 36500 et. seq.) that authorized the establishment of the Solano Avenue BID, the City Council must hold a public hearing before levying assessments for 2021. The renewal process was initiated on October 27, 2020, when Council approved by Resolution No. 69,599–N.S. (See Attachment 1, Exhibit A) the Annual report and budget for 2020-21 sent to it by the Advisory Board and set the public hearing date for November 17, 2020. (The Annual Report with a budget is part of Attachment 1, Exhibit A). The City Clerk noticed businesses in the Solano Avenue BID area by publishing Resolution No. 69,599–N.S. in a newspaper of general circulation. If no majority protest is received at the public hearing, at its conclusion the City Council may confirm the Annual report and budget for 2021 and levy assessments.

### BACKGROUND

Since its revival in May 2012, the Solano BID Advisory Board has used Solano BID revenues to finance three programs: 1) a tree watering contract to ensure the health of

48 young street trees on Solano; 2) installing a program of 40 hanging planter baskets on light poles; and 3) sponsorship of events that attract customers to the district and improvements that enhance the pedestrian experience. In 2020, the BID program has focused on sponsoring activities and improvements intended to market and promote the Solano Avenue business district. In the wintertime, the BID in conjunction with the Solano Avenue Association (which represents both Albany and Berkeley businesses along Solano Avenue) pays a contractor to erect holiday lights and decorations on City street light poles. This will continue for the 2020-21 season. Although the BID will spend a good portion of its funds on the holiday décor program, in 2020 it plans to use some funds to establish an expanded landscaping program for merchants to clean and level tree wells. Also, the BID will continue to support local marketing and economic recovery from the COVID-19 pandemic by underwriting group outdoor commerce installations (both in development and maintenance) along Solano Avenue. BID expenditures are to be made through an established fiscal agency contract with Telegraph Property and Business Management Corporation.

#### ENVIRONMENTAL SUSTAINABILITY

By maintaining and enhancing the district, the Solano BID creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The environmental enhancements such as the added street trees, hanging planters, parklets, and holiday decorations contribute to making Solano a more pleasant walking destination. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation choices and decreasing vehicle miles traveled.

#### RATIONALE FOR RECOMMENDATION

State law requires that the City Council annually renew the Solano BID by conducting a public hearing on the proposed renewed assessment for the coming year.

#### ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered.

#### CONTACT PERSON

Eleanor Hollander, Acting Economic Development Manager, (510) 981-7536.

#### Attachments

1: Resolution

Exhibit A: Resolution No. 69,599–N.S., with incorporated Annual Report, Budget, District Map, and Assessment table

2: Public Hearing Notice

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

CONFIRMING THE ANNUAL REPORT AND BUDGET FOR THE SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT (BID), LEVYING AN ANNUAL ASSESSMENT FOR THE SOLANO AVENUE BID FOR 2021, AND AUTHORIZING A CONTRACT OR CONTRACT AMENDMENTS WITH A SUITABLE NON-PROFIT TO SERVE AS FISCAL AGENT FOR RECEIPT AND EXPENDITURE OF SOLANO AVENUE BID FUNDS

WHEREAS, the Solano Avenue Business Improvement District (BID) Advisory Board recommended an Annual Report to the Berkeley City Council that outlined the activities of the District proposed for the year 2021, including a budget for said activities, as required by California Streets and Highways Code Section 36533 and Berkeley Municipal Code Section 7.97.080; and

WHEREAS, on October 27, 2020, the City Council by Resolution No. 69,599–N.S. (attached as Exhibit A) approved the Annual Report and proposed budget of the Solano Avenue BID for 2020-21 and declared its intent to levy an assessment in the District to finance the proposed activities for the calendar year 2021; and

WHEREAS, Resolution No. 69,599–N.S. also scheduled a public hearing for October 27, 2020, to consider levying said assessment and gave notice that interested parties could attend and be heard on the issue, for and against; and

WHEREAS, the City Clerk has notified potential assessees of the public hearing by publishing the Resolution of Intention in a newspaper of general circulation; and

WHEREAS, the public hearing has now been held and there has not been protests by business owners who collectively pay 50 percent or more of the assessment proposed to be levied.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that protests are over-ruled and the Annual Report of the Solano Avenue BID is confirmed, thereby levying an annual assessment for the Solano Avenue BID for calendar year 2021.

BE IT FURTHER RESOLVED that the Council authorizes the City Manager to enter into a contract or contract amendments with a suitable non-profit to receive and spend funds for purposes approved in the Annual Report and Budget and as directed by the Solano Avenue BID Advisory Board.

Exhibit A: Resolution No. 69,599–N.S. (October 27, 2020), including the 2020-21 Annual Report and Budget, District Map, and Assessment Table

RESOLUTION NO. 69,599-N.S.

APPROVING THE ANNUAL REPORT AND PROPOSED BUDGET OF THE SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT FOR 2020-21; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2021; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR NOVEMBER 17, 2020 TO CONSIDER LEVYING A RENEWED ASSESSMENT FOR 2021.

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highway Code section 36500 et seq.) authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on December 9, 2003 the Berkeley City Council established such an area known as the Solano Avenue Business Improvement District (the "District"); and

WHEREAS, the City Council established a Solano Avenue Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, the City Council established a Solano Avenue Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2021 as required by the California Streets and Highways Code Section 36533; and

WHEREAS, the Annual Report is clear and complete and found to comply with the interests of Solano Avenue assessesees; and

WHEREAS, the annual process for levying assessments in Business Improvement Districts requires that cities adopt a Resolution of Intent that declares their intent to levy such an assessment and then set a date for a public hearing where interested parties may be heard on the issue.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. The City Council hereby approves the Solano Avenue Business Improvement District Annual Report 2020 and Budget for the year 2021 (Exhibit A) as submitted to the City Clerk by the Solano Avenue Business Improvement District Advisory Board.

Section 2. Pursuant to the provisions of Section 36500 et seq. of the California Streets and Highways Code (the "Act"), the City Council declares its intent to levy an annual



assessment for the parking and business improvement area known as the Solano Avenue Business Improvement District.

Section 3. The boundaries of the District are set forth in Exhibit A1 to the 2020-21 Annual Report which is attached hereto and incorporated herein by reference.

Section 4. The improvements and activities proposed for the District are as described in the Report and budget (Exhibit A) and appended hereto.

Council intends that these funds be used for designated activities and improvements in the Solano Avenue commercial area. Council explicitly intends that funds generated through this BID shall not be used to pay for activities routinely paid for by the City.

Section 5. The City Council intends to levy assessments on businesses located within the boundaries of the District shown Exhibit A1 and according to the business classifications and rates set forth in Exhibit A2 which is attached hereto and incorporated herein by reference.

Section 6. A public hearing shall be held before the City Council on November 17, 2020 virtually on a publicly accessible Zoom conference call. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Solano Avenue Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

Formal protests against the levying of the District assessment must be made in writing. All written and oral protests should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Solano Avenue Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, prior to the close of the public hearing on November 17, 2020 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscribing the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by

the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.


Section 7. The City Clerk is directed to give notice of said public hearing by publishing the Resolution of Intention in a newspaper of general circulation seven days prior to the public hearing.

The foregoing Resolution was adopted by the Berkeley City Council on October 27, 2020 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Absent: None.

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

Attest:   
\_\_\_\_\_  
Mark Numainville, City Clerk

Report for the Solano Avenue Business Improvement District for 2020 and Budget for 2021

**Background**

The first version of the Solano Business Improvement District (BID) operated from 2002-2007 with administration of the BID headed by the Solano Avenue Association. In January, 2012, the Council appointed the Solano BID Advisory Board to administer the Solano Avenue BID, to fund physical improvements to the street and dedicate marketing and promotion efforts towards the businesses on the portion of Solano Avenue that lies in Berkeley. This Annual report and budget updates the 8th full year of operational programs and progress on the revived Solano BID.

**Landscape program**

In 2013, the Solano BID financed a tree watering program for young street trees along upper Solano Avenue. In 2016, per the City of Berkeley arborist, the trees were mature enough to not require additional water services. In early 2016, the board voted to enhance Solano's landscape by installing a program of 41 hanging planter baskets on light poles distributed throughout the district; utilizing the Downtown Berkeley Association's (DBA) services. The DBA watered and maintained the baskets through the end of calendar year 2018, but has declined to continue this contract. In 2019 and 2020, rainwater alone supported the baskets, and the Solano BID started a conversation with The Downtown Streets Team (DST) to supplement other efforts to clean, weed, and level the tree wells through the district, and to develop an ongoing watering and maintenance system for the hanging flower baskets. This work was challenging to get started because of the need to identify a storage place for DST's tools, and the impacts of COVID-19 since March 2020, but now a storage location has been identified and this program should provide support for 2021 and beyond.

In late 2019, early 2020 funds were approved and RFP and selection process was conducted for a public realm plan study on Solano. The BID was supportive of the process and was deeply committed to involving both local merchants and local residents in the effort to re-imagine Solano Avenue in a way that brings more vitality to the Avenue in concert with the efforts of the City of Albany with the intention of strengthening the Solano Avenue 'brand' overall. Sadly, the funding for this project was repurposed for the emergency response to the COVID-19 pandemic. The future of this project still remains unclear and the project is "on hold" for now.

**Marketing and promotion of Solano**

Marketing and promotion of Solano Avenue constitutes the second priority of the Solano BID. To promote the avenue during the holiday season, a holiday light display program was established by the Solano BID. In 2016 and 2017 the BID contracted with a vendor, the Christmas Light Pros of SF, to deploy decorative unlit multi-colored garlands. In 2018 and 2019, the board approved funding for a new vendor which, under direction of the Solano Avenue Association (SAA), covered more poles and provided greater decoration coordination opportunities with neighboring Albany, all at a lower cost than previous seasons. The intention for the holiday season in 2020-21 is to use the same vendor and reimburse the SAA after the lights are installed. This partnership underscores the leverage that the SAA organization has been able to provide to support BID efforts for the Berkeley portion of Solano Avenue.

In June of 2020, the Solano BID Advisory Board voted to support to merchants on Solano during the global pandemic. The BID Advisory Board considered whether a group application for a limited engagement of street closure dedicated to outdoor commerce would be helpful to Solano Avenue Merchants. Provided that the outdoor commerce installation provided for adequate access for delivery/food pick up and safe outdoor dining, personal service, fitness and retail installations. Consequently the group voted to allocate up to \$35,000 total to support efforts related to outdoor commerce/street closure in the public ROW. The \$35,000 is to be roughly allocated as such: \$25,000 for program start up and design, \$10,000 for operations through the end of calendar year 2020. The effort is currently in the initial planning and design phases.

In the remainder of 2020, the Advisory Board may again decide to participate in the development of virtual or otherwise safe holiday campaigns and activities (i.e. supporting the Solano Avenue Association in socially distant gatherings or events ‘Online Santa on Solano’ event or similar). The details of the overall 2020 (and the future 2021) event and marketing program will be developed over the remainder of the year, with a possible coordinated launch party for the new Touchstone Oaks bouldering gym at the top of the Avenue once it is safe to gather again and construction is complete.

Expanded landscaping improvements (including porous pavement in tree wells) have yet to be determined by the board. It is presumed that provided a successful demonstration of landscaping maintenance this fall/winter season (2020-21), a multi-year contract could be extended accordingly.

**Solano BID Administration**

The Solano BID has one existing contract; a fiscal agent contract with the Telegraph Property and Business Management Corporation (Telegraph PBMC), who charges a 5% fee on their total contract size annually.

**FINANCIAL STATUS OF THE SOLANO BID, SEPTEMBER 2020**

|                                                                                                                                               |                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Solano BID Revenue, as of 9/13/2020                                                                                                           | \$54,881.76              |
| Less fiscal agent fee to Telegraph PBMC (5%)                                                                                                  | (\$1,250.00)             |
| Less funds allocated for Solano Ave Assn 2019-20 Holiday Events (Sept 2019 allocation)                                                        | (\$2,000.00)             |
| Less funds allocated for Outdoor Commerce Installations/Business Support (June 2020 allocation)                                               |                          |
| Outdoor Commerce operations through 12/ 2020                                                                                                  | (\$10,000.00)            |
| Outdoor Commerce program start up and design                                                                                                  | (\$25,000.00)            |
| Less funds allocated for decorative holiday garlands (anticipated Sept 2020 allocation) + Installation + Removal + Storage Nov ‘20 to Jan ‘21 | <u>(\$5,710.00)</u>      |
| <b><i>Unallocated as of 9/13/2020</i></b>                                                                                                     | <b><i>\$9,881.00</i></b> |

**BUDGET FOR THE SOLANO BID FOR 2021 (Calendar Year)**

|                                         |   |                   |
|-----------------------------------------|---|-------------------|
| Estimated new revenue                   | = | \$22,000.00       |
| <u>Carryover from 2020 (estimated)</u>  | = | <u>\$9,881.00</u> |
| Total available for expenditure in 2021 | = | \$31,881.00       |

*PROPOSED EXPENDITURES FOR 2021 (Calendar Year)*

|                                                                     |   |                   |
|---------------------------------------------------------------------|---|-------------------|
| Landscaping installation/tree well porous pavement                  | = | \$12,000.00       |
| Watering and Maintenance for hanging flower baskets                 | = | \$5,000.00        |
| Installation, removal and storage of holiday decor 2021-22 season   | = | \$5,000.00        |
| <u>Other marketing expenditure (branding/business support etc.)</u> | = | <u>\$9,000.00</u> |
| Total projected expenditure                                         | = | \$31,000.00       |

**Recommendations**

The Advisory Board recommends that the Council approve the Annual Report and Budget for 2021.

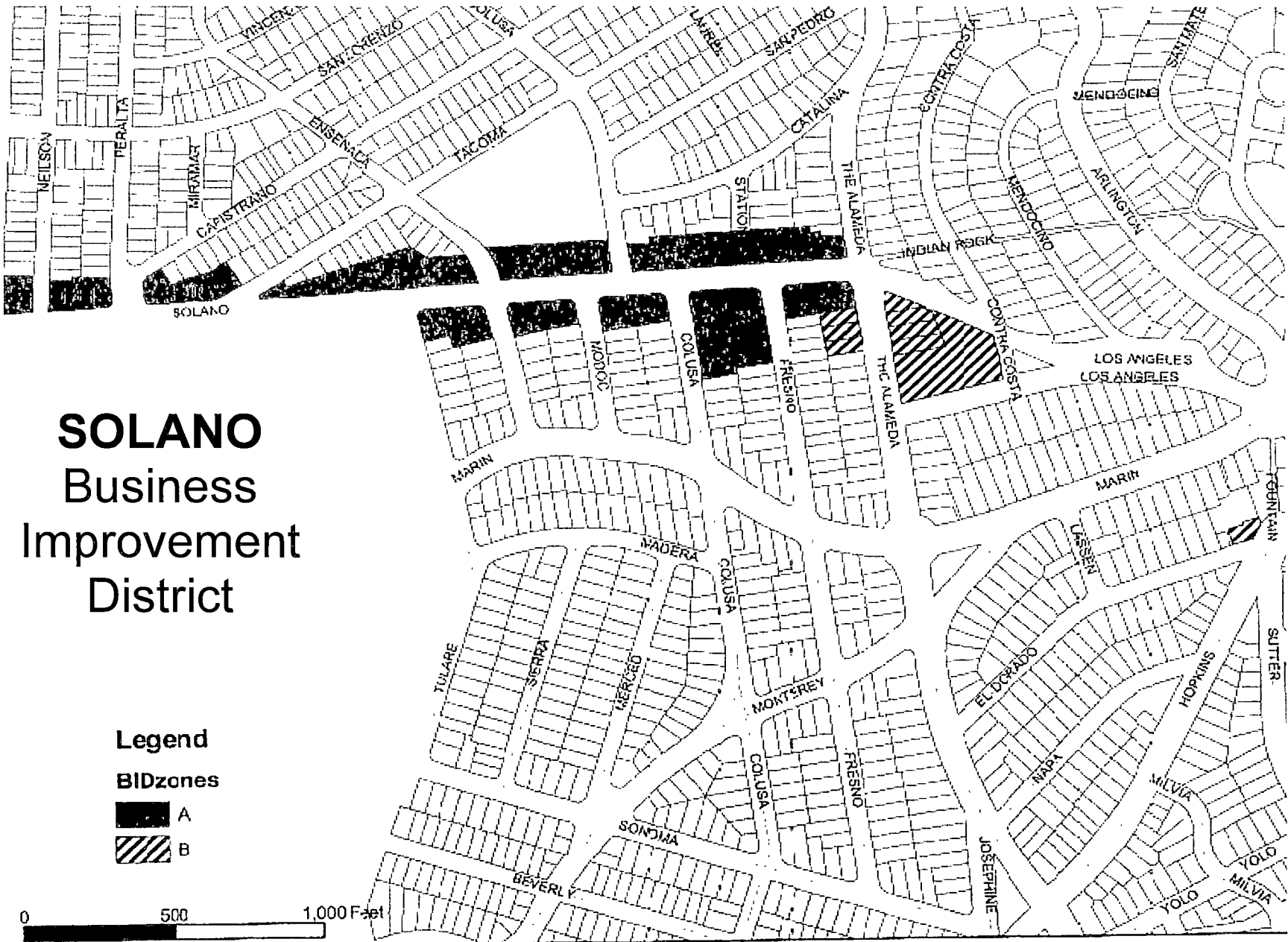
The Advisory Board recommends that the Council make no changes in the boundaries of the Solano Business Improvement District or in the two Benefit Zones, A & B.

The recommended improvements and activities for 2021 are those stated in the Report. The cost for providing them is stated in the Budget for 2021.

The method and basis for the assessment is as stated in Exhibit A2.

The estimate for surplus revenues to be carried over from 2020 is as stated in the Budget for 2021

Exhibit A1



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Exhibit A2

**Berkeley Solano Avenue Business Improvement District Annual Assessment Formula**

| <b>Type of Business</b>             |               | <b>Annual Assessments</b> |               |
|-------------------------------------|---------------|---------------------------|---------------|
|                                     |               | <b>Zone A</b>             | <b>Zone B</b> |
| a. <i>Retailers and Restaurants</i> | 1-5 employees | \$200                     | \$125         |
|                                     | 6-9 employees | \$300                     | \$175         |
|                                     | 10+ employees | \$400                     | \$225         |
| b. <i>Service Businesses</i>        |               | \$175                     | \$100         |
| c. <i>Professional Services</i>     |               | \$100                     | \$65          |
| d. <i>Financial Institutions</i>    |               | \$500                     | \$500         |

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**RENEWAL OF THE SOLANO AVENUE BUSINESS IMPROVEMENT  
DISTRICT AND LEVYING OF ASSESSMENT FOR 2021**

The Solano Avenue Business Improvement District (BID) Advisory Board is proposing that the Berkeley City Council confirm the Annual Report of the Solano Avenue BID for 2020 and levy an assessment for 2021.

The hearing will be held on November 17, 2020 at 6:00 p.m. via teleconference.

A copy of the agenda material for this hearing will be available on the City’s website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **November 5, 2020**. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

Written comments should be mailed directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or emailed to [council@cityofberkeley.info](mailto:council@cityofberkeley.info) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

For further information, please contact Eleanor Hollander, Office of Economic Development, at 510-981-7536.

**Published:** Resolution of Intention No. 69,599–N.S. November 6, 2020 – Berkeley Voice

As required by Streets and Highways Code Section 36534.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on November 5, 2020.

Mark Numainville, City Clerk



Office of the City Manager

PUBLIC HEARING
November 17, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Ridley-Williams, City Manager

Submitted by: Liam Garland, Director, Public Works

Subject: Closure of the crossing at Camelia Street/Union Pacific (UP) Railroad Corridor; Amending Berkeley Municipal Code Chapter 14.24

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 14.24, to close the existing Union Pacific (UP) railroad crossing at Camelia Street to all traffic.

FINANCIAL IMPLICATIONS

Closure of Camelia Street is one of the components of the traffic and safety improvements of I-80 Gilman Interchange Project. The estimated cost of Camelia Closure component is \$250,000 and will be funded from City's portion of project contribution. Funding will be recommended for appropriation through the Second Amendment to the FY 2021 Annual Appropriations Ordinance in the Measure BB Local Streets & Roads Fund.

CURRENT SITUATION AND ITS EFFECTS

I-80 Gilman Interchange Improvement Project, a City of Berkeley strategic goal, is progressing towards completion of 100% construction plans, with the goal of starting construction in January 2021. As part of the safety improvements, the at-grade crossing of UP railroad corridor at Camelia Street will be closed to all types of traffic, allowing the City to bank credits towards a possible railroad quiet zone in the future.

This Public Hearing and subsequent Ordinance Amendment supports the City Strategic Plan that creates a resilient, safe, connected, and prepared City.

BACKGROUND

I-80 Gilman Interchange Project proposes to improve vehicle, pedestrian, and bicycle operations at the Interstate 80 (I-80) / Gilman Street interchange in northwest Berkeley. The existing intersection controls, roadway geometry, and the high volumes of local and regional traffic on Gilman Street result in poor traffic operation and non-motorized access at and near the interchange. The proposed interchange project seeks to

- Simplify and improve navigation and traffic operations on Gilman Street

- between the West Frontage Road and 2nd Street through the I-80 interchange so that congestion is reduced, queues are shortened, and merging and turning conflicts are minimized;
- Improve access for the bikes/pedestrians traveling between the Bay Trail and Northern Berkeley;
 - Improve safety at Gilman Street intersections;
 - Improve mobility in the Gilman Street corridor;
 - Create a Gateway into North Berkeley.

ENVIRONMENTAL SUSTAINABILITY

Closure of Camelia Street at the UP railroad crossing would divert the traffic currently using this crossing to adjacent open crossings, so there will be a net-zero change in environmental impact as a result of this closure. UP Railroad has requested this crossing closure as part of the approval for the project to build a shared use bike and pedestrian path across the railroad on the south side of Gilman Street, which will improve safety and accessibility for active transportation modes in the area and reduce reliance on cars.

RATIONALE FOR RECOMMENDATION

Closing Camelia Street at the railroad crossing will enhance safety for pedestrians and vehicles, as well as allowing the city to bank credits towards a possible railroad quiet zone in future.

ALTERNATIVE ACTIONS CONSIDERED

Grade separation of the crossing is a very expensive alternate that was considered however closure of the crossing is expected to have the same benefit but at a much lower cost.

CONTACT PERSON

Hamid Mostowfi, Supervising Traffic Engineer 510-981-6403

Attachments:

- 1: Ordinance
- 2: Public Hearing Notice

ORDINANCE NO. -N.S.

CLOSURE OF CAMELIA STREET AT UNION PACIFIC RAILROAD CROSSING;
AMENDING BERKELEY MUNICIPAL CODE CHAPTER 14.24

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

Section 1. That Berkeley Municipal Code Section 14.24.240 is added to read as follows:

Section 14.24.240 Closure of Camelia Street at Union Pacific Railroad Crossing

As part of the safety improvements for I-80 Gilman Interchange Project the at-grade crossing of Union Pacific railroad corridor at Camelia Street is permanently closed to all traffic, allowing the City to bank credits towards a possible railroad quiet zone in the future.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
AMENDMENTS TO BERKELEY MUNICIPAL CODE CHAPTER 14.24**

Notice is hereby given by the City Council of the City of Berkeley that on **October 13, 2020 at 6:00 p.m.** the City of Berkeley is proposing the following addition to Berkeley Municipal Code Chapter 14.24:

As part of the safety improvements for I-80 Gilman Interchange Project the at-grade crossing of Union Pacific rail road corridor at Camelia Street to be permanently closed to all traffic.

For further information, please contact **Hamid Mostowfi, Supervising Traffic Engineer 510-981-6403**

The hearing will be held virtually for the duration of the Health Officer's stay home order. The Mayor, Councilmembers, staff, and members of public will participate in the meeting remotely, A copy of the agenda material for this hearing will be available on the City's website at www.cityofberkeley.info as of **November 5, 2020**. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

Written comments should be mailed to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers. Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.

Posted: November 5, 2020

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on or before November 5, 2020.

Mark Numainville, City Clerk





Office of the City Manager

PUBLIC HEARING  
November 17, 2020

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jordan Klein, Interim Director, Department of Planning and Development  
 Subject: General Plan Amendment: Vehicle Miles Traveled for Transportation Impact Analysis under the California Environmental Quality Act

### RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution approving a General Plan amendment that replaces Level of Service (LOS) with Vehicle Miles Traveled (VMT) as the criteria used to determine transportation-related environmental impacts under the California Environmental Quality Act (CEQA). This update is required by Senate Bill (SB) 743. Findings for the General Plan amendment are included in this report.

### FISCAL IMPACTS OF RECOMMENDATION

None.

### CURRENT SITUATION AND ITS EFFECTS

Under CEQA, cities, counties, and other public agencies must analyze development projects to determine whether they may have a significant impact on the environment. One key determination under CEQA is the transportation impact of these projects. Traditionally, transportation impacts have been evaluated by examining 1) whether a project is likely to cause automobile delay at intersections and congestion on nearby individual roadway segments; and 2) whether this delay will exceed a certain amount. This is known as Level of Service (LOS) analysis. The Berkeley General Plan currently includes a policy statement (Policy T-18) that calls for the use of LOS in analyzing transportation-related environmental impacts under CEQA.

SB 743, which was signed into law in 2013, initiated an update to CEQA Guidelines to change how lead agencies evaluate transportation impacts under CEQA. Specifically, SB 743 requires agencies analyzing transportation impacts to utilize Vehicle Miles Traveled (VMT) instead of LOS. VMT measures how much actual new additional auto travel, and additional emissions, a proposed project would generate.

The proposed amendment includes a change to a single policy in the Transportation Element of the General Plan: Policy T-18. This policy discusses the use of LOS as the

metric for transportation impact analysis under CEQA. Below is the existing language from the City of Berkeley's General Plan:

### **Policy T-18 Level of Service**

When considering transportation impacts under the California Environmental Quality Act, the City shall consider how a plan or project affects all modes of transportation, including transit riders, bicyclists, pedestrians, and motorists, to determine the transportation impacts of a plan or project. Significant beneficial pedestrian, bicycle, or transit impacts, or significant beneficial impacts on air quality, noise, visual quality, or safety in residential areas, may offset or mitigate a significant adverse impact on vehicle Level of Service (LOS) to a level of insignificance. The number of transit riders, pedestrians, and bicyclists potentially affected will be considered when evaluating a degradation of LOS for motorists.

Action:

- A. Establish new multi-modal levels of service (LOS) City standards that consider all modes of transportation, including transit, bicycles, and pedestrians in addition to automobiles.

Policy T-18 foresaw changes to transportation analysis that deemphasized congestion and LOS, in favor of more sustainable modes of travel, such as transit, biking and walking. Policy T-18 states that a project that impacts LOS may nevertheless be acceptable if it includes elements that support transit use, bicycling and pedestrian safety. While it does not explicitly mention VMT, Policy T-18 is in line with the intent of the SB 743 shift from LOS to metrics that promote more environmentally sustainable transportation modes. To make this intention explicit, and to comply with SB 743, new language for Policy T-18 would be amended as follows:

### **Policy T-18 Level of Service Transportation Impact Analysis and Vehicle Miles Traveled**

When considering transportation impacts under the California Environmental Quality Act, the City shall consider how a plan or project affects all modes of transportation, including transit riders, bicyclists, pedestrians, and motorists, to determine the transportation impacts of a plan or project. Plans and projects shall be designed to deliver significant beneficial benefits to travel by pedestrians, bicycle, or transit ~~impacts, and/or significant beneficial reduced~~ impacts on air quality, ~~greenhouse gas emissions, noise, visual quality, or and~~ safety ~~in residential areas. may offset or mitigate a significant adverse impact on vehicle Level of Service (LOS) to a level of insignificance. The number of transit riders, pedestrians, and bicyclists potentially affected will be considered when evaluating a degradation of LOS for motorists. For the purposes of~~



CEQA, Vehicle Miles Traveled (VMT) shall be the metric used to analyze the transportation impacts of a plan or project.

Action:

A. ~~Establish new multi-modal~~ Replace levels of service (LOS) City standards that consider all modes of transportation, including transit, bicycles, and pedestrians in addition to automobiles, with Vehicle Miles Traveled (VMT) as the metric to analyze transportation-related environmental impacts under CEQA.

The proposed General Plan amendment satisfies the following required findings:

1. The proposed amendment is in the public interest.  
With the adoption of the General Plan amendment, the City of Berkeley will be able to more accurately and effectively measure, and mitigate, adverse environmental impacts that could result from proposed plans and projects. The General Plan amendment would also ensure that the City of Berkeley's General Plan complies with State law and is legally defensible.
2. The proposed amendment is consistent and compatible with the rest of the General Plan.  
With the adoption of the General Plan amendment, the City of Berkeley will be able to more accurately and effectively measure, and mitigate, adverse environmental impacts that could result from proposed plans and projects. This is consistent and compatible with the following General Plan Goals:
  - *Goal #3: Protect Local and Regional Environmental Quality.* This goal specifically includes improving air quality by reducing automobile use and encouraging land use patterns that reduce the need for automobile use.
  - *Goal #5: Create a Sustainable Berkeley.* This goal specifically includes protecting the environment "through appropriate environmental management actions and programs," which would include the proper administration of CEQA.

The General Plan amendment consists of a change to a single section of the Transportation Element, and would not conflict with any of the Policies included in the Transportation Element, nor any goals and policies found elsewhere in the General Plan.

3. The potential effects of the proposed amendment have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare.

The General Plan amendment changes the method by which transportation impacts are evaluated under CEQA for projects in Berkeley. With the adoption of the General Plan amendment, the City of Berkeley will be able to more accurately and effectively measure, and mitigate, adverse environmental impacts that could result from proposed plans and projects. This change would not be detrimental to the public health, safety or welfare.

4. *The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.*

The proposed General Plan amendment has been processed consistent with California Government Code Section 65358, which requires conformance with local regulations -- in this case, Berkeley Municipal Code Chapter 22.04.020. Planning Commission considered the amendment at a duly noticed public hearing on September 2, 2020 and notice for this public hearing (November 17, 2020) was published in a newspaper of record (*The Berkeley Voice*) on November 6, 2020 (see *Attachment 4: Public Hearing Notice*). Staff evaluated the amendment and determined that environmental review is not required, pursuant to CEQA Guidelines Sections 15378(a), 15060(c)(2) and 15064(d)(3), because the proposed General Plan amendment is not a Project.

#### BACKGROUND

Currently, VMT data is collected and analyzed as part of CEQA review in Berkeley. Projects must analyze the number and distance of vehicle trips generated and then relate that to greenhouse gas emissions, air quality, and noise pollution. Consequently, using VMT for transportation impact analysis will not result in any new data collection or analysis that is not already a routine part of CEQA review in Berkeley.

SB 743 and the CEQA Guidelines require that lead agencies use VMT, and stop using LOS, for transportation impact analysis under CEQA by July 1, 2020. Pursuant to SB 743, the Transportation Division of the Public Works Department engaged a consultant to develop appropriate VMT thresholds for Berkeley, utilizing the travel model developed by the Alameda County Transportation Commission. On June 29, 2020, the City of Berkeley adopted procedures by which to utilize VMT to analyze transportation-related environmental impacts of plans and projects (see *Attachment 2: VMT Criteria and Thresholds Report*).

On September 2, 2020, the Planning Commission held a public hearing to receive public comment and develop a recommendation to City Council regarding the General Plan amendment (see *Attachment 3: Draft Minutes, Planning Commission Meeting*). Upon conclusion of the public hearing, the Planning Commission recommended by a unanimous vote that the City Council adopt the General Plan amendment.

ENVIRONMENTAL SUSTAINABILITY

With the adoption of the General Plan amendment, the City of Berkeley will codify its commitment to more accurately and effectively measuring, and mitigating, adverse environmental impacts that could result from proposed plans or projects.

RATIONALE FOR RECOMMENDATION

Adoption of the proposed amendment is required to ensure that the General Plan complies with State law.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Justin Horner, Associate Planner, Planning and Development Department, 510-981-7476

Attachments:

- 1: Resolution  
    Exhibit A: Text of General Plan Amendment
- 2: City of Berkeley VMT Criteria and Thresholds Report
- 3: Minutes, Planning Commission Meeting, September 2, 2020
- 4: Public Hearing Notice

RESOLUTION NO. \_\_\_ N.S

AMENDING THE BERKELEY GENERAL PLAN TO REPLACE LEVEL OF SERVICE (LOS) WITH VEHICLE MILES TRAVELED (VMT) AS THE CRITERIA USED TO DETERMINE TRANSPORTATION-RELATED ENVIRONMENTAL IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, the City Council of the City of Berkeley has the authority to approve and amend the General Plan in order to address unforeseen circumstances and changing priorities; and

WHEREAS, under CEQA, cities, counties, and other public agencies must analyze development projects to determine whether they may have a significant impact on the environment. One key determination under CEQA is the transportation impact of these projects. Traditionally, transportation impacts have been evaluated by examining whether the project is likely to cause automobile delay at intersections and congestion on nearby individual roadway segments, and whether this delay will exceed a certain amount. This is known as Level of Service (or LOS) analysis. The Berkeley General Plan currently includes a policy statement (Policy T-18) that calls for the use of LOS in analyzing transportation-related environmental impacts under CEQA.; and

WHEREAS, Senate Bill 743 (Steinberg), which was signed into law in 2013, initiated an update to the CEQA Guidelines that requires agencies analyzing the transportation impacts of new projects to utilize vehicle miles traveled (VMT) instead of LOS, starting July 1, 2020; and

WHEREAS, pursuant to SB 743, the Transportation Division of the Public Works Department has developed procedures to analyze plans and projects using VMT, yet full compliance requires replacing LOS with VMT where it is stated in the General Plan; and

WHEREAS, on September 2, 2020, the Planning Commission held a duly noticed public hearing and took public testimony and recommended approval to the City Council; regarding the adoption of a General Plan amendment replacing LOS with VMT; and

WHEREAS, on November 17, 2020, the City Council held a duly noticed public hearing to consider the recommendations of the Planning Commission, staff, property owners and the general public regarding the General Plan amendment to replace LOS with VMT; and

WHEREAS, the proposed General Plan amendment serves the public interest by allowing the City of Berkeley to more accurately and effectively measure, and mitigate, adverse environmental impacts that could result from proposed projects, and by ensuring that the General Plan complies with State law and is legally defensible; and

WHEREAS, staff evaluated the amendment request and determined that environmental review is not required, pursuant to CEQA Guidelines Sections 15378(a), 15060(c)(2) and

15064(d)(3), because the proposed General Plan amendment is not a Project. The proposed General Plan amendment does not meet the definition of a Project under CEQA Guidelines Section 15378(a), nor does it constitute an activity covered by CEQA under CEQA Guidelines Section 15060(c)(2), because passage of the General Plan amendment does not constitute a direct physical impact on the environment, nor would it result in an indirect, reasonably foreseeable physical impact on the environment. As the General Plan amendment concerns only the method by which transportation impacts are analyzed under CEQA, identifying and quantifying any potential changes would be highly speculative. Pursuant to CEQA Guidelines Section 15064(d)(3), any change that is speculative is not considered reasonably foreseeable. Notwithstanding the above, even if it could be demonstrated that the General Plan amendment is a Project under CEQA, the amendment--a change in the method by which transportation impacts are measured, undertaken to comply with state law--would not constitute a significant impact on the environment under the "Common Sense Exemption," pursuant to CEQA Guidelines Section 15061(b)(3);" and

WHEREAS, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the General Plan is hereby amended as shown in Exhibit A.

EXHIBIT A

**Policy T-18 ~~Level of Service~~ Transportation Impact Analysis and Vehicle Miles Traveled**

When considering transportation impacts under the California Environmental Quality Act, the City shall consider how a plan or project affects all modes of transportation, including transit riders, bicyclists, pedestrians, and motorists, to determine the transportation impacts of a plan or project. Plans and projects shall be designed to deliver significant beneficial benefits to travel by pedestrians, bicycle, or transit impacts, and/or significant beneficial reduced impacts on air quality, greenhouse gas emissions, noise, visual quality, or and safety in residential areas., may offset or mitigate a significant adverse impact on vehicle Level of Service (LOS) to a level of insignificance. The number of transit riders, pedestrians, and bicyclists potentially affected will be considered when evaluating a degradation of LOS for motorists. For the purposes of CEQA, Vehicle Miles Traveled (VMT) shall be the metric used to analyze the transportation impacts of a plan or project.

Action:

A. Establish new multi-modal Replace levels of service (LOS) City standards that consider all modes of transportation, including transit, bicycles, and pedestrians in addition to automobiles. with Vehicle Miles Traveled (VMT) as the metric to analyze transportation-related environmental impacts under CEQA.

# City of Berkeley VMT Criteria and Thresholds

June 29, 2020

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# Introduction

Signed into law by Governor Jerry Brown in 2013, Senate Bill (SB) 743 initiated a process intended to fundamentally change transportation impact analysis under the California Environmental Quality Act (CEQA). Most significantly, the legislation eliminated *automobile delay, level of service (LOS), and other similar measures of vehicular capacity or traffic congestion* as a basis for determining significant impacts. Recent amendments and additions to the CEQA Guidelines (in particular, new Section 15064.3) have eliminated auto delay for CEQA purposes and identified vehicle miles traveled (VMT) as a required CEQA transportation metric.

Local jurisdictions that serve as lead agencies under CEQA, such as the City of Berkeley, must adapt their analytical methods and approach to implement the requirements of SB 743. This report provides background information about the legal requirements and briefly describes the VMT methods and thresholds that the City of Berkeley has incorporated into their environmental review process. The procedures described here are focused on evaluation of land use projects; VMT analysis is also required for CEQA review of transportation projects, which will be addressed separately.

# Background

CEQA was enacted in 1970 with the goal of providing a mechanism for disclosing to the public the environmental impacts of proposed actions. Before taking a discretionary action, lead agencies (such as the City of Berkeley) must determine if that action is subject to CEQA and conduct a review of the effects of that action on the physical environment. The State Office of Planning and Research (OPR) prepares and maintains a set of guidelines to help agencies implement CEQA.

## Traditional CEQA Practice Prior to SB 743

Under CEQA, lead agencies must determine whether a proposed project has the potential to cause significant environmental impacts. This determination must be based, to the extent possible, on factual data and scientific methods of analysis. The project's effect on transportation is one of the areas that must be analyzed. For many years, the City has used vehicle Level of Service (LOS) as the primary measure of a project's transportation impacts.

LOS is a qualitative description of traffic flow based on factors of speed, delay, and freedom to maneuver. Six levels are defined, from LOS A, which reflects free-flow conditions where there is very little interaction between vehicles, to LOS F, where the vehicle demand exceeds the capacity and high levels of vehicle delay result. LOS E represents "at-capacity" operations. When traffic volumes exceed an intersection's capacity, stop-and-go conditions result, and a vehicle may wait through multiple signal cycles before passing through an intersection; these operations are designated as LOS F. The calculation of vehicle LOS is done through the application of specialized software and is based on traffic counts, observations of vehicle interactions, and data about traffic signal operations (at those intersections that are signalized).

Under CEQA, agencies must decide what constitutes a significant environmental impact. The CEQA Guidelines encourage the use of thresholds of significance; they can be quantitative or qualitative performance standards by which the agency can measure the amount of impact the project causes and thereby determine if the project's impacts are significant. In Berkeley, the typical practice has been to apply a threshold of LOS D for signalized intersections.

Mitigating an LOS impact typically involves making changes to the physical transportation system in order to accommodate additional vehicles and reduce delays. These mitigation measures may involve actions such as installing traffic signals, adding turn lanes, or widening roads, among other options.

## Changes in CEQA Practice

In September 2013, the State Legislature passed and Governor Jerry Brown signed into law SB 743. One major change resulting from the statute is the elimination of automobile delay or other similar measures of traffic congestion as a basis for determining significant impacts. According to the legislative intent

contained in SB 743, these changes to current practice are intended to *"more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions."*

In December 2018, OPR completed an update to the CEQA Guidelines to implement the requirements of SB 743. The Guidelines state that VMT must be the metric used to determine significant transportation impacts. This requirement applies statewide effective July 1, 2020. For reference, the new CEQA Guidelines can be found at <http://opr.ca.gov/ceqa/updates/guidelines/> and technical guidance is available from OPR at [http://opr.ca.gov/docs/20190122-743 Technical Advisory.pdf](http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf).

VMT is a measure of the total amount of vehicular travel. One vehicle traveling ten miles would equal 10 VMT. Four vehicles traveling ten miles would equal 40 VMT. Typically, development located at greater distances from other land uses or in areas with few transportation options generates more vehicle trips and trips of greater length (and therefore more VMT) than development located in close proximity to other land uses or in areas with many transportation choices. VMT is an important input in the analysis of air quality and greenhouse gas (GHG) emissions and has been used for that purpose within CEQA documents for years. What has changed with SB 743 is that VMT is now being used to measure transportation impacts.

Mitigating a VMT impact involves different types of actions than mitigating an LOS impact. VMT mitigation requires actions that reduce the number or the length of vehicle trips generated by a project. This might involve modifying the project's characteristics or location so that it generates fewer vehicle trips or trips of shorter distance; options may include locating the project closer to public transit facilities, changing the project's characteristics to include a broader mix of complementary land uses, requiring that it provide amenities to support bicycling and walking, or adopting paid parking, among other possibilities.

Many jurisdictions find that travel time and system delay are still important issues for their residents, and SB 743 does not prevent an agency from continuing to analyze vehicle delay or LOS as part of their planning processes outside of CEQA. The City of Berkeley intends to continue to use LOS analysis for some purposes, such as evaluating the need for adding or modifying traffic signals.

# Approach to VMT Analysis in Berkeley

As part of the City of Berkeley's implementation of SB 743, the City has developed the following approach to the major elements of addressing VMT impacts under CEQA. Note that the City will also be updating its Transportation Impact Study (TIS) Guidelines, which will contain detailed descriptions of how to scope, conduct, and review a VMT analysis for proposed development projects in the City, as well as a description of other transportation analysis topics that must be addressed.

## VMT Forecasting Methods

VMT is typically calculated and forecasted using a travel demand model, which can estimate the total number and length of vehicle trips for a given geographic area, although some jurisdictions have developed their own tools for forecasting VMT. The OPR *Technical Advisory* recommends that the method used to define a VMT threshold should be the same method that is used to evaluate a project's VMT impact against that threshold.

For the City of Berkeley, the travel model maintained by the Alameda County Transportation Commission (Alameda CTC) is the tool most commonly used for transportation planning and forecasting purposes. The Alameda CTC model is regularly updated and validated, and it contains a script that calculates estimates of VMT per resident and VMT per worker at the geographic level known as the Traffic Analysis Zone (TAZ). The City of Berkeley will use the Alameda CTC model as the primary source of information for VMT forecasts for proposed projects in Berkeley.

It should be noted that a limitation of the VMT estimates produced by the Alameda CTC model script is that they do not account for the distance of trips that occur outside of the model boundaries. The OPR guidance recommends that VMT forecasts not truncate trip lengths based on political or model boundaries, and should capture the full length of all trips (even those that are interregional). To this point, the Alameda CTC model-produced VMT estimates do not account for the outside-the-region portion of interregional trips (i.e., trips that have one end outside of the nine-county Bay Area plus San Joaquin County which is also included in the Alameda CTC model).

However, this limitation should not be a substantial concern for the City of Berkeley VMT estimates, because Berkeley is near the core of the Bay Area and is unlikely to have substantial numbers of travelers coming to Berkeley from places outside the region's boundaries. Even for travelers coming to Berkeley from Davis or Modesto, only a relatively small portion of those trips (typically less than 20% of the total distance) would occur outside the boundaries of the Alameda CTC model, so to the extent there are interregional trips to Berkeley, the model will capture most of the trip length associated with those trips.

## VMT Metrics

VMT can be measured in several ways. For the purposes of VMT analysis in Berkeley, the City will use the metrics of Household VMT per Capita (which will apply to residential uses), and Home-Work VMT per Worker (which will apply to employment-generating uses). These VMT metrics are consistent with those recommended in the OPR *Technical Advisory* and are the metrics that the Alameda CTC model directly produces. The Household VMT per Capita measures all of the trips associated with a residential use and divides that distance by the number of residents in the study area. The Home-Work VMT per Worker measures all of the commute trips between homes and workplaces and divides that distance by the number of workers in the study area.

Both metrics described above are “efficiency” metrics, in which the level of VMT is expressed in “per person” terms. This form of the metric speaks to how efficiently the people at a given location travel. A project that contributes to a more efficient use of the transportation system would reduce the VMT per person as compared to a no-project scenario. Some amount of overall VMT growth is always expected to occur when there is overall growth in population and economic activity; many development projects will cause an increase in total VMT, but the VMT per person can decrease if the new residents travel in more efficient ways.

## VMT Screening

Analysis of smaller, less complex projects can be simplified by using a screening process. OPR suggests that screening criteria may be applied to identify when land use projects can be expected to cause a less-than-significant impact, without needing to conduct a detailed study. Screening is an option but is not mandatory. Because it requires limited evidence to support its use on a project, screening benefits project applicants and agencies wanting to streamline development review, with the trade-off of the potential for somewhat more legal risk if the screening process is challenged.

In the City of Berkeley, land use projects that meet at least one of the following screening criteria are presumed to cause a less-than-significant VMT impact and would not require VMT analysis in order to address the question on the Appendix G CEQA checklist: “Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?” The other CEQA checklist items related to transportation impacts should still be reviewed and evaluated. Although calculation of VMT may not be required to evaluate transportation impacts, preparation of VMT estimates may still be needed for other environmental analysis topics, such as energy and greenhouse gas emissions, if such are necessary for the project being studied. City staff will review the screening conclusions for each project and may request additional transportation analysis at their discretion.

- **Transit Priority Areas (TPA)**: Projects located within a ½-mile walkshed around major transit stops<sup>1</sup> (i.e., the BART stations and the Amtrak station) or within a ¼-mile walkshed around high-quality transit corridors<sup>2</sup>. Maps that show the TPAs within Berkeley are attached to this report. This TPA screening would not apply if the project has any of the following characteristics:
  - Has a Floor Area Ratio (FAR) of less than 0.75 for office uses; or
  - Includes more than 200,000 square feet of office or commercial space; or
  - Includes more parking supply than the project's estimated demand; or
  - Is inconsistent with the City's *General Plan*, an applicable Specific Plan, or an applicable Sustainable Communities Strategy (as determined by the City, with input from MTC); or
  - Replaces affordable residential units with market-rate residential units; or
  - Has project-specific or location-specific information that indicates that the project will generate significant levels of VMT.
- **Low-Income Housing**: Low-income housing units typically generate less VMT than market-rate units of similar sizes and can contribute to improving jobs-housing balance. As such, projects that contain 100% restricted units affordable to Low-Income Households and Very Low-Income Households, as defined in Berkeley Municipal Code 22.20.065, are presumed not to require transportation VMT analysis for CEQA, as long as the projects do not include more parking supply than the project's estimated demand.
- **Small Projects**: Projects defined as generating 836 daily VMT or less. Based on recent data from the California Household Travel Survey, this level of VMT would equate to 20 units of residential use or up to 10,000 square feet of non-residential use<sup>3</sup>.
- **Locally Serving Public Facility**: Locally serving public facilities generally encompass government, civic, cultural, health, and infrastructure uses which contribute to and support community needs and mostly generate trips within the local area. Locally serving public facilities include, but are not

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<sup>1</sup> "Major transit stop" is defined in Public Resources Code 21064.3 as a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

<sup>2</sup> "High-quality transit corridor" is defined in Public Resources Code 21155 as a corridor with fixed-route bus service with service intervals no longer than 15 minutes during peak commute hours. For purposes of this section, the service intervals must be no longer than 15 minutes during peak commute times for at least one individual transit route.

<sup>3</sup> This threshold ties directly to the OPR Technical Advisory which notes that CEQA provides a categorical exemption for existing facilities, including additions to existing structures of up to 10,000 square feet, so long as the project is in an area where public infrastructure is available to allow for maximum planned development and the project is not in an environmentally sensitive area. (CEQA Guidelines, § 15301, subd. (e)(2).) Using statewide average data from the California Household Travel Survey (CHTS), the amount of daily VMT associated with 10,000 square feet of non-residential space is 836 VMT. Also using statewide average CHTS data, this level of VMT is associated with 20 housing units. Therefore, absent substantial evidence otherwise, it is reasonable to conclude that the addition of 20 housing units or 10,000 square feet of non-residential space could be considered not to lead to a significant impact.

limited to, public schools, passive parks (parks designed for use in an informal way and typically less developed), libraries, community centers, police stations, fire stations, and public utilities.

- **Projects in Low VMT Areas:** Projects that are located in low-VMT areas and that have characteristics similar to other uses already located in those areas can be presumed to generate VMT at similar rates. The low-VMT areas in Berkeley are defined based on the results of the Alameda CTC model, and maps of these areas are attached to this report:
  - Residential projects will be screened out if located in an area that has household VMT per capita that is 15% lower than the baseline regional average.
  - Office and industrial projects will be screened out if located in an area that has home-work VMT per worker that is 15% lower than the baseline regional average.

Each component of a mixed-use project is considered separately; therefore, each of the project's individual land uses should be compared to the screening criteria with considerations for internal capture between uses. It is possible for some of the mixed-use project's land uses to be screened out and some to require further analysis.

## VMT Significance Thresholds

Since SB 743 introduces a new mandatory metric for use in CEQA analysis, lead agencies will need to determine what constitutes acceptable and unacceptable levels of VMT. This process is generally referred to as establishing significance thresholds and is governed by CEQA Guidelines Section 15064.7. Lead agencies have the discretion to define thresholds of significance to apply to projects under their jurisdiction, based on evidence and data and reflecting the careful judgment of the lead agency.

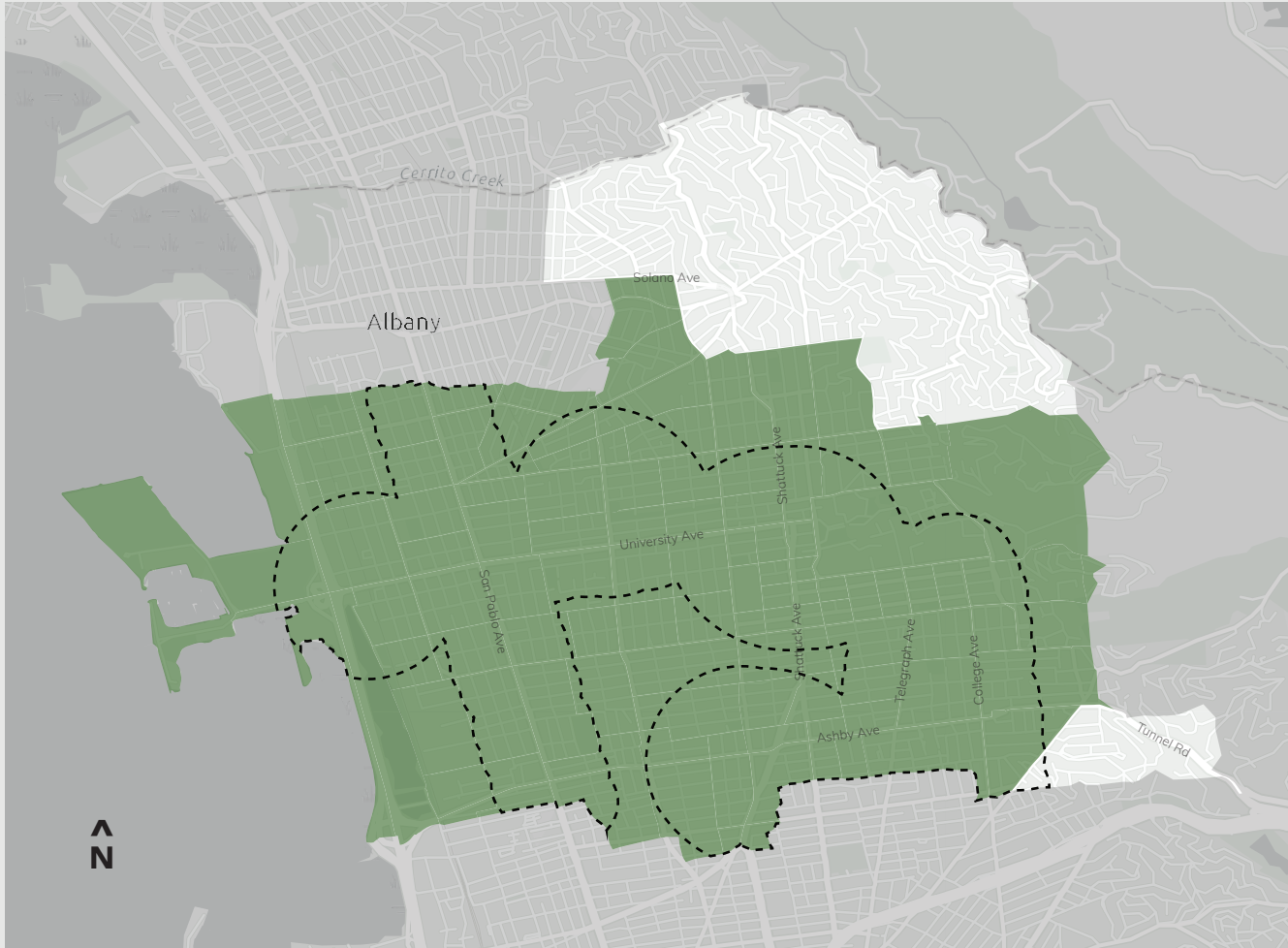
The OPR recommendations suggest that a VMT reduction target of 15% below baseline levels is consistent with the achievement of the state's climate goals. The City of Berkeley is relying upon the evidence and data presented by OPR in its recommendations for VMT thresholds, and is applying the following significance thresholds within Berkeley:

- A residential project's VMT impact is considered less-than-significant if its Household VMT per Capita is at least 15% below the regional average Household VMT per Capita.
- An employment-generating project's VMT impact is considered less-than-significant if its Home-Work VMT per Worker is at least 15% below the regional average Home-Work VMT per Worker.


For projects that are not able to meet the established threshold, the VMT impact would be considered significant and preparation of an Environmental Impact Report (EIR) would be required. Feasible mitigation would be identified; if the feasible mitigation measures do not fully mitigate the impact, it would be considered significant and unavoidable. In that case, approval of the project would require the adoption of a Statement of Overriding Considerations.




### Household VMT Per Capita, 2020



**VMT per Resident:**

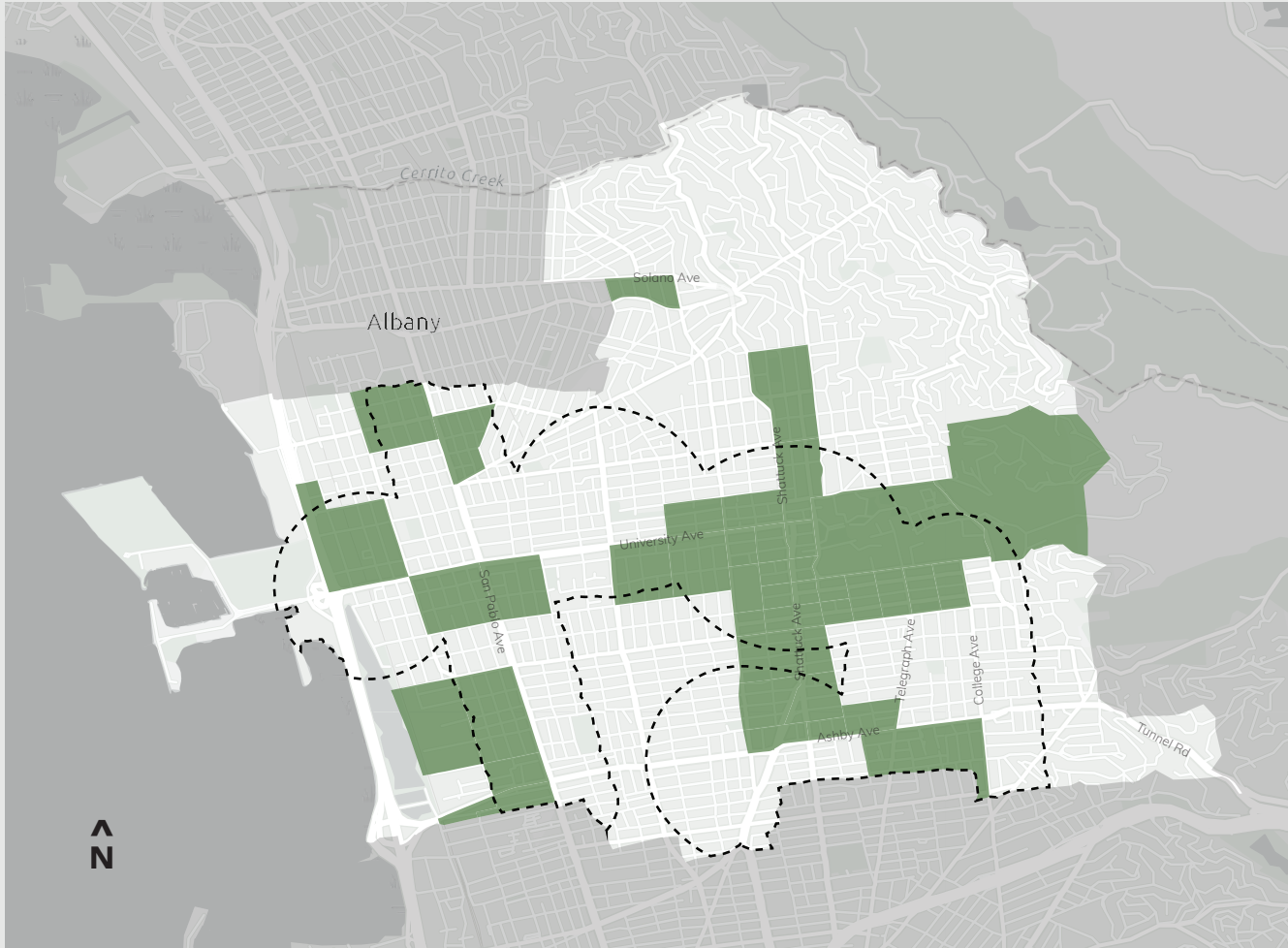
 at least 15% below Bay Area average

**Transit Priority Areas:**

 ½ mi from rail stations or ¼ mi from bus stops with service at least every 15min



### Home-Work VMT Per Worker, 2020



**VMT per Worker:**

■ at least 15% below Bay Area average

**Transit Priority Areas:**

⋯ 1/2 mi from rail stations or 1/4 mi from bus stops with service at least every 15min



Planning Commission

## FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING September 2, 2020

The meeting was called to order at 7:01 p.m.

**Location:** Virtual meeting via Zoom

### 1. ROLL CALL:

**Commissioners Present:** Benjamin Beach, Robb Kapla, Shane Krpata, Mary Kay Lacey, Steve Martinot, Christine Schildt, Jeff Vincent, Brad Wiblin, and Rob Wrenn.

**Commissioners Absent:** None.

**Staff Present:** Secretary Alene Pearson, Katrina Lapira, Beth Greene, and Justin Horner.

### 2. ORDER OF AGENDA: No changes.

### 3. PUBLIC COMMENT PERIOD: 0

### 4. PLANNING STAFF REPORT:

- Meeting Schedule
  - September 16 (Adeline Corridor Plan Public Hearing) – Special Meeting
  - September 30 (Tentative) – Continuation of Adeline Corridor Plan Public hearing
  - October 7 – Regular Meeting
  - October 21 - Special Meeting (Tentative)
- Thanks Beth! - Staff and the Commission acknowledged Senior Planner, Beth Greene's many years of exemplary service to the City.

### Information Items:

- August 21, 2020 – Staff, Commissioner's Manual pp 40-41
- July 28 , 2020– City Council, Amendments to BMC Short Term Rentals (23C.22)
- July 28, 2020 – City Council, General Plan Redesignation and Rezone of the Rose Garden Inn at 2740 Telegraph Avenue
- July 28, 2020 – City Council, Urgency Ordinance for Outdoor Commerce on Private Property
- July 28, 2020 – City Council, Housing Pipeline Report
- July 28, 2020 – City Council, Regulatory Agreement: 1500 San Pablo
- March 10, 2020 – City Council, Referral: Research and Development Definition
- November 12, 2019 – City Council, Referral: Bird Safety Requirements

### Communications:

- August 18 – Staff, PC September Meeting
- August 7 – Babitt, School Board
- August 6 – Staff, PC Meeting Schedule
- August 5 – Porter, ADU Regulations
- August 5 – Fred, Southside Plan
- August 5 – Californians for Homeownership, DFSC Letter
- August 3 – Sagehorn, Southside Plan
- August 3 – Doughty, ADU Regulations
- August 3 – Denney, Southside Plan
- July 27 – Staff, August 19 Special Meeting Cancellation
- July 21 – Staff, Commission Meeting Materials
- July 20 – Disaster and Fire Safety, ADU Memo
- July 12 – Sanderson, ADU Regulations in the Hillside
- July 10 – Campbell, ADU Regulations in the Hillside

**Late Communications:**

- Supplemental Packet One
- Supplemental Packet Two - empty
- Supplemental Packet Three (Read aloud at the meeting)

**5. CHAIR REPORT:**

- None

**6. COMMITTEE REPORT:** Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported at the meeting.

- Adeline Subcommittee - Met on August 19 to discuss and finalize several proposed changes to the draft plan.
- Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) – Met on July 22 to discuss objective standards for density, design, and shadows. Recommendation Report is being drafted and will be submitted to City Council by Commission Chair.

**7. APPROVAL OF MINUTES:**

Motion/Second/Carried (Wrenn/Vincent) to approve the Planning Commission Meeting Minutes from July 1, 2020 with the discussed edits to lines 74, 100, and 101.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: Schildt. Absent: None. (8-0-1-0)

**FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:**

- BART Community Advisory Group – October 14 and 20 meetings

**AGENDA ITEMS**

**9. Action:** *Public Hearing: Southside Zoning Ordinance Amendments Project Update and Draft Environmental Impact Report (EIR) Scoping Session*

Staff provided a project update on the Southside Zoning Ordinance Amendments project, describing the focus of the project and the EIR process. Staff asked the Planning Commission and the public to provide comments on the scope, focus and content of the Draft EIR, as well as related alternatives and mitigation measures to reduce environmental effects. Comments will be accepted through **Wednesday, September 9**. The Planning Commission discussed several issues related, but not limited to, recreation/parks analysis, the accuracy of buildout assumptions, and the impact of COVID on baseline information.

**Public Comments: 10**

Motion/Second/Carried (Kapla/Krpata) to close the public hearing at 9:11pm.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

**10. Discussion:** *ZORP Phase 1- Baseline Zoning Ordinance*

Staff provided a status report on the Baseline Zoning Ordinance (BZO), Phase 1 of the Zoning Ordinance Revision Project (ZORP). Staff shared proposed, notable changes in writing style and organization of the existing Zoning ordinance. Following the presentation, the Planning Commission commented on select consent changes, added language, and the overall utility of the document to different stakeholders in the community.

**Public Comments: 1**

**11. Public Hearing:** *Vehicle Miles Traveled (VMT) General Plan Amendment*

Staff reviewed the proposed General Plan Amendment to the Policy T-18 of the Transportation Element that resulted from the State requirement to use Vehicle Miles Traveled (VMT) instead of Level of Service (LOS) to evaluate transportation impacts under the California Environmental Quality Act (CEQA).

Motion/Second/Carried (Kapla/Krpata) to open the public hearing for Item 11 at 9:18pm and to resume discussion on Item 10.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

**Public Comments: 1**

Motion/Second/Carried (Kapla/Wrenn) to close the public hearing at 11:01pm.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

Motion/Second/Carried (Schildt/Krpata) to recommend that the City Council adopt the General Plan Amendment that replaces LOS with VMT as a criteria used to determine transportation-related environmental impacts under CEQA along with the General Plan Amendment findings noted in the draft resolution.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: Martinot. Absent: None. (8-0-1-0)

**Commissioners in attendance: 9**

**Members in the public in attendance: 18**

**Public Speakers: 12 speakers**

**Length of the meeting: 4 hours and 3 minutes**

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL  
PUBLIC PARTICIPATION BY REMOTE VIDEO ONLY**

**Amendment to General Plan: Replace Level-of-Service (LOS)  
with Vehicle Miles Traveled (VMT) for Transportation Impact  
Analysis under the California Environmental Quality Act  
(CEQA)**

The Department of Planning and Development is proposing to amend a Policy within the Transportation Element of the General Plan to replace Level of Service (LOS) with Vehicle Miles Traveled (VMT) as the criteria used to determine transportation-related environmental impacts under the California Environmental Quality Act (CEQA), to conform to State law.

The hearing will be held on, NOVEMBER 17, 2020 at 6:00 p.m. A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **November 5, 2020**. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

For further information, please contact Justin Horner, Associate Planner, Department of Planning and Development at [jhorner@cityofberkeley.info](mailto:jhorner@cityofberkeley.info).

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

**Published:** November 6, 2020 (The Berkeley Voice)

November 17, 2020

**BMC Section 22.04.020 (Amendment—Procedures required—Planning Commission and City Council Authority) states “the council shall set a public hearing on the proposed amendment.”)**

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on November 5, 2020.

Mark Numainville, City Clerk



Office of the City Manager

ACTION CALENDAR

November 17, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Teresa Berkeley-Simmons, Budget Manager
 Subject: Amendment: FY 2021 Annual Appropriations Ordinance

RECOMMENDATION

Adopt first reading of an Ordinance amending the FY 2021 Annual Appropriations Ordinance No. 7,724–N.S. for fiscal year 2021 based upon recommended re-appropriation of committed FY 2020 funding and other adjustments authorized since July 1, 2020, in the amount of \$184,267,388 (gross) and \$179,848,051 (net).

FISCAL IMPACTS OF RECOMMENDATION

On June 30, 2020 the City Council adopted the FY 2021 Budget, authorizing gross appropriations of \$533,318,519 and net appropriations of \$447,702,457 (net of dual appropriations).

This first amendment to the Annual Appropriations Ordinance totals \$184,267,388 (gross) and \$179,848,051 (net), increasing the gross appropriations to \$717,585,907 and net appropriations to \$619,923,839 and represents the re-authorization of funding previously committed in FY 2020 and some new expenditures including new grant fund appropriations. The recommendations in this report also include funding for a number of capital projects. Funding is recommended for the following:

1. Encumbered contract obligations from FY 2020 totaling \$98,732,991;
2. Re-appropriating committed, unencumbered FY 2020 funding for all funds in the amount of \$31,779,729; and
3. Changes to fund appropriations primarily due to receipt of new grants and use of available fund balances adjustments in the amount of \$53,754,668.

The changes to the General Fund total \$16,149,582 which includes encumbrances of \$7,191,365, unencumbered carry-over requests of \$5,406,787, and adjustments of \$3,551,430. The Capital Improvement Fund increases by \$9,852,780 and includes encumbrances of \$5,728,736 unencumbered carry-over requests of \$3,416,094, and adjustments of \$707,950.

BACKGROUND

The Annual Appropriations Ordinance (AAO) establishes the expenditure limits by fund for FY 2021. Throughout the year, the City takes actions that amend the adopted budget. These may include, but are not limited to, the acceptance of new grants, revisions to existing grants, adjustments to adopted expenditure authority due to emergency needs, and transfers in accordance with Council's fiscal policies.

The adopted budget is also amended annually to reflect the re-appropriation of prior year funds for contractual commitments (i.e. encumbrances) as well as unencumbered carryover of unexpended funds previously authorized for one-time, non-recurring purposes. These budget modifications are periodically presented to the Council in the form of an Ordinance amending the Annual Appropriations Ordinance, which formally requires a two-thirds vote of the City Council. This report addresses re-appropriating FY 2020 spending authority to FY 2021 of available cash for commitments entered into in prior years and is the first amendment to the FY 2021 AAO.

When Council adopts an appropriations ordinance (budget), it is based on projected revenues and expenditures. If fund balances do not support the requested level of expenditures, no carryover is recommended.

The proposed changes, presented in their entirety in Exhibit A, are summarized as follows:

	Encumbered Recommended	Unencumbered Recommended	Other Adjustments	Total
General Fund (011)	\$ 7,191,365	\$ 5,406,787	\$ 3,551,430	\$ 16,149,582
Capital Improvement Fund (501)	\$ 5,728,736	\$ 3,416,094	\$ 707,950	\$ 9,852,780
All Other Funds	\$ 85,812,890	\$ 22,956,848	\$ 49,495,288	\$ 158,265,026
Total	\$ 98,732,991	\$ 31,779,729	\$ 53,754,668	\$ 184,267,388

Carryover Process

Departments were asked to submit information regarding the reasons for the unencumbered carryover requests to assist staff in determining which funds should be carried into FY 2021. In prior years, funds have been approved for carryover from one year to the next based on funding availability.

This report recommends approximately \$32 million in unencumbered carryover for Council review and approval, representing funding for priority projects and programs.

Types of Carryover

FY 2020 Encumbrance Rollovers, totaling \$98,732,991 reflect contractual obligations entered into in fiscal year 2020 which had not been paid as of June 30, 2020. Funding for these "encumbered" commitments is brought forward into the current fiscal year to provide for payment of these obligations. Funding the encumbered rollovers for the General Fund represents around 7% of the total recommended encumbered rollovers.

The FY 2021 Adjusted Budget currently includes the carry forward of FY 2020 encumbrances, since the City is obligated to pay for these commitments.

FY 2020 Unencumbered Carryover, totals \$31,779,729 and reflects the carryover of funding appropriated by the City Council for specific purposes that had not been encumbered by year-end. The carryover for the General Fund represents around 17% of the total recommended unencumbered carryover amount and is for priority projects. Capital Improvement Funds carryovers are for continuing projects and makes up 11% of the unencumbered carryover. The remaining 72% represents carryover items in non-discretionary funds.

FY 2021 Other Adjustments total \$53,754,668 and reflect actions taken by the City Council with the adoption of the FY 2021 budget as well as adjustments required or approved since the budget adoption. Many of these adjustments are within non-discretionary funds and reflect the appropriation of grant funding and the use of available fund balance.

Below is a summary of the FY 2020 Unencumbered Carryover and the FY 2021 Adjustments for the City's General Fund and Other Funds.

General Fund

The General Fund includes unencumbered carry-over requests of \$5,406,787 and other adjustments of \$3,551,430 including the following program allocations:

Carryover

- \$462,700 in the City Clerk's Office for the costs related to November 2020 General Election
- \$617,607 in the City Manager's Office carryover items including some of the following items:
 - \$200,000 for the Berkeley Contracting Availability Study
 - \$39,000 for an emergency generator at the Animal Shelter
 - \$92,100 to fund a second Homeless Outreach Coordinator position
 - \$80,000 for Special Events funding approved by Council with the FY 2021 Mid-Biennial Budget Adoption in June 2020
 - \$31,501 for Business Continuity Grants funds not fully spent in FY 2020
 - \$60,200 for the 2020 Vision program Data Analysis and 2020 Milestone projects
- \$791,942 in Finance for the Accela Online Business Payment System (\$100,000), replacement of the property tax assessment system (\$400,000), backfill for a Revenue Collection Manager on maternity leave (\$150,000), and banking fees/services contract (\$141,942)
- \$486,742 in Health, Housing & Community Services carryover items including funds for the North Berkeley Senior Center Renovation (\$72,730), Aquatic Park water consultant (\$120,999), and the African American Holistic Center (\$51,188).

- ❑ \$470,000 in the Human Resources Department for labor negotiations and \$102,443 for classification and compensation studies as part of labor negotiations
- ❑ \$415,996 in Fair Election Campaign Funds being carried over to FY 2021 and transferred to the newly created Fair Election Campaign Fund
- ❑ \$60,000 in Parks, Recreation & Waterfront to fund waterfront security cameras in the berther lots
- ❑ \$583,341 in Planning for the BART Station Area Planning (\$160,000), Objective Standards for Density / State Housing Law Compliance (\$125,000), Green Building Program Manager position (\$273,341), and a Planning Department Racial Equity consultant (\$25,000)
- ❑ \$1,125,362 in Public Works for the following items:
 - Fire Safety (\$129,892)
 - Public Safety Data Center project (\$550,000)
 - Sewer Laterals & CCTV (\$5,830)
 - Hopkins Corridor Study (\$15,000)
 - Illegal Dumping (\$200,000)
 - Measure P funds for the Downtown Streets Team program expansion (\$225,000).

Other Adjustments

- ❑ \$25,000 in the City Attorney's Office to hire a subject matter expert to conduct an analysis for the City of litigation claims and settlements
- ❑ \$163,000 in the City Manager's Office for two Digital Communications Coordinator positions to continue the website project and EOC support
- ❑ \$1,140,806 in the Fire Department for the following items:
 - \$90,200 for 4th Ambulance Medical Supplies
 - \$39,714 for 3 additional gurneys from Stryker and equipping all seven ambulances with powered cot fastener systems
 - \$411,270 for the ambulance response and fire inspection billing contract with Wittman Enterprises LLC approved by Council
 - \$63,000 for Personal Protective Equipment for firefighters
 - \$250,000 for Fire recruit academy
 - \$200,000 for electrical work at fire stations
 - \$83,000 for priority dispatching
- ❑ \$78,000 in Measure P Funds for Youth Sprit Artworks Tiny Homes Case Management.
- ❑ \$98,675 for the Sugar Sweetened Beverage program to match the approved Council allocation
- ❑ \$100,000 approved by Council on July 14, 2020 for to analyze and develop a pilot program to re-assign non-criminal police service calls to a Specialized Care Unit
- ❑ \$719,017 transfer to the Public Liability Fund to pay for increased costs for outside counsel, court costs, and claims and judgement payments approved by Council

- ❑ \$406,925 transfer of FY 2020 Excess Property Transfer Tax Revenue transferred to Workers' Compensation Fund to repay loan to purchase Premier Cru (University Center)
- ❑ \$819,980 in Public Works for the following items:
 - \$360,437 for Survey of the Underground Utility District (UUD) No. 48 at Grizzly Peak
 - \$99,543 for building upgrades as part of the North Berkeley Senior Center project
 - \$100,000 for the University Avenue Bus Stop Improvements project
 - \$185,000 for the Hopkins Corridor Study
 - \$75,000 for the Berkeley Department of Transportation development study

Other Funds

Other City funds (including capital improvement project funds) total unencumbered carryover of \$26,372,942 and other adjustments of \$50,203,238 including the following project allocations:

Carryover

- ❑ \$775,208 in Playground Camp funds for construction management at Berkeley Tuolumne Camp
- ❑ \$2,253,660 in State Transportation Tax funds for Public Works street projects
- ❑ \$2,077,622 in Measure BB – Local Streets & Roads Funds for Public Works street projects
- ❑ \$1,604,463 in Parks Tax funds for various Parks, Recreation & Waterfront Department capital projects currently under way
- ❑ \$744,823 in Cultural Trust funds for public art projects
- ❑ \$737,100 in One Time Grant: No Capital Expenditure funds for grants in Health, Housing & Community Services, Public Works, and Parks, Recreation & Waterfront
- ❑ \$1,248,678 in CALTRANS Grant funds for the North Berkeley BART/Sacramento Street Complete Streets project
- ❑ \$3,416,094 in Capital Improvement Projects funding for Public Works projects
- ❑ \$405,097 in Measure M funds for Public Works projects
- ❑ \$6,820,356 in Measure T1 Funds for City Manager's Office, Parks, Recreation & Waterfront Department, and Public Works Department projects currently under way
- ❑ \$1,704,389 in Sewer Funds for Public Works sewer projects
- ❑ \$469,147 in Public Liability funds for outside counsel, court costs, and claims and judgements
- ❑ \$2,378,437 in IT Cost Allocation Plan funds for Information Technology projects currently under way

Other Adjustments

- ❑ \$500,000 in Library Foundation funds for the Central Library Renovation project

- ❑ \$18,373,385 in Playground Camps Fund for the Berkeley Tuolumne Camp project. This is appropriating insurance funds received to date for the reconstruction of Berkeley Tuolumne Camp. Construction is underway, and remains on schedule for re-opening Camp in the summer of 2022.
- ❑ \$1,610,805 in CDBG Cares Act funds to prevent, prepare for, and respond to Coronavirus
- ❑ \$670,415 in Measure BB – Local Streets & Roads for the loan to the Measure T1 Fund approved by Council (\$600,000) and for the Retaining Wall – Glendale project (\$70,415)
- ❑ \$1,142,456 in Parks Tax funds for the Measure T1 Fund loan approved by Council (\$600,000) and for other Parks, Recreation & Waterfront projects
- ❑ \$976,925 in Capital Grants – Federal funds for the Southside Complete Streets project
- ❑ \$3,486,846 in Capital Grants – State funds for the Milvia Bikeway project, Addison Bike Boulevard project, and the University Avenue Bus Stop Improvements project
- ❑ \$1,800,972 in HUD Home funds for the 1601 Oxford project
- ❑ \$808,117 in ESG Cares Act funds for to prevent, prepare for, and respond to Coronavirus
- ❑ \$3,289,763 in Mental Health Services Act funds to match the amount approved by Council and the State and for the contract with Bay Area Community Resources for AmeriCorps members at the Berkeley High School Health Center
- ❑ \$616,908 in One-Time No Capital Grant Expenditure funds for grant in Health, Housing & Community Services, Parks, Recreation & Waterfront, Planning & Development, and Public Works
- ❑ \$557,350 in FEMA funds for the Hazard Mitigation Grant Program funds for City of Berkeley grants for seismically vulnerable buildings
- ❑ \$400,523 in Bioterrorism Grant funds from the California Department of Public Health to prevent, prepare for, and respond to COVID-19
- ❑ \$707,950 in Capital Improvement funds for the Grayson Apartments project, Sewer Laterals & CCTV project, 125-127 University Avenue project, and the Ashby/San Pablo Avenue Traffic Improvements project
- ❑ \$302,627 in Measure M Funds for the Cordonices Creek at Kains Avenue project
- ❑ \$1,638,511 in Measure T1 – Infrastructure & Facilities Funds for project currently underway
- ❑ \$4,452,438 in Measure O funds for the 1601 Oxford project and the Berkeley Way project
- ❑ \$632,223 in Zero Waste funds for the Zero Waste Management software and vehicle purchases
- ❑ \$2,495,886 in Equipment Replacement funds for the additional amount needed to replace all vehicles (current and backlogged) scheduled to be replaced in FY 2021
- ❑ \$719,017 in Public Liability Funds for the funds transferred in from the General Fund for increased costs for outside counsel, court costs, and claims and judgement payments approved by Council

- \$1,425,000 in C.F.D. No. 1 Fire Protection Bond funds to increase the capability and the maintenance of the water distribution system.

This report has been discussed with the Budget & Finance Policy Committee at their October 8, 2020, October 22, 2020, and November 12, 2020 meetings.

Any changes made by the Council as part of the adoption of the FY 2020 Year-End/FY 2021 1st Quarter Report will need to be incorporated into the numbers presented in this report to reflect these additional appropriations.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the act of adopting the budget/appropriations ordinance/amendments. Actions included in the budget will be developed and implemented in a manner that is consistent with the City's environmental sustainability goals and requirements.

RATIONALE FOR RECOMMENDATION

The recommendation allows the City to amend the FY 2021 Adopted Budget, re-appropriating funds from FY 2020 to FY 2021 for contractual commitments that need to be paid and revising the budget to reflect approved carryover requests in both discretionary and non-discretionary funds.

The recommendations in this report deal with the unencumbered carryover in the funds listed above and the other adjustments in all funds. Staff has conducted a detailed analysis of the individual carryover requests submitted by departments and is presenting carryover recommendations for projects that are either currently under contract, represent council priorities, and/or are considered critical.

CONTACT PERSON

Teresa Berkeley-Simmons, Budget Manager, City Manager's Office, 981-7000
Rama Murty, Senior Management Analyst, City Manager's Office, 981-7000

Attachments:

1: Ordinance

Exhibit A: Annual Appropriation Ordinance Summary of Appropriations by Fund
2: FY 2020 Carryover Recommendations and FY 2021 Adjustments

ORDINANCE NO. -N.S.

AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE NO. 7,724–N.S. FOR FISCAL YEAR 2021

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

Section 1. That the Annual Appropriations Ordinance based on the budget for FY 2021 submitted by the City Manager and passed by the City Council be amended as follows and as summarized in Exhibit A:

A. General Fund (Funds 001-099)	227,336,186
B. Special Funds (Funds 100-199)	142,328,402
C. Grant Funds (Funds 300-399)	49,357,775
D. Capital Projects Funds (Funds 500-550)	70,515,607
E. Debt Service Fund (Funds 551-599)	9,777,705
F. Enterprise Funds (Funds 600-669)	148,976,006
G. Internal Service Funds (Funds 146, 670-699)	54,657,166
H. Successor Agency (Funds 760-769)	57,120
I. Agency Funds (Funds 771-799)	8,357,381
J. Other Funds (Funds 800-899)	6,222,560
<u>K. Total</u>	
Total General Fund	227,336,186
Add: Total Other Than General Fund	490,249,722
Gross Revenue Appropriated	717,585,907
Less: Dual Appropriations	-43,004,902
Less: Revolving/Internal Service Funds	-54,657,166
Net Revenue Appropriated	619,923,839
A. General Fund (Funds 001-099)	227,336,186
B. Special Funds (Funds 100-199)	142,328,402
C. Grant Funds (Funds 300-399)	49,357,775

D. Capital Projects Funds (Funds 500-550)	70,515,607
E. Debt Service Fund (Funds 551-599)	9,777,705
F. Enterprise Funds (Funds 600-669)	148,976,006
G. Internal Service Funds (Funds 146, 670-699)	54,657,166
H. Successor Agency (Funds 760-769)	57,120
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Total General Fund	227,336,186
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Gross Revenue Appropriated	717,585,907
Less: Dual Appropriations	-43,004,902
Less: Revolving/Internal Service Funds	-54,657,166
Net Revenue Appropriated	619,923,839

Section 2. The City Manager is hereby permitted, without further authority from the City Council, to make the following transfers by giving written notice to the Director of Finance:

- a. From the General Fund to the General Fund – Stability Reserve Fund; Catastrophic Reserve Fund; Paramedic Tax Fund; Health State Aid Realignment; Fair Election Fund; Capital Improvement Fund; Phone System Replacement; Equipment Replacement Fund; Public Liability Fund; Catastrophic Loss Fund; Police Employee Retiree Health Assistance Plan; Safety Members Pension Fund; and Sick Leave Entitlement Fund.
- b. To the General Fund from the General Fund – Stability Reserves Fund; Catastrophic Reserves Fund; Community Development Block Grant Fund; Street Lighting Assessment District Fund; Zero Waste Fund; Marina Operations and Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Unified Program (CUPA); IT Cost Allocation Fund; and Health State Aid Realignment Fund.
- c. To the First Source Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- d. From UC Settlement Fund to General Fund and Clean Storm Water Fund.
- e. From Capital Improvement Fund to PERS Savings Fund; Berkeley Repertory Theater Fund; and 2010 COP (Animal Shelter) Fund.

- f. To the Public Art Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- g. To CFD#1 District Fire Protection Bond (Measure Q) from Special Tax Bonds CFD#1 ML-ROOS.
- h. To Private Sewer Lateral Fund from Sanitary Sewer Operation Fund.
- i. To Catastrophic Loss Fund from Permit Service Center Fund.
- j. To Catastrophic Loss Fund from Unified Program (CUPA) Fund.
- k. To the Building Purchases and Management Fund from General Fund; Health (General) Fund; Rental Housing Safety Program Fund; Measure B Local Streets & Road Fund; Employee Training Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Health State Aide Realignment Trust Fund.
- l. To Equipment Replacement Fund from General Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.
- m. To the Equipment Maintenance Fund from General Fund; Health (General) Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Library - Discretionary Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; FEMA Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.
- n. To the Building Maintenance Fund from the General Fund; Health (General) Fund; Health (Short/Doyle) Fund; Measure B Local Street & Road Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Mental Health State Aid Realignment Fund.
- o. To the Central Services Fund from the General Fund; First Source Fund; Health (Short/Doyle) Fund; Library-Discretionary Fund; Playground Camp Fund; Rent

Stabilization Board Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Mental Health State Aid Realignment Fund.

- p. To Information Technology Cost Allocation Plan Fund from General Fund; Target Case Management/Linkages Fund; Health (Short/Doyle); Library Fund; Playground Camp Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Equipment Maintenance Fund; Building Maintenance Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; and Mental Health State Aid Realignment Fund.

- q. To the Workers' Compensation Self-Insurance Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

- r. To the Sick Leave and Vacation Leave Accrual Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers’ Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

- s. To the Payroll Deduction Trust Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund;

FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Attachment for Annual Appropriations Ordinance - Fiscal Year 2020**REVOLVING FUNDS/INTERNAL SERVICE FUNDS**

Appropriations are identified with revolving and internal service funds. Such funds derive revenue by virtue of payment from other fund sources as benefits are received by such funds, and the total is reflected in the "Less Revolving Funds and Internal Service Funds" in item I. The funds are:

Revolving/Internal Service Funds

Employee Training Fund	1,368,416
Equipment Replacement Fund	12,174,125
Equipment Maintenance Fund	8,657,942
Building Maintenance Fund	4,438,018
Central Services Fund	388,490
Workers' Compensation Fund	6,586,355
Public Liability Fund	3,476,706
Information Technology Fund	17,567,113
Subtotal Revolving/Internal Service Funds	\$ 54,657,166

DUAL APPROPRIATIONS - WORKING BUDGET

Dual appropriations are identified with revenues generated by one fund and transferred to another fund. Both funds are credited with the applicable revenue, and the total is reflected in the "Less Dual Appropriations" in item I. The dual appropriations are:

Transfers to the General Fund

<u>Indirect Cost Reimbursement</u>	
CDBG Fund	143,373
Street Light Assessment District Fund	115,865
Zero Waste Fund	2,326,015
Marina Enterprise Fund	415,427
Sanitary Sewer Fund	1,071,882
Clean Storm Water Fund	252,015
Permit Service Center Fund	1,874,805
Unified Program (CUPA) Fund	87,242
Subtotal Transfers to General Fund:	\$ 6,286,624

Transfer to Safety Members Pension Fund from General Fund	551,804
Transfer to Measure U1 Fund from General Fund	3,575,390
Transfer to Paramedic Tax Fund from General Fund	703,103
Transfer to Health State Aid Realignment from General Fund	1,953,018
Transfer to Fair Election Fund from General Fund	501,833
Transfer to Capital Improvement Fund (CIP) from General Fund	3,255,167
Transfer to Phone System Replacement - VOIP from General Fund	160,000
Transfer to Equipment Replacement Fund from General Fund	
Transfer to Public Liability Fund from General Fund	1,695,888
Transfer to Catastrophic Loss Fund from General Fund	2,295,334
Transfer to IT Cost Allocation Fund from General Fund	431,802
Transfer to Police Employee Retiree Health Assistance Plan from General Fund	400,136
Transfer to Sick Leave Entitlement Fund from General Fund	201,501
Transfer to General Fund from General Fund Stabilization Reserves Fund	6,900,000
Transfer to General Fund from General Fund Catastrophic Reserves Fund	4,500,000
Transfer to Measure T1 Fund from Measure BB - Local Streets & Roads Fund	600,000
Transfer to Measure T1 Fund from Parks Tax Fund	600,000
Transfer to General Fund from UC Settlement Fund	907,554
Transfer to Clean Storm Water Fund from UC Settlement Fund	302,519
Transfer to General Fund from Health State Aid Realignment Fund	2,643,280
Transfer from CIP Fund to PERS Savings Fund	151,632
Transfer to Berkeley Repertory Theater Debt Service Fund from CIP Fund	499,802
Transfer from CIP Fund to 2010 COP (Animal Shelter) Fund	402,613
Transfer to Private Sewer Lateral Fund from Sewer Fund	90,501
Transfer to Catastrophic Loss Fund from Permit Service Center Fund	50,555
Transfer to Catastrophic Loss Fund from Unified Program (CUPA) Fund	5,082
Transfer to General Fund from Parking Meter Fund	1,742,288
Transfer to General Fund from IT Cost Allocation Fund	1,037,439
Transfer from Special Tax Bonds CFD#1 ML-ROOS to CFD#1 District Fire Protect Bond (Measure Q)	452,759
Transfer to First Source Fund from Parks Tax Fund	14,093
Transfer to First Source Fund from Capital Improvement Fund	26,943
Transfer to First Source Fund from Marina Fund	1,875
Transfer to Public Art Fund from Parks Tax Fund	21,140
Transfer to Public Art Fund from Capital Improvement Fund	40,414
Transfer to Public Art Fund from Marina Fund	2,813
Subtotal Transfers to Other Funds:	<u>36,718,278</u>
Sub-Total Dual Appropriations	<u>\$ 43,004,902</u>
Grand Total Dual Appropriations	\$ 97,662,068

SUMMARY OF APPROPRIATIONS BY FUND

ERMA Fund # Fund	FY 2021 Adopted	1st AAO				FY 2021 Revised #1
		Encumbered Rollovers	Unencum. Carryovers	Other Adjustments	Total Amend.	
11 General Fund Discretionary	194,718,710	7,191,365	5,406,787	3,551,430	16,149,582	210,868,292
16 Measure U1 - Housing	5,067,894				-	5,067,894
98 General Fund - Stabilization Reserves	6,900,000				-	6,900,000
99 General Fund - Catastrophic Reserves	4,500,000				-	4,500,000
101 Library - Tax	21,567,259	2,643,014			2,643,014	24,210,273
103 Library - Grants	64,089				-	64,089
104 Library - Friends & Gift	150,000	1,926			1,926	151,926
105 Library - Foundation	100,000	46		500,000	500,046	600,046
106 Asset Forfeiture	201,000				-	201,000
107 Special Tax Measure E	1,361,402				-	1,361,402
108 First Source Fund	48,083				-	48,083
110 Sec 108 Loan Gty Asst.	553,408				-	553,408
111 Fund Raising Activities	53,557			28,000	28,000	81,557
113 Sports Field (Vendor Oper)	189,807	30,813			30,813	220,620
114 Gilman Fields Reserve	-	2,694	56,506		59,200	59,200
115 Animal Shelter	52,480	5,192			5,192	57,672
116 Paramedic Tax	4,223,699				-	4,223,699
117 CA Energy Commission	-	44,249			44,249	44,249
119 Domestic Violence Prev - Vit Stat	26,462				-	26,462
120 Affordable Housing Mitigation	49,690	2,657,746		100,166	2,757,912	2,807,602
121 Affordable Child Care	13,275				-	13,275
122 Inclusionary Housing Program	148,044			21,119	21,119	169,163
123 Condo Conversion	37,520	997,980			997,980	1,035,500
124 Parking In Lieu Fee	-	82,010			82,010	82,010
125 Playground Camp	1,982,688	11,673,845	775,208	18,373,385	30,822,438	32,805,126
126 State-Prop 172 Pub.Safety	929,177	781			781	929,958
127 State Transportation Tax	6,041,284	1,758,208	2,253,660		4,011,868	10,053,152
128 CDBG	2,580,144	21,781		1,610,805	1,632,586	4,212,730
129 Rental Housing Safety Program	1,893,929	11,582			11,582	1,905,511
130 Measure B - Local St & Road	4,112,067	631,683	279,790	45,000	956,473	5,068,540
131 Measure B - Bike and Pedestrian	578,279	115,378			115,378	693,657
132 Measure B - Paratransit	490,125	21,927			21,927	512,052
133 Measure F Alameda County VRF St & Rd	799,084	17,281	79,800	14,018	111,099	910,183
134 Measure BB - Local St & Road	4,651,014	1,041,539	2,077,622	670,415	3,789,576	8,440,590
135 Measure BB - Bike & Pedestrian	493,297	213,986	395,139	177,475	786,600	1,279,897
136 Measure BB - Paratransit	387,847	40,864		29,500	70,364	458,211
137 One Time Funding	-	19,080			19,080	19,080
138 Parks Tax	14,311,368	2,019,588	1,604,463	1,142,456	4,766,507	19,077,875
139 Streets & Open Space IMPR	-	656,301			656,301	656,301
140 Measure GG - Fire Prep Tax	4,828,024	85,635		90,500	176,135	5,004,159
141 1st Response Advanced Life Support	-	2,000			2,000	2,000
142 Streetlight Assesment District	2,684,633	298,342			298,342	2,982,975
143 Berkeley Bus Ec Dev	156,387	11,550			11,550	167,937
145 Bayer (Miles Lab)	8,500	20,000	138,014		158,014	166,514
146 Employee Training	774,643	127,554			127,554	902,197
147 UC Settlement	1,231,292	10,532		126,592	137,124	1,368,416
148 Private Percent - Art Fund	22,380		744,823	123,274	868,097	890,477
149 Private Party Sidewalks	100,000		50,000		50,000	150,000
150 Public Art Fund	64,367	26,464	70,709		97,173	161,540
152 Vital & Health Statistics Trust Fund	29,893	560		45,000	45,560	75,453
156 Hlth State Aid Realign Trust	4,010,244				-	4,010,244
157 Tobacco Cont.Trust	334,284	15,476	62,400		77,876	412,160
158 Mental Health State Aid Realign	2,921,175	502,597			502,597	3,423,772
159 Citizens Option Public Safety Trust	258,921	83,040			83,040	341,961
161 Alameda Cty Abandoned Vehicle Abatement	99,852	1,229			1,229	101,081
165 Fair Elections	501,833				-	501,833
305 Capital Grants - Federal	-			976,925	976,925	976,925
306 Capital Grants - State	-	122,997	60,000	3,486,846	3,669,843	3,669,843
307 Shelter Plus Care	-	650,830			650,830	650,830
309 OTS DUI Enforcement Education Prg.	129,500				-	129,500
310 HUD/Home	651,399	14,057		1,800,972	1,815,029	2,466,428
311 ESGP	568,086			808,117	808,117	1,376,203
312 Health (General)	2,257,061	6,090		10,151	16,241	2,273,302
313 Target Case Management Linkages	869,706	69,621		13,232	82,853	952,559
314 Alameda County Tay Tip	35,812	8			8	35,820
315 Mental Health Service Act	9,018,458	970,782		3,289,763	4,260,545	13,279,003
316 Health (Short/Doyle)	3,823,059	281,959			281,959	4,105,018
317 EPSDT Expansion Proposal	386,235				-	386,235
318 Alcoholic Bev Ctr OTS/UC	52,804				-	52,804
319 Youth Lunch	101,900	192,574	90,522		283,096	384,996
320 Sr. Nutrition Title III	104,516				-	104,516
321 CFP Title X	142,813	196		128,187	128,383	271,196
324 BUSD Grant	310,992				-	310,992
325 Vector Control	328,281	10,074			10,074	338,355
326 Alameda County Grants	650,225			3,354	3,354	653,579
327 Senior Supportive Social Services	55,720				-	55,720

SUMMARY OF APPROPRIATIONS BY FUND

ERMA Fund # Fund	FY 2021 Adopted	1st AAO			Total Amend.	FY 2021 Revised #1
		Encumbered Rollovers	Unencum. Carryovers	Other Adjustments		
328 Family Care Support Program	68,254				-	68,254
329 CA Integrated Waste Management	5,244	2,760		45,000	47,760	53,004
333 CALHOME	363,100				-	363,100
334 Community Action	295,338	25,890	737,100	616,908	1,379,898	1,675,236
336 One-Time Grant: No Cap Exp	1,554,161	575,971			575,971	2,130,132
338 Bay Area Air Quality Management	60,000				-	60,000
339 MTC	125,000	1,106,408	34,609		1,141,017	1,266,017
340 FEMA	1,238,435	127,238		557,350	684,588	1,923,023
341 Alameda Cty Waste Mgt.	285,000				-	285,000
343 State Dept Conserv/Recylg	28,000				-	28,000
344 CALTRANS Grant	-	249,729	1,248,678	98,617	1,597,024	1,597,024
345 Measure WW - Park Bnd Grant	-	521,414	31,404		552,818	552,818
346 CALTRANS Safe Routes 2 Schools	-	9,757			9,757	9,757
347 Shelter+Care HUD	5,478,439	5,320			5,320	5,483,759
348 Shelter+Care County	568,219				-	568,219
349 JAG Grant	52,500				-	52,500
350 Bioterrorism Grant	364,386	3,201		400,523	403,724	768,110
501 Capital Improvement Fund	8,214,694	5,728,736	3,416,094	707,950	9,852,780	18,067,474
502 Phone System Replacement	160,000	3,508			3,508	163,508
503 FUND\$ Replacement	6,481,658	1,677,524		50,000	1,727,524	8,209,182
504 PEG-Public, Education & Government	100,000				-	100,000
506 Measure M Streets & Watershed IMP	-	49,247	405,097	302,627	756,971	756,971
511 Measure T1 - Infra & Facil.	2,265,231	14,221,513	6,820,356	1,638,511	22,680,380	24,945,611
512 Measure O - Housing	-	13,820,423		4,452,438	18,272,861	18,272,861
552 09 Measure FF Debt Service	1,621,745				-	1,621,745
553 2015 GORBS	2,604,905				-	2,604,905
554 2012 Lease Revenue Bonds BJPFA	502,298				-	502,298
555 2015 GORBS - 2002 G.O. Refunding Bonds	481,211				-	481,211
556 2015 GORBS (2007, Series A)	181,150				-	181,150
557 2015 GORBS (2008 Measure I)	610,791				-	610,791
558 2010 COP (Animal Shelter)	403,685				-	403,685
559 Measure M GO Street & Water Imps	1,641,863				-	1,641,863
560 Infrastructure & Facilities Measure T1	1,730,057				-	1,730,057
601 Zero Waste	50,012,836	3,604,293	48,600	632,223	4,285,116	54,297,952
606 Marina - Coastal Conservancy	-	27,992	16,356		44,348	44,348
607 Marina - Dept. of Boating & Waterways	-	29,600	32,980		62,580	62,580
608 Marina Operation	6,988,739	307,786	38,352		346,138	7,334,877
611 Sewer	23,850,686	11,595,615	1,704,389	90,000	13,390,004	37,240,690
612 Private Sewer Lateral FD	200,568				-	200,568
616 Clean Storm Water	5,290,391	775,459			775,459	6,065,850
621 Permit Service Center	20,855,324	1,428,222			1,428,222	22,283,546
622 Unified Program (CUPA)	896,131	5,504			5,504	901,635
627 Off Street Parking	6,484,575	486,732			486,732	6,971,307
631 Parking Meter	9,640,151	406,135	162,683	117,717	686,535	10,326,686
636 Building Purchases and Management	3,210,140	35,829			35,829	3,245,969
671 Equipment Replacement	5,415,733	4,262,506		2,495,886	6,758,392	12,174,125
672 Equipment Maintenance	7,926,789	456,707	90,004	184,442	731,153	8,657,942
673 Building Maintenance Fund	4,304,795	133,223			133,223	4,438,018
674 Central Services	384,569	3,921			3,921	388,490
676 Workers Compensation	6,422,651	163,704			163,704	6,586,355
678 Public Liability	1,922,551	365,991	469,147	719,017	1,554,155	3,476,706
680 Information Technology	14,357,042	831,634	2,378,437		3,210,071	17,567,113
762 Successor Agency - Savo DSF	57,120				-	57,120
774 Sustainable Energy Fin District	28,719				-	28,719
776 Thousand Oaks Underground	98,177				-	98,177
777 Measure H - School Tax	500,000	2			2	500,002
778 Measure Q - CFD#1 Dis. Fire Protect Bond	452,792	152,124		1,425,000	1,577,124	2,029,916
779 Spl Tax Bds. CFD#1 ML-ROOS	1,226,320			1,425,000	1,425,000	2,651,320
781 Berkeley Tourism BID	422,500			85,825	85,825	508,325
782 Elmwood Business Improvement District	30,000	1		37,537	37,538	67,538
783 Solano Ave BID	25,000			9,881	9,881	34,881
784 Telegraph Avenue Bus. Imp. District	515,637			239,714	239,714	755,351
785 North Shattuck BID	182,647			2,468	2,468	185,115
786 Downtown Berkeley Prop & Improv. District	1,244,686			253,352	253,352	1,498,038
801 Rent Board	6,096,209	126,351			126,351	6,222,560
GROSS EXPENDITURE:	533,318,519	98,732,991	31,779,729	53,754,668	184,267,388	717,585,907
Dual Appropriations	(43,650,640)	-	-	645,738	645,738	(43,004,902)
Revolving & Internal Service Funds	(41,965,422)	(6,228,219)	(2,937,588)	(3,525,937)	(5,065,075)	(54,657,166)
NET EXPENDITURE:	447,702,457	92,504,772	28,842,141	50,874,469	179,848,051	619,923,839

FY 2020 Departmental Carryover Requests and FY 2021 Adjustments

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
1	11	General Fund	City Attorney		\$25,000		Analysis of Litigation Claims & Settlements			X	Funds to hire a subject matter expert to conduct an analysis for the City of litigation claims and settlements
2	11	General Fund	City Clerk	\$62,500			KMBS contract Annual Maintenance (OnBase)			X	Baseline software contract maintenance and scheduled upgrades
3	11	General Fund	City Clerk	\$51,400			Redistricting Commission support costs			X	Commissioner meeting stipends; demographer contingency amount
4	11	General Fund	City Clerk	\$462,700			Election Costs	X			Annual carryover to cover costs from 11/3/2020 election that will be billed between Dec, 2020 - May 2021
5	11	General Fund	City Manager	\$200,000			Berkeley Contracting Availability Study		X		Approved by Council on 6/25/19 as part of the FY 2020 & FY 2021 Budget Adoption (Resolution 69,010-N.S.)
6	11	General Fund	City Manager		\$163,000		Digital Communications Coordinator positions			X	Add 6 months of funding for two Digital Communications Coordinator positions to continue the website project and EOC support
7	11	General Fund	City Manager's Office	\$39,000			Animal Shelter Generator			X	The division has pursued the purchase and installation of an emergency generator for the past couple years, but was unable to procure alternate funding. The generator is crucial for maintaining electricity in the event of a public safety power shutoff, and will allow the shelter to maintain refrigeration for deceased animals, veterinary medicine, and other crucial electrical functions for the essential service.
8	11	General Fund	City Manager's Office	\$16,000			Chameleon Platform			X	The system, quoted at \$20,000, will expand use of an existing platform to digitize the animal licensing renewal process, reducing duplicative processes by Animal Services and Finance staff and making the process accessible both remote and online. This will also allow for BACS to receive online donations for the first time.
9	11	General Fund	City Manager's Office	\$15,000			Flex Fund			X	This fund will be used by Homeless Outreach to provide key resources and linkages for unhoused individuals who are not a part of the City's case management system, including bus and train vouchers, food, temporary hotel relief, medical supplies and appointments, etc. This was previously funded by HHCS, but with the transition of HOTT into an FSP model the funds will not transfer with the Homeless Outreach position into Neighborhood Services, a move that is expected to take place in late September / early October.
10	11	General Fund	City Manager's Office	\$11,000			Homeless Outreach Coordinator			X	This position was funded at a higher level (Health Program Service Specialist) in a temporary capacity, but CMO intends to fund this position at its current class moving forward, due to their enhanced role in citywide homeless outreach as well as the supervision of the supplemental Homeless Outreach Coordinator position described below. This difference will need to be incorporated into the baseline personnel costs for Neighborhood Services moving forward.

FY 2020 Departmental Carryover Requests and FY 2021 Adjustments

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
11	11	General Fund	City Manager's Office	\$92,100			Second Homeless Outreach Coordinator			X	Prior to Homeless Outreach transitioning to Neighborhood Services, HHCS had identified a need for a supplemental Homeless Outreach Coordinator (Social Service Specialist). Step 5 for this position is \$150,724 (\$44.18/hour, \$91,905.44/year + benefits at 64%, \$58,820). HHCS had previously identified \$58,635.18 to fund this position, leaving \$92,089 to fully fund the position. This position will be funded by the Neighborhood Services carryover balance, in addition to the balance of funds from CM Admin noted in the Census item below, but in future years this will need to be added to the baseline budget for Neighborhood Services.
12	11	General Fund	City Manager's Office	\$60,000			Census plus Neighborhood Services Homeless Outreach			X	To fund remaining purchases in the Census enumeration and to supplement personnel costs in the recently transferred Homeless Outreach component of Neighborhood Services
13	11	General Fund	City Manager's Office	\$80,000			Special Events Funds		X		Festivals and Special Events Funding approved by Council as part of the FY 2021 Mid-Biennial Budget Update adoption on 6/30/20
14	11	General Fund	City Manager's Office	\$31,501			Berkeley Continuity Grants			X	\$1.0M allocated to small business continuity grants, there was approximately \$31,501 that was unspent. The City Council authorized staff to direct these funds to supporting businesses make the transition to outdoor seating. Funds have not been spent as of yet. We are developing a plan to spend these funds on a citywide barricade loan program similar to what other jurisdictions have done. These funds will likely be spent in the next 1-2 months.
15	11	General Fund	City Manager's Office	\$12,806			Civic Art Grants			X	FY 2020 Grants paid in FY 2021, adjusted from 3K to 12K (9.18.20)
16	11	General Fund	City Manager's Office	\$60,200			Data Analysis plus 2020 Milestone			X	Carryover of funds to support two strategic plan projects, Data Analysis and 2020 Milestone, that have been delayed due to the pandemic and subsequent staffing and resource availability.
17	11	General Fund	Finance	\$85,670			Banking Fees/Services - contract with Wells Fargo			X	Banking Fees/Services - Council Approved 4 year extension to contract with Wells Fargo. Finance neglected to encumber necessary amount.
18	11	General Fund	Finance	\$100,000			ACCELA			X	Consulting Services for Implementation of Online Business License Payments (Accela). Especially important given closed customer service center.
19	11	General Fund	Finance	\$400,000			Replacement of Property Tax Assessment Software			X	Replacement of Property Tax Assessment Software - Current System is prone to errors; software support services are difficult to find for 30 year-old system; the single IT Dept staff who can assist may be retiring soon.
20	11	General Fund	Finance	\$150,000			Backfill for Revenue Collections Manager			X	Carryover of fund to backfill Revenue Collections Manager out on Maternity Leave for 9 months

FY 2020 Departmental Carryover Requests and FY 2021 Adjustments

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
21	11	General Fund	Finance	\$56,272			Banking Fees/Services - contract with Wells Fargo			X	Banking Fees/Services - Council Approved 4 year extension to contract with Wells Fargo. Finance neglected to encumber necessary amount.
22	11	General Fund	Fire		\$90,200		Fouth Amulance Medical Supplies		X		Medical supplies for fourth ambulance approved by Council
23	11	General Fund	Fire		\$39,714		Gurneys for Fire Department Ambulances		X		A sole source contract and any amendments with Stryker to finance the purchase of three additional gurneys and equip all seven ambulances with the powered cot fastener system (power load system) for Fire Department ambulances which will allow transport of the sick and injured, increasing the amount by \$39,714 for a total not to exceed annual amount of \$74,000. Approved by Council on 10/15/19 through Resolution No. 69,128 - N.S.
24	11	General Fund	Fire		\$411,270		Wittman Enterprises LLC Contract		X		FY 2021 funds for Wittman Enterprises LLC contract to provide emergency response billing, fire inspection billing, and related hardware, software, and program oversight Approved by Council on 12/11/18 through Resolution No. 68,707-N.S.
25	11	General Fund	Fire		\$63,000		Personal Protective Equipment for Firefighters		X		Appropriate funds for Personal Protective Equipment for Firefighters Ballistitcs contract. Approved by Council on 01/21/2020 through Resolution Nos. 69,242-N.S. and 69,243-N.S.
26	11	General Fund	Fire		\$3,622		Fusako Donation		X		Appropriate remaining balance of Fusako Castro donation for purchase of a new fire water rescue boat. Donation was approved by Council on 1/23/18 through Resolution 68,285-N.S.
27	11	General Fund	Fire		\$250,000		Fire Recruit Academy			X	Appropriate funds to conduct a Fire Recruit Academy in FY 2021 to fill vacant sworn Firefighter positions.
28	11	General Fund	Fire		\$200,000		Electrical Work			X	Funds for electrical work at Fire Stations
29	11	General Fund	Fire		\$83,000		Priority Dispatching			X	An estimated amount of \$83,000 is needed to pay for the overtime of staff assigned to this project, community engagement, and hiring a third-party consultant to assist in designing the dispatch system.
30	11	General Fund	Health, Housing & Community Services	\$72,730		HHAGFR2101	North Berkeley Senior Center Renovation			X	Carryover of FY 2020 North Berkeley Senior Center Renovation Budget
31	11	General Fund	Health, Housing & Community Services	\$32,650		HHAGRE2101	Senior Centers Rental Maintenance Fees			X	Carryover of funds for Senior Centers Rental Maintenance Fees
32	11	General Fund	Health, Housing & Community Services	\$25,000		HHHCGA2101- NONPERSONN- COVID19 COMMUNITY AGENCY	East Bay Community Law Center		X		Carryover remaining funds for East Bay Community Law Center contract for its housing retention program to address the impact of the COVID-19 pandemic on existing housing insecurities in Berkeley. Approved by Council on 3/17/20
33	11	General Fund	Health, Housing & Community Services	\$65,947		HHHSQU2101	Square One, Motel Vouchers			X	Carryover of fund for Square One and Motel Voucher balances to be used to on Rental Assistance

FY 2020 Departmental Carryover Requests and FY 2021 Adjustments

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
34	11	General Fund	Health, Housing & Community Services	\$120,999		HHEGFF2101	Environmental Health General Fund			X	Carryover of fund to pay for a consultant to conduct a water quality investigation at Aquatic Park.
35	11	General Fund	Health, Housing & Community Services		\$78,000	HHMMPF2101-NONPERSONN-GRANT&G-CMMNTYAGY-	Measure P Funds		X		Measure P Funds for Youth Sprit Artworks Tiny Homes Case Management.
36	11	General Fund	Health, Housing & Community Services	\$51,188		HHOGFH2101	African American Holistic Center			X	Carryover of fund for African American Holistic Center program
37	11	General Fund	Health, Housing & Community Services		\$98,675	HHPGHB2101	Sugar Sweetened Beverage Program Public Health Division		X		Revise Public Health Division Sugar Sweetened Beverage Program budget to match Council approved allocation of \$475,000 less deferred amount(\$30,000) in FY21. Approved by Council on 5/14/19 through Resolution No. 68,914-N.S.
38	11	General Fund	Health, Housing & Community Services	\$27,000		HHPGHS2101	Public Health - Berkeley High School Health Center			X	\$27,000 from the general fund in the Berkeley High School Health Center was identified specifically to be encumbered under the Worldwide Travel Staffing nurse registry services contract (32000232 MH) at the time the contract was being developed. Although the amount and project string was provided to the contact at Mental Health (who was leading the effort), the PO was not entered in with the rest of the POs slated for this contract.
39	11	General Fund	Health, Housing & Community Services	\$3,000		HHPGDP2101	PH-Disparities Program purchase of computer			X	Carryover of fund to purchase a computer for Public Health Disparities Program.
40	11	General Fund	Health, Housing & Community Services	\$20,000		HHPGHB2101	PH Healthy Berkeley (SSB) Program			X	Carryover request for a media campaign fund contract for PH Healthy Berkeley (SSB) Program
41	11	General Fund	Health, Housing & Community Services	\$25,000		HHPGHO2101	Berkeley Free Clinic			X	Carryover of fund for Berkeley Free Clinic contract
42	11	General Fund	Health, Housing & Community Services	\$11,873		HHPGHO2101	FY19 1011 University Utilities			X	Carryover of fund for FY 2019 1011 University Utilities charges not collected by PW.
43	11	General Fund	Health, Housing & Community Services	\$29,855		HHPGHO2101	FY20 1011 University Utilities			X	Carryover of fund for FY 2020 1011 University Utilities charges not collected by PW.
44	11	General Fund	Health, Housing & Community Services	\$1,500		HHPGHO2101	PH General Fund			X	Carryover of fund for FY 2020 PH Parking Permit fees - uncollected by other City Department
45	11	General Fund	Human Resources	\$470,000			Labor Negotiations			X	Carryover of funds for ongoing labor negotiations in FY 2021.
46	11	General Fund	Human Resources	\$102,443			Class & Compensation Studies for Labor Negotiations		X		Fund classification projects per Union agreement also conduct a study to see ERMA's impact on classifications
47	11	General Fund	Human Resources	\$50,000			EEO Division Case Management Software		X		Approved by Council on 6/25/19 as part of the FY 2020 & FY 2021 Budget Adoption (Resolution 69,010-N.S.)

FY 2020 Departmental Carryover Requests and FY 2021 Adjustments

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
48	11	General Fund	Mayor & Council	\$68,983			Council FY20 Year End Balance Carryover			X	Council FY 2020 Year-End Balance carryover
49	11	General Fund	Non-Departmental		\$100,000		Specialized Care Unit		X		Allocate \$100,000 from the FY 2021 Unallocated General Fund Balance (of \$141,518 unallocated in the FY 2021 Adopted Budget) to analyze and develop a pilot program to re-assign non-criminal police service calls to a Specialized Care Unit. This Specialized Care Unit (SCU) consisting of trained crisis-response workers would respond to 911 calls that the operator evaluated as non-criminal and that posed no imminent threat to the safety of first responders. Approved by Council on 7-14-20
50	11	General Fund	Non-Departmental	\$415,966			Fair Election Campaign Funds			X	Carryover unspent FY 2020 Fair Election Campaign Funds to FY 2021 and transfer to the new Fair Election Campaign Fund.
51	11	General Fund	Non-Departmental		\$719,017		Transfer to Public Liability Fund			X	Increase transfer to Public Liability Fund to pay for outside counsel, court costs, and claims and judgements in FY 2021
52	11	General Fund	Non-Departmental		\$406,952		Transfer to Workers' Compensation Fund		X		Transfer of Excess Property Transfer Tax Revenue to Capital Improvement Fund and then transferred to Workers' Compensation Fund to repay loan to purchase Premier Cru (University Center).
53	11	General Fund	Parks Recreation & Waterfront	\$32,000			Berkeley Project/ ASUC			X	Berkeley Project (ASUC) was awarded a community agency contract with the City for Cal students' work on Berkeley Project Day. They were unable to sign the contract in FY20, so their allocation is requested to carryover into FY21.
54	11	General Fund	Parks Recreation & Waterfront	\$25,800			Official Payments / Credit Card Fees			X	Official Payments is the credit card payment gateway for the City's recreation online software. The City is still working on the contract amendment to establish Official Payments as a vendor in ERMA, so that we can pay 9 months of FY 2020 invoices.
55	11	General Fund	Parks Recreation & Waterfront	\$60,000			Waterfront Security Cameras			X	To cover purchase and installation of security cameras at Waterfront in berth lots, to deter criminal activity.
56	11	General Fund	Planning	\$160,000			BART Station Area Planning			X	Consultant services to complete planning and environmental review for Ashby and North Berkeley BART stations (including AB 2923 compliance).
57	11	General Fund	Planning	\$125,000			Objective Standards for Density / State Housing Law Compliance			X	Consultant services to develop objective development standards for mixed-use and multi-family residential projects in order to comply with recently passed State housing laws and to improve customer service by clarifying regulations and streamlining the permitting process.
58	11	General Fund	Planning	\$273,341			Green Buiding Program Manager			X	50% of cost for a new 2 year FTE, Green Building Program Manager, responsible for developing and facilitating the implementation of local green building codes.

FY 2020 Departmental Carryover Requests and FY 2021 Adjustments

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
59	11	General Fund	Planning	\$25,000			Planning Department Equity Consultant			X	Consultant services to assist with the development of a racial equity analysis toolkit specific to Planning Department services and projects.
60	11	General Fund	Public Works	\$129,892		PWSUCW1901	Fire Safety		X		Carryover of unspent Public Works funds for Fire Safety, Education, Prevention and Disaster Preparedness. Approved by Council on 11/27/18.
61	11	General Fund	Public Works	\$199,375		PWENCB2102	Public Safety Building Cooling System Redundancy			X	Contract with Stanton Engineering for the Redundant Cooling System for the Public Safety Data Center.
62	11	General Fund	Public Works		\$360,437	PWENUD0906	Underground Utility District #48 Grizzly Peak			X	Appropriate funds for Survey of the Underground Utility District (UUD) No. 48 at Grizzly Peak
63	11	General Fund	Public Works	\$5,830		PWENSR1542	Sewer Laterals & CCTV			X	Carryover funds for the Sewer Laterals/CCTV project
64	11	General Fund	Public Works		\$99,543	PWT1CB1901	NBSC Seismic Retrofit			X	Requesting new appropriation to carry over funding provided by HHCS for NBSC miscellaneous building upgrades in FY 2019.
65	11	General Fund	Public Works		\$100,000	PWTRC2003	University Avenue Bus Stop Improvements		X		Appropriate funds for design and construction to widen bus stops and add sealing at Sacramento Street and Grant Street, with Rectangular Rapid Flashing Beacon at Grant Street and University Avenue. Funding was approved by Council on 11/27/18.
66	11	General Fund	Public Works	\$15,000	\$185,000	PWTRPL2001	Hopkins Corridor Study		X		Appropriate fund to start Hopkins Corridor study and planning work for this project. Council Budget referral 11.27.2018.
67	11	General Fund	Public Works		\$75,000		Berkeley Department of Transportation			X	\$75,000 will be needed to solicit outside resources to perform best practices research both nationally and internationally, and making programmatic recommendations on application of those practices in the City of Berkeley.
68	11	General Fund	Public Works	\$200,000			Illegal Dumping		X		Funding Illegal Dumping Component of "Clean & Livable Commons Initiative" Approved by Council on 12/3/19.
69	11	General Fund	Public Works	\$225,000			Measure P - Downtown Streets Team program expansion		X		Measure P Funds for Downtown Streets Team. Approved by Council on 12/3/19 and 1/21/20

FY 2020 Departmental Carryover Requests and FY 2021 Adjustments

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
70	11	General Fund	Public Works	\$350,265		PWENCB2102	Public Safety Building Cooling System Redundancy			X	Contract with Stanton Engineering for the Redundant Cooling System for the Public Safety Data Center.
71	11 Total			\$5,406,787	\$3,551,430						
72	105	Library - Foundation	Library		\$500,000		Central Library Interior Renovation Project		X		Revise Berkeley Public Library Foundation budget for funds for purchase of furniture, fixtures, and equipment for the Central Library Interior Renovation Project. Approved by Board of Library Trustees on 7/1/20 through Board of Library Trustees Resolution No: R20-038
73	105 Total			\$0	\$500,000						
74	111	Fund Raising Activities	Health, Housing & Community Services		\$10,000	HHADMO2101	MOW – Supplies			X	Appropriate fund for necessary supplies for the MOW Program
75	111	Fund Raising Activities	Health, Housing & Community Services		\$18,000	HHADNB2101	North Berkeley Senior Center – Dining room Furniture			X	Appropriate fund for necessary supplies/furniture for the North Berkeley Senior Center Program.
76	111 Total			\$0	\$28,000						
77	114	Gilman Field Reserve	Parks Recreation & Waterfront	\$56,506			Field Turf Contract			X	Carryover for Field Turf Contract for Gilman Sports Fields
78	114 Total			\$56,506	\$0						
79	120	Affordable Housing Mitigation	Health, Housing & Community Services		\$100,166	HHHMF2101-NONPERSONN-LOAN-DISBURSMNT-	Grayson Apartments Project		X		Housing Trust Fund allocation for the Grayson Apartment Project. Approved by Council on 2/28/17 through Resolution 67,844-N.S.
80	120 Total			\$0	\$100,166						
81	122	Inclusionary Housing Program	Health, Housing & Community Services		\$1,182	HHHMF2101-NONPERSONN-LOAN-DISBURSMNT-	Grayson Apartments Project		X		Housing Trust Fund allocation for the Grayson Apartment Project. Approved by Council on 2/28/17 through Resolution 67,844-N.S.
82	122	Inclusionary Housing Program	Health, Housing & Community Services		\$19,937	HHHMF2101-NONPERSONN-LOAN-DISBURSMNT-	1601 Oxford		X		Funds for 1601 Oxford Project. Approved by Council through Resolution 69,321-N.S.
83	122 Total			\$0	\$21,119						
84	125	Playground Camp	Parks Recreation & Waterfront	\$775,208		PRWCP19001	BTC Construction Management			X	Carryover for BTC construction management, partial ENGEO testing & inspections, lodging, and permits.
85	125	Playground Camp	Parks Recreation & Waterfront		\$212,536	PRWCP19001	BTC Construction Management			X	Adjustment for partial ENGEO testing and inspections
86	125	Playground Camp	Parks Recreation & Waterfront		\$18,160,849	PRWCP19001	BTC Construction Management		X		Appropriating funding for Berkeley Tuolumne Camp Project for the contract with Robert E. Boyer construction contract. Approved by Council on 4/14/20 through Resolution No. 69,352-N.S.

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87	125 Total			\$775,208	\$18,373,385						
88	127	State Transportation Tax	Public Works	\$474,632		PWENST1901	Street Rehab FY 2019			X	Carryover of State Transportation Tax Fund for Street Rehab FY 2019 Project
89	127	State Transportation Tax	Public Works	\$240,750		PWENST1902	Surface Seal FY 2019			X	Carryover of State Transportation Tax Fund for the Surface Seal FY 2019 Project
90	127	State Transportation Tax	Public Works	\$22,500		PWENSD1819	Codomices Creek at Kains Avenue			X	Carryover of State Transportation Tax Fund for the Codornices Creek Restoration at Kains Avenue
91	127	State Transportation Tax	Public Works	\$35,590		PWENSD1804	Hillview and Woodside			X	Carryover of State Transportation Tax Fund for Hillview Road and Woodside Road Drainage Improvement Project
92	127	State Transportation Tax	Public Works	\$479,159		PWENST1801	Street Rehab FY 2-18			X	Carryover to complete the FY 2018 Street Rehabilitation project
93	127	State Transportation Tax	Public Works	\$131,120		PWENSG1801	Measure M LID FY 18 Woolsey			X	Carryover for contingency on the Cratus construction contract
94	127	State Transportation Tax	Public Works	\$439,159		PWENST2001	Street Rehab FY2020			X	Carryover to continue the street rehab now in the construction phase
95	127	State Transportation Tax	Public Works	\$50,000		PWENST2101	Street Rehab FY2021			X	Carryover to continue the street rehab planning & designing
96	127	State Transportation Tax	Public Works	\$299,800		PWENSW2002	Sidewalk Shaving - FY2020			X	Carryover to continue the sidewalk shaving project
97	127	State Transportation Tax	Public Works	\$80,950		PWENSD1819	Codomices Creek at Kains			X	To continue the project into the construction phase
98	127 Total			\$2,253,660	\$0						
99	128	CDBG	Health, Housing & Community Services		\$1,610,805	HHHCAD2101	CARES Act CDBG - CV		X		Special allocation for Berkeley of CDBG funds to prevent, prepare for, and respond to coronavirus (COVID-19). Funds were appropriated by Council in FY 2020 AAO #3 but were not spent in FY 2020.
100	128 Total			\$0	\$1,610,805						
101	130	Measure B - Local Streets & Roads	Public Works	\$115,233		PWENST1801	Street Rehab FY 2-18			X	Carryover to complete the FY 2018 Street Rehabilitation project

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102	130	Measure B - Local Streets & Roads	Public Works	\$164,557		PWENSG1802	Measure M FY18 Street Impr			X	Carryover to complete the Measure M FY18 street improvement project
103	130	Measure B - Local Streets & Roads	Public Works		\$10,000		Equipment Replacement			X	Appropriate fund to cover amortization shortfall vehicle # 2003
104	130	Measure B - Local Streets & Roads	Public Works		\$35,000		Equipment Replacement			X	Appropriate fund for Streets share of purchase of Double Drum Vibratory Roller and Tilt Trailer for Roller, needed for repaving projects.
105	130 Total			\$279,790	\$45,000						
106	133	Measure F - Alameda County VRF Streets & Roads	Public Works	\$79,800		PWENSW2002	Sidewalk Shaving - FY2020			X	Carryover to continue the sidewalk shaving project
107	133	Measure F - Alameda County VRF Streets & Roads	Public Works		\$14,018	PWTRCT0918	Ashby/San Pablo Traffic Improvements			X	FY 2021 funds for the Ashby/San Pablo Traffic Improvements project
108	133 Total			\$79,800	\$14,018						
109	134	Measure BB - Local Streets and Road	Non-Departmental		\$600,000		Measure T1 Fund Loan		X		Loan to Measure T1 Fund in FY 2021 to complete Phase 1 projects. Approved by Council on 9/15/20 through Resolution 69,457-N.S.
110	134	Measure BB - Local Streets and Road	Public Works	\$1,300,000		PWT1ST1907	Street improvement - Adeline and Hearst			X	Carryover of Measure BB Funds - FY20 project budget for street rehabilitation Adeline and Hearst, fund to be added to Contract#31900289
111	134	Measure BB - Local Streets and Road	Public Works	\$35,660		PWENST1902	Surface Seal FY 2019			X	Carryover of Measure BB Funds for the Surface Seal FY 2019 Project
112	134	Measure BB - Local Streets and Road	Public Works	\$16,710	\$70,415	PWENRW2001	Retaining Wall - Glendale			X	Carryover and new appropriation of Measure BB Funds for the Retaining Wall - Glendale project
113	134	Measure BB - Local Streets and Road	Public Works	\$599,862		PWT1ST1908	T1 Streets: Monterey & Ward			X	Carryover of funds for Measure T1 Streets: Monterey & Ward project
114	134	Measure BB - Local Streets and Road	Public Works	\$125,390		PWENSG1802	Measure M FY18 Street Impr			X	Carryover to complete the Measure M FY18 street improvement project
115	134 Total			\$2,077,622	\$670,415						
116	135	Measure BB - Bike & Pedestrian	Public Works	\$110,000		PWTRCT0918	Ashby/San Pablo Traffic Improvements			X	Carryover funds for the Ashby/San Pablo Traffic Improvements project

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117	135	Measure BB - Bike & Pedestrian	Public Works	\$285,139	\$177,475	PWTRCT1803	North Berkeley BART/Sacramento Street Complete Streets			X	Carryover and appropriation of funds for the North Berkeley BART/Sacramento Street Complete Streets project
118	135 Total			\$395,139	\$177,475						
119	136	Measure BB - Paratransit	Health, Housing & Community Services		\$29,500	HHAMBB2101	Measure BB Taxi Scrip			X	Appropriate Measure BB fund for Taxi Scrip
120	136 Total			\$0	\$29,500						
121	138	Parks Tax	Non-Departmental		\$600,000		Measure T1 Fund Loan		X		Loan to Measure T1 Fund in FY 2021 to complete Phase 1 projects. Approved by Council on 9/15/20 through Resolution 69,457-N.S.
122	138	Parks Tax	Parks Recreation & Waterfront	\$58,407		PRWT119005	Live Oak Community Center			X	Carryover of Parks Tax Fund - unspent FY20 project budget for Live Oak Community Center facility upgrade for accessibility and seismic safety.
123	138	Parks Tax	Parks Recreation & Waterfront		\$100,000	PRWPP15002	Aquatic Park South Pathways Project			X	Parks Tax Fund allocation for Aquatic Park - South Pathways for parking lot improvement
124	138	Parks Tax	Parks Recreation & Waterfront	\$116,239		PRWPP15002	Aquatic Park South Pathways Project			X	Carryover of Parks Tax Fund - unspent FY20 project budget for Aquatic Park South Pathways Project
125	138	Parks Tax	Parks Recreation & Waterfront		\$150,000	PRWT119005	Live Oak Community Center		X		Parks Tax Fund allocation for Live Oak Community Center Project. Approved by Council on 09/15/2020 through Resolution 69,554-N.S.
126	138	Parks Tax	Parks Recreation & Waterfront		\$40,100	PRWT119004	Grove Park Phase II			X	Measure T1 Fund allocation for Grove Park Phase II
127	138	Parks Tax	Parks Recreation & Waterfront	\$181,903		PRWPK20003	Ohlone Park Improvements			X	Carryover of Parks Tax Fund from FY20 to FY21 for Ohlone Park Improvements.
128	138	Parks Tax	Parks Recreation & Waterfront	\$486,266		PRWPK15002	James Kenney Play Area			X	Carryover of Parks Tax Fund from FY20 to FY21 for James Kenney Play Area
129	138	Parks Tax	Parks Recreation & Waterfront		\$35,000	PRWPK19003	King School Park Renovation			X	Appropriate parks tax fund for DSA and building permit fees for King School Park Renovation
130	138	Parks Tax	Parks Recreation & Waterfront	\$37,000		PRWPK19004	Land Use and Structural Alteration Permit			X	Appropriate Parks Tax Fund to cover Land Use Permit and Structural Alteration Permit
131	138	Parks Tax	Parks Recreation & Waterfront	\$23,120		PRWPK19004	John Hinkel Park			X	Carryover of Parks Tax Fund - unspent FY 2020 to FY 2021 for John Hinkel Park Ampitheater Area Project
132	138	Parks Tax	Parks Recreation & Waterfront		\$222	PRWPK19004	Tree removal at John Hinkel Park			X	Appropriate Parks Tax Fund to pay for partial cost of tree removal at John Hinkel Park.
133	138	Parks Tax	Parks Recreation & Waterfront		\$30,000	PRWPK210008	Civic Center Fountain Garden			X	Appropriate Parks Tax Fund for the Turtle Island project in Civic Center Park.
134	138	Parks Tax	Parks Recreation & Waterfront		\$20,000	PRWPK21010	Wood - Measure AA grant application for Aquatic Park			X	Appropriate Parks Tax Fund for Wood to help prepare Measure AA grant application for Aquatic Park.
135	138	Parks Tax	Parks Recreation & Waterfront		\$93,950	PRWPK21002	Parks Strategic Plan Funding		X		Appropriate Parks Tax Fund for FY 2021 Strategic Plan Tree Planting Program.
136	138	Parks Tax	Parks Recreation & Waterfront	\$437,231		PRWT119012	Rose Garden Pathways, Tennis, and Pergola			X	Carryover to complete construction at the Rose Garden.
137	138	Parks Tax	Parks Recreation & Waterfront	\$49,504		PRWPK19003	King School Park Reno			X	Carryover to complete design of MLK school playground.

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138	138	Parks Tax	Parks Recreation & Waterfront	\$52,502		PRWPK14002	John Hinkel Park (Lower)			X	Carryover to complete construction of John Hinkel Park (Lower).
139	138	Parks Tax	Parks Recreation & Waterfront	\$161,841		PRWT119011	Strawberry Creek Park Phase 2			X	Carryover to complete construction at Strawberry Creek Park.
140	138	Parks Tax	Parks Recreation & Waterfront		\$8,120	PRWPK19004	John Hinkel Amphitheater			X	Adjustment for KISTER, SAVIO & REI to conduct survey work for John Hinkel park reconstruction.
141	138	Parks Tax	Parks Recreation & Waterfront		\$15,000		Gilman Field Turf Replacement			X	COB JPA contribution for Gilman field turf replacement.
142	138	Parks Tax	Parks Recreation & Waterfront	\$450		PRWPK20001	FY20 Parks Tax Minor Maintenance			X	Carryover to correct encumbrance for Hans Thiring Masonry LLC contract.
143	138	Parks Tax	Parks Recreation & Waterfront		\$50,064	PRWT119001	Aquatic Park Tide Tubes			X	Funds for Anchor Engineering to provide construction management and inspection services for the Aquatic Park Tide Tubes project
144	138 Total			\$1,604,463	\$1,142,456						
145	140	Measure GG - Fire Preparation Tax	Fire		\$90,500		Michael Brady Contract		X		Contract with Michael Brady to provide emergency management training for City Emergency Operations Center (EOC) and Department Operations Center (DOC) staff. Approved by Council on 1/21/20 through Resolution 69,244-N.S.
146	140 Total			\$0	\$90,500						
147	145	Bayer-Miles Lab	Parks Recreation & Waterfront	\$138,014		PRWPP15002	Aquatic Park South Pathways Project			X	Carryover of Bayer-Miles Lab Fund - unspent FY20 project budget for Aquatic Park South Pathways Project
148	145 Total			\$138,014	\$0						
149	147	UC Settlement	Public Works		\$126,592	PWTRCS2001	Southside Complete Streets			X	Carryover to continue project through PS&E phase
150	147 Total			\$0	\$126,592						
151	148	Cultural Trust	City Manager's Office	\$780			Purchase of monitors			X	Carryover of Cultural Trust Fund from FY 2020 to FY 2021 to pay for monitors
152	148	Cultural Trust	City Manager's Office	\$6,006			John Toki Contract			X	Contract with John Toki for conservation and installation of artwork on Center Street in front of Berkeley Art Museum.
153	148	Cultural Trust	City Manager's Office	\$87,611	\$123,274		Various public art projects			X	Funds for Private Percent for public art projects in FY 2021.
154	148	Cultural Trust	City Manager's Office	\$634,839			Various public art projects			X	These funds - generated from fees paid by private developers in lieu of compliance with the Public Art in Private Development policy - are used to finance public art projects and maintenance. There are a number of pending Public Art projects to utilize this funding. This funding should be carried over from year to year, similar to the historic practice with the Public Art Fund.
155	148	Cultural Trust	Public Works	\$15,587			Rumford Statue Lighting Project			X	Carryover funds for the Rumford Statue Lighting project

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156	148 Total			\$744,823	\$123,274						
157	149	Private Party Sidewalks	Public Works	\$50,000		PWENSW2002	Sidewalk Shaving - FY2020			X	Carryover to continue the sidewalk shaving project
158	149 Total			\$50,000	\$0						
159	150	Public Art Fund	City Manager's Office	\$52,709			Various public art projects			X	There are a number of pending Public Art projects to utilize this funding. Historically this funding is carried over from year to year, in accordance with the City's Public Art policy.
160	150	Public Art Fund	Public Works	\$18,000			Rumford Statue Lighting Project			X	Carryover funds for the Rumford Statue Lighting project
161	150 Total			\$70,709	\$0						
162	152	Vital and Health Statistic	Health, Housing & Community Services		\$45,000	HHOVIT2101	Vital Statistics Trust Fund			X	Funds for an Intern Epidemiologist will be hired under two Trust Fund categories: 1.) Improvement in the collection and analysis of health-related birth certificate information and other community health data collections and analysis as appropriate. 2.) enhance service to the public to improve analytical capabilities of state and local health authorities in addressing the health needs of newborn children and maternal health problems, and to analyze the health status of the general population.
163	152 Total			\$0	\$45,000						
164	157	Tobacco Control	Health, Housing & Community Services	\$62,400		HHPLLA2101	LLA Tobacco - State Tobacco			X	Carryover of Tobacco Control grant funds from FY 2020 to FY 2021 for consultant contract
165	157 Total			\$62,400	\$0						
166	305	Capital Grants - Federal	Public Works		\$976,925	PWTRCS2001	Southside Complete Streets			X	Appropriate fund to continue project through PS&E phase
167	305 Total			\$0	\$976,925						
168	306	Capital Grants - State	Public Works	\$30,000			Addison Bike Boulevard			X	Carryover of Capital Grants - State Fund for the Addison Bike Boulevard Project management and design services to Final PS&E
169	306	Capital Grants - State	Public Works	\$30,000			University Ave. Bus Stop Improvements			X	Carryover of Capital Grants - State Fund (AHSC Grant) for the University Ave. Bus Stop Improvements project for PE, PS&E, and construction through Bridget Housing.
170	306	Capital Grants - State	Public Works		\$2,711,846	PWTRBP1802	Milvia Bikeway Project		X		Appropriate Capital Grants -State Fund (AHSC Grant) for the conceptual design, preliminary engineering, environmental study, PS&E and construction of Milvia Bikeway. Approved by Council through Resolution 68,730-N.S.

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171	306	Capital Grants - State	Public Works		\$205,000	PWTRBP2001	Addison Bike Boulevard		X		Appropriate Capital Grants -State Fund (AHSC Grant) for the Addison Bike Boulevard. Approved by Council through Resolution 68,730-N.S.
172	306	Capital Grants - State	Public Works		\$570,000	PWTRCS2003	University Ave. Bus Stop Improvements		X		Appropriate Capital Grants -State Fund (AHSC Grant) for the University Ave. Bus Stop Improvements project. Approved by Council through Resolution 68,730-N.S.
173	306 Total			\$60,000	\$3,486,846						
174	310	HUD HOME	Health, Housing & Community Services		\$1,800,972	HHHME2101-NONPERSONN-LOAN-DISBURSMNT-	1601 Oxford		X		HUD Funds for 1601 Oxford Project. Approved by Council through Resolution 69,321-N.S.
175	310 Total			\$0	\$1,800,972						
176	311	ESGP	Health, Housing & Community Services		\$808,117	HHHESG2101	CARES Act ESG-CV		X		Special allocation for Berkeley of ESG funds to prevent, prepare for, and respond to coronavirus (COVID-19). Funds were appropriated by Council in FY 2020 AAO #3 but not spent in FY 2020.
177	311 Total			\$0	\$808,117						
178	312	Health (General)	Health, Housing & Community Services		\$10,151	HHHPLED2101	Childhood Lead Poisoning Prevention Program			X	Revise Childhood Lead Poisoning Prevention Grant to match approved allocation amount from the California Department of Public Health
179	312 Total			\$0	\$10,151						
180	313	Targeted Case Management	Health, Housing & Community Services		\$13,232	HHPTCM2101	TCM FY15 Audit Reconciliation Payment	X			Appropriate TCM Fund for FY 2015 Audit reconciliation payment due to State.
181	313 Total			\$0	\$13,232						
182	315	Mental Health Services Act	Health, Housing & Community Services		\$3,268,909	Various codes	FY 2021 Mental Health Services Act Funding		X		Revise FY 2021 Mental Health Services Act budget to match amount approved by Council and State and to use prior year approved funds
183	315	Mental Health Services Act	Health, Housing & Community Services		\$20,854	HHHPMHS2101	Public Health Mental Health Services Act			X	Appropriate Mental Health Services Act Funds for the contract with Bay Area Community Resources for AmeriCorps members at the Berkeley High School Health Center.
184	315 Total			\$0	\$3,289,763						
185	319	Youth Lunch	Parks Recreation & Waterfront	\$90,522			Summer Lunch Program			X	Carryover of Youth Lunch Fund from FY 2020 to FY 2021 for Summer Lunch Program
186	319 Total			\$90,522	\$0						
187	321	C.F.P. Title X	Health, Housing & Community Services		\$128,187		Title X Family Planning Subrecipient		X		Revise grant amount to new approved amount of \$271,000. Council approved grant on 5/12/20 via Resolution No. 69,387-N.S.
188	321 Total			\$0	\$128,187						
189	326	Alameda County Grant	Health, Housing & Community Services		\$3,354	HHPSED2101	SEED			X	Appropriate Alameda County Grant fund to adjust FY 2021 award budget
190	326 Total			\$0	\$3,354						

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191	329	CA Integrated Waste Management	Parks Recreation & Waterfront		\$6,000		Used Oil Program			X	Appropriate PRW portion of CA Integrated Waste Management Fund for the Used Oil Program
192	329	CA Integrated Waste Management	Public Works		\$39,000		Used Oil Program			X	Appropriate Public Works portion of CA Integrated Waste Management Fund for the Used Oil Program
193	329 Total			\$0	\$45,000						
194	336	One-Time Grant: No Cap Exp	Health, Housing & Community Services	\$23,696			Medication Assisted Treatment (MAT) Access Points Project (the "MAT Project")		X		Remaining funds from a \$50,000 grant from The Center at Sierra Health Foundation for expansion of Medication Assisted Treatment (MAT) services for individuals with Opioid Use Disorders at Berkeley Mental Health. Approved by Council on 10/15/19 through Resolution No. 69,126 - N.S.
195	336	One-Time Grant: No Cap Exp	Health, Housing & Community Services	\$182,499			Mental Health Adult Triage Grant		X		Carryover of grant funds from Mental Health Services Oversight and Accountability Commission from Mental Health crisis triage line. Approved by Council on 11/27/18 through Resolution 68,668-N.S.
196	336	One-Time Grant: No Cap Exp	Health, Housing & Community Services	\$200,000		HHHEAP2101	Bay Area Community Services			X	Carryover funds from FY 2020 to FY 2021 to pay invoice from April to June 2020. Purchase order could not roll over to FY 2021 so a new purchase order created using carryover funds.
197	336	One-Time Grant: No Cap Exp	Health, Housing & Community Services		\$16,408	HHMTFC2101	Children's Triage			X	Revise Children's Triage grant budget to match award amount.
198	336	One-Time Grant: No Cap Exp	Health, Housing & Community Services		\$100,000	HHITH2101	Mental Health Tele-Health Grant		X		Mental Health awarded new grant for IT related items to support Tele-Health from the Sierra Health Foundation (pass-through State). Council approval of grant will be on 11/17/20 agenda.
199	336	One-Time Grant: No Cap Exp	Parks Recreation & Waterfront	\$15,000		PRWPK17001	Berkeley Urban Reforestation Program Grant			X	Carryover of unspent Berkeley Urban Reforestation Program grant funds from FY 2020
200	336	One-Time Grant: No Cap Exp	Parks Recreation & Waterfront	\$3,460		PRWPK17001	Berkeley Urban Reforestation Program Grant			X	Carryover of Berkeley Urban Reforestation Program grant fund to complete BURP grant activities
201	336	One-Time Grant: No Cap Exp	Parks Recreation & Waterfront	\$10,430		PRWPK17001	Berkeley Urban Reforestation Program Grant			X	Carryover to complete grant activities.
202	336	One-Time Grant: No Cap Exp	Parks Recreation & Waterfront		\$165,500	PRWPK20005	Urban Greening Grant		X		Appropriate funds for Urban Greening Grant program. Approved by Council on 07/23/2019 through Resolution No. 69,049 - N.S.
203	336	One-Time Grant: No Cap Exp	Parks Recreation & Waterfront	\$9,266		PRWT119007	Pier Ferry Facility Study			X	Carryover of WETA funds for pier study.
204	336	One-Time Grant: No Cap Exp	Parks Recreation & Waterfront	\$61,867		HHHEAP2001	Homeless Emergency Aid Program			X	Carryover for portable toilets and handwashing stations.
205	336	One-Time Grant: No Cap Exp	Planning		\$310,000		Ashby & North Berkeley BART Stations		X		Appropriate Senate Bill 2 Planning Grant funds for a contract with Van Meter Williams Pollock LLP to review zoning standards and prepare an environmental impact report for the Ashby and North Berkeley BART stations. Approved by Council on 2/25/20 through Resolution No. 69,297 - N.S.

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206	336	One-Time Grant: No Cap Exp	Public Works	\$225,000		PWENSD1819	Cordonices Creek at Kains Avenue			X	Carryover of One-Time Grant: No Cap Exp fund for the construction of Cordonices Creek Restoration at Kains Avenue
207	336	One-Time Grant: No Cap Exp	Public Works	\$5,882		PWENSD1819	Codornices Creek at Kains			X	Carryover to continue the project into the construction phase
208	336	One-Time Grant: No Cap Exp	Public Works		\$10,000		Mattress Recycling Enclosure			X	Appropriate grant fund from the Mattress Recycling Council of California to purchase a mattress recycling enclosure. Funds must be spent by October 31, 2020.
209	336	One-Time Grant: No Cap Exp	Non-Departmental		\$15,000		Grant for Paid Internships		X		Appropriate funds for the Chancellor's Community Partnership Fund Grant for Paid Internships. Approved by Council through Resolution No. 69,562-N.S.
210	336 Total			\$737,100	\$616,908						
211	339	MTC	Parks Recreation & Waterfront	\$34,609		PRWPP15001	Bay Trail			X	Carryover of MTC Funds for Bay Trail project
212	339 Total			\$34,609	\$0						
213	340	FEMA	Planning		\$557,350		FEMA Grant		X		Hazard Mitigation Grant Program Funds for City of Berkeley grants for seismically vulnerable buildings. Authorization to apply for grant approved by Council on 9/10/19 through Resolution No. 69,085-N.S.
214	340 Total			\$0	\$557,350						
215	344	CALTRANS Grant	Public Works	\$1,248,678	\$98,617	PWTRCT1803	North Berkeley BART/Sacramento Street Complete Streets			X	Carryover and appropriation of funds for the North Berkeley BART/Sacramento Street Complete Streets project
216	344 Total			\$1,248,678	\$98,617						
217	345	Measure WW - Park Bond - Grant	Parks Recreation & Waterfront	\$31,404		PRWPK15002	James Kenney Play Area			X	Carryover of Measure WW Fund from FY 2020 to FY 2021 for James Kenney Play Area
218	345 Total			\$31,404	\$0						
219	350	Bioterrorism Grant	Health, Housing & Community Services		\$400,523		COVID-19 Crisis Funding		X		Grant from the California Department of Public Health to prevent, prepare for, and respond to COVID-19. Approved by Council on 5/12/20 through Resolution No. 69,385
220	350 Total			\$0	\$400,523						
221	501	Capital Improvement Fund	City Manager's Office	\$4,959			John Toki Contract			X	Contract with John Toki for conservation and installation of artwork on Center Street in front of Berkeley Art Museum.
222	501	Capital Improvement Fund	Health, Housing & Community Services		\$9,312	HHGHF2101-NONPERSONN-GENERAL - CMMNTYAGY-	Grayson Apartments Project		X		Housing Trust Fund allocation for the Grayson Apartment Project. Approved by Council on 2/28/17 through Resolution 67,844-N.S.
223	501	Capital Improvement Fund	Public Works	\$230,809		PWENST1901	Street Rehab FY 2019			X	Carryover of Capital Improvement Fund for Street Rehab FY 2019 Project
224	501	Capital Improvement Fund	Public Works	\$8,880		PWENSD1804	Hillview and Woodside			X	Carryover of Capital Improvement Fund for Hillview Road and Woodside Road Drainage Improvement Project

FY 2020 Departmental Carryover Requests and FY 2021 Adjustments

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
225	501	Capital Improvement	Public Works	\$119,392		PWENST1801	Street Rehab FY 2-18			X	Carryover to complete the FY 2018 Street Rehabilitation project
226	501	Capital Improvement	Public Works	\$45,369	\$123,000	PWENSR1542	Sewer Laterals & CCTV			X	Carryover funds for the Sewer Laterals/CCTV project
227	501	Capital Improvement	Public Works	\$133,278		PWENSG1801	Measure M LID FY 18 Woolsey			X	Carryover for contingency on the Cratus construction contract
228	501	Capital Improvement	Public Works	\$151,516		PWENBM1903	Carpet Repl - CCB Finance			X	Carryover to continue the project - repairs Shaw Industries
229	501	Capital Improvement	Public Works	\$78,724		PWENBM2001	Fire Station #6 Emergency Floor Repair			X	Carryover for On-going repairs at FS #6
230	501	Capital Improvement	Public Works	\$156,689		PWENBM2002	Fire Station #3 Roof Upgrade			X	Carryover for On-going repairs at FS #3
231	501	Capital Improvement	Public Works	\$18,054		PWENBM2003	Fire Station #4 Roof Upgrade			X	Carryover for On-going repairs at FS #4
232	501	Capital Improvement	Public Works	\$14,816		PWENBM2004	Mental Health Services Wall Repair			X	Carryover wall at 2636 MLK Inspected Spring 2019 Design for substantial damage at MHS 2636 MLK
233	501	Capital Improvement	Public Works	\$100,880		PWENCB1507	Fire Station #2 Kitchen Repairs			X	Carryover for On-going repairs at FS #2
234	501	Capital Improvement	Public Works	\$157,463		PWENST2001	Street Rehab FY 2020			X	Carryover to continue the street rehab now in the construction phase
235	501	Capital Improvement	Public Works	\$32,400		PWENSW2004	Pathways FY20			X	Carryover to continue pathway repairs
236	501	Capital Improvement	Public Works	\$275,000		PWENSW2002	Sidewalk Shaving - FY2020			X	Carryover to continue the sidewalk shaving project
237	501	Capital Improvement	Public Works	\$50		PWENSW2001	FY20 Sidewalk Repair Program			X	Carryover to continue sidewalk repairs
238	501	Capital Improvement	Public Works	\$228,489		PWENCB1805	PSB Envelope Leak Repair			X	Carryover for On-going repairs at the PSB
239	501	Capital Improvement	Public Works	\$550,000		PWENCB2002	PSB Cooling Redundancy			X	Carryover to continue the project, which started late fin FY 2020
240	501	Capital Improvement	Public Works	\$504,280		PWENEN2001	EV Charging Station			X	Carryover to continue the project, which was deferred for further review
241	501	Capital Improvement	Public Works	\$197,105	\$52,895	PWENCB1906	125_127 University Ave Facilities Improvement			X	Appropriate fund to continue project moving into construction phase.
242	501	Capital Improvement	Public Works	\$42,957		PWSUSW2004	Pathways FY20			X	Funding necessary for the sidewalk program back log
243	501	Capital Improvement	Public Works	\$83,127		PWSUSW2005	Sidewalk Makesafe			X	Funding necessary for the sidewalk program back log
244	501	Capital Improvement	Public Works	\$34,345		PWSUSW2007	OPs 50/50 PPSidewalk			X	Funding necessary for the sidewalk program back log
245	501	Capital Improvement	Public Works	\$247,512		PWSUSW2105	Ops Sidewlk Makesafe FY21			X	Funding necessary for the sidewalk program back log
246	501	Capital Improvement	Public Works		\$522,743	PWTRCT0918	Ashby/San Pablo Traffic Improvements			X	Carryover funds for the Ashby/San Pablo Traffic Improvements project
247	501 Total			\$3,416,094	\$707,950						

FY 2020 Departmental Carryover Requests and FY 2021 Adjustments

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Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
248	503	FUND\$ Replacement	Human Resources		\$50,000		Telford Contract			X	New contract with Telfords, Inc. to provide support to FUND\$ Replacement project
249	503 Total			\$0	\$50,000						
250	506	Measure M - Street and Watershed Improvement	Public Works		\$302,627	PWENSD1819	Cordonices Creek at Kains Avenue		X		Appropriation of Measure M fund for the Cordonices Creek Restoration at Kains Avenue. Approved by Council through Resolution No. 69,526-N.S.
251	506	Measure M - Street and Watershed Improvement	Public Works	\$179,163		PWENST1801	Street Rehab FY 2-18			X	Carryover to complete the FY 2018 Street Rehabilitation project
252	506	Measure M - Street and Watershed Improvement	Public Works	\$100,000		PWT1ST1907	T1 Streets: Adeline & Hearst			X	Carryover of funds for Measure T1 Streets: Adeline & Hearst project
253	506	Measure M - Street and Watershed Improvement	Public Works	\$125,934		PWENSG1802	Measure M FY18 Street Impr			X	Carryover to complete the Measure M FY 2018 street improvement project
254	506 Total			\$405,097	\$302,627						
255	511	Measure T1	City Manager's Office	\$210,000			Michael Arcega Contract		X		Contract with Michael Arcega for Public Artwork at San Pablo Park. Approved by Council on 12/3/19 through Resolution No. 69,191-N.S.
256	511	Measure T1	Parks Recreation & Waterfront	\$171,455		PRWT119001	Aquatic Parks Tide Tubes		X	X	Carryover of Measure T1 Funds for Aquatic Park Tide Tubes project
257	511	Measure T1	Parks Recreation & Waterfront	\$277,149		PRWT119005	Live Oak Community Center			X	Carryover of Measure T1 Fund - unspent FY20 project budget for Live Oak Community Center facility upgrade for accessibility and seismic safety.
258	511	Measure T1	Parks Recreation & Waterfront	\$98,000		PRWT190006	Spinaker Way Pavement & Drainage Rehab Project			X	Carryover of Measure T1 funds for Task Order for Nichols Consulting for the Spinnaker Way Pavement and Drainage Rehab Project
259	511	Measure T1	Parks Recreation & Waterfront		\$56,371	PRWT119005	Live Oak Community Center		X		Funds for contract with Mar Con Builders for the Live Oak Community Center Seismic Upgrade project. Approved by Council on 12/10/19 through Resolution No. 69,219-N.S.
260	511	Measure T1	Parks Recreation & Waterfront		\$394,278	PRWT119004	Grove Park Phase II			X	Measure T1 Funds allocation for Grove Park Phase II
261	511	Measure T1	Parks Recreation & Waterfront		\$1,000	PRWT119001	Aquatic Park Tide Tubes			X	Appropriate Measure T1 Fund to increase the printing costs for the Aquatic Park Tide Tubes Project.
262	511	Measure T1	Parks Recreation & Waterfront	\$170,993		PWT1190006	University Avenue, Marina, Spinnaker Street			X	Carryover Measure T1 Funds for the University Avenue, Marina, Spinnaker Street project for task order with Nichols Engineering.
263	511	Measure T1	Parks Recreation & Waterfront	\$197,025		PRWT119014	Tom Bates Restroom			X	Carryover for payment to ACTC
264	511	Measure T1	Parks Recreation & Waterfront		\$92,975	PRWT119014	Tom Bates Restroom			X	Adjustment for payment to ACTC

FY 2020 Departmental Carryover Requests and FY 2021 Adjustments

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
265	511	Measure T1	Parks Recreation & Waterfront	\$300,000		PRWT119012	Rose Garden Pathways, Tennis, and Pergola			X	Carryover to complete construction at the Rose Garden - permit fees
266	511	Measure T1	Parks Recreation & Waterfront	\$27,725		PRWT119010	Citywide Restroom Assessment			X	Carryover to complete Citywide restroom assessment
267	511	Measure T1	Parks Recreation & Waterfront	\$6,079		PRWT119007	Pier Ferry Facility Study			X	Carryover to complete pier ferry study.
268	511	Measure T1	Parks Recreation & Waterfront	\$21,736		PRWT119003	Frances Albrier Community Center			X	Carryover to complete construction at Frances Albrier community center.
269	511	Measure T1	Parks Recreation & Waterfront	\$77,183		PRWT119016	Willard Clubhouse			X	Carryover to complete construction at the Willard Clubhouse.
270	511	Measure T1	Parks Recreation & Waterfront		\$11,000	PRWT119001	Aquatic Park Tide Tubes			X	Appropriate Measure T1 Fund for Wood Environmental to develop an operational manual for PW and PRW to operate the tide gates.
271	511	Measure T1	Public Works		\$1,011,006	PWT1EL1910	CorpYard and Marina Electrical Upgrade		X		Carryover of Measure T1 Fund for CorpYard and Marina CorpYard Maintenance Buildings electrical upgrade project and structural repair. Approved by Council on 6/2/20 through Resolution 69,433-N.S.
272	511	Measure T1	Public Works		\$48,072	PWT1PG1902	T1 Facilities/Equipment/Services/Supplies			X	Appropriate FY 2021 Measure T1 funds for facilities, equipment, supplies, and services costs.
273	511	Measure T1	Public Works	\$1,034,239		PWENCB1405	Mental Health Renovation (2640 MLK Jr. Way)			X	Carryover of Measure T1 Fund for Adult Mental Health Clinic Renovation project located at 2640 MLK Jr. Way
274	511	Measure T1	Public Works	\$33,430		PWT1GI1906	Green Infrastructure Project			X	Carryover of Measure T1 Funds for the Green Infrastructure Project
275	511	Measure T1	Public Works	\$150,491		PWT1ST1907	T1 Streets: Adeline & Hearst			X	Carryover of funds for Measure T1 Streets: Adeline & Hearst project
276	511	Measure T1	Public Works	\$376,430		PWT1CB1902	Old City Hall/Vet's Building/Civic Center Park			X	Carryover of funds for Measure T1: Old City Hall/Vet's Building/Civic Center Park project
277	511	Measure T1	Public Works	\$3,407,410		PWT1CB1901	North Berkeley Senior Center Seismic Retrofit			X	Carryover of funds for Measure T1: NBSC Seismic Retrofit
278	511	Measure T1	Public Works	\$88,501	\$23,809	PWT1EL1910	Electrical Upgrades - CY & Marina			X	Appropriate fund to complete T1 projects
279	511	Measure T1	Public Works	\$128,698		PWENCB1801	T1 NBSC Seismic Retrofit			X	Carryover for On-going project currently in the construction phase
280	511	Measure T1	Public Works	\$15,000		PWT1GI1905	Berkeley Rose Garden Drainage			X	Carryover for construction support
281	511	Measure T1	Public Works	\$28,812		PWENSD1819	Codornices Creek at Kains			X	To continue the project into the construction phase
282	511 Total			\$6,820,356	\$1,638,511						
283	512	Measure O	Health, Housing & Community Services		\$4,179,091	HHHME02101-NONPERSONN-CONTRACTS-DISBURSMNT-	1601 Oxford		X		Measure O Funds for the 1601 Oxford Project. Approved by Council through Resolution 69,231-N.S.
284	512	Measure O	City Attorney		\$273,347		Berkeley Way Project		X		Appropriate Measure O Funds for City Attorney's Office reimbursable costs for the Berkeley Way Project. Approved by Council through Resolution 69,231-N.S.

FY 2020 Departmental Carryover Requests and FY 2021 Adjustments

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
285	512 Total			\$0	\$4,452,438						
286	601	Zero Waste	City Manager's Office	\$48,600			Outstanding Transfer Station Invoice			X	Carryover of Zero Waste Fund for Outstanding Transfer Station Invoice
287	601	Zero Waste	Public Works		\$78,790		AMCS Software Contract		X		Appropriate Zero Waste Fund for contract with AMCS for Zero Waste Management Software System. Approved by Council on 7/23/2019 through Resolution 69,042-N.S.
288	601	Zero Waste	Public Works		\$11,125		Vehicle replacement - Chevy Bolt for Zero Waste			X	Appropriate Zero Waste Fund for the purchase of one Chevy Bolt including a charging station for Zero Waste (vehicle replacement)
289	601	Zero Waste	Public Works		\$165,000		Purchase of One (1) Model 435 Regenerative Air Sweeper		X		Appropriate Zero Waste Fund for the purchase of one Model 435 Regenerative Air Sweeper. Approved by Council on 09/15/2020 through Resolution 69,556-N.S.
290	601	Zero Waste	Public Works		\$60,256		Amortization shortfall vehicle #709 backhoe			X	Appropriate Zero Waste Fund for Amortization shortfall vehicle #709
291	601	Zero Waste	Public Works		\$317,052		New 160 Sweeper			X	Appropriate Zero Waste Fund for New Model 600X Sweeper at Clean Cities
292	601 Total			\$48,600	\$632,223						
293	606	Coastal Conservancy Grant Fund	Parks Recreation & Waterfront	\$16,356		PRWWF17003	S. Cove Accessible Ramp			X	Carryover to complete construction of S. Cove Accessible Ramp.
294	606 Total			\$16,356	\$0						
295	607	Marina - Dept. of Boating & Waterway	Parks Recreation & Waterfront	\$32,980		PRWWF20006	DBW SAVE Program			X	Carryover to remove derelict vessels from the Berkeley Marina.
296	607 Total			\$32,980	\$0						
297	608	Marina Operations	Parks Recreation & Waterfront	\$32,732		PRWWF17003	S. Cove Accessible Ramp			X	Carryover to complete construction of S. Cove Accessible Ramp.
298	608	Marina Operations	Parks Recreation & Waterfront	\$5,620		PRWWF20006	DBW SAVE Program			X	Carryover to remove derelict vessels from the Berkeley Marina.
299	608 Total			\$38,352	\$0						
300	611	Sanitary Sewer Operation	Public Works	\$398,489		PWENSR2005	Sanitary Sewer Rehab - FY 2020 Urgent Repairs			X	Carryover of Sanitary Sewer Operations Fund for the Sanitary Sewer Rehab - FY 2020 Urgent Repairs Project - payment to contractor
301	611	Sanitary Sewer Operation	Public Works	\$703,751		PWENSR2001	Sanitary Sewer Rehab - San Pablo Avenue			X	Carryover of funds for the Sanitary Sewer Rehab - San Pablo Avenue project to pay the contractor.
302	611	Sanitary Sewer Operation	Public Works	\$575,319		PWENSR2004	Sanitary Sewer Rehab - Frontage Road			X	Carryover of funds for Sanitary Sewer Rehab - Frontage Road project to pay the contractor

FY 2020 Departmental Carryover Requests and FY 2021 Adjustments

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
303	611	Sanitary Sewer Operation	Public Works	\$26,830		PWENSR1903	FY 2019 Sanitary Sewer Rehab Allston, et al			X	carryover PWENSR1903 Sanitary Sewer rehab Allston Way
304	611	Sanitary Sewer Operation	Public Works		\$30,000		Sewer Operations			X	Appropriate fund for Portable HDPE Fusing Machine
305	611	Sanitary Sewer Operation	Public Works		\$10,000		Sewer Operations			X	Appropriate fund for SSO Trailer
306	611	Sanitary Sewer Operation	Public Works		\$15,000		Sewer Operations			X	Appropriate fund for SSO Equipment
307	611	Sanitary Sewer Operation	Public Works		\$35,000		Sewer Operations			X	Sanitary Sewer share of purchase of Double Drum Vibratory Roller and Tilt Trailer for Roller, needed for repaving projects.
308	611 Total			\$1,704,389	\$90,000						
309	631	Parking Meter Fund	Finance	\$40,000			Banking Fees/Services - contract with Wells Fargo			X	Banking Fees/Services - Council Approved 4 year extension to contract with Wells Fargo. Finance neglected to encumber necessary amount.
310	631	Parking Meter Fund	Public Works		\$92,415	PWENCB1906	125_127 University Ave Facilities Improvement			X	Carryover to continue project moving into construction phase.
311	631	Parking Meter Fund	Public Works	\$122,683	\$25,302	PWENCB1907	125_127 University Ave Parking Lot Improvement			X	Appropriate Parking Meter Fund to continue project moving into construction phase.
312	631 Total			\$162,683	\$117,717						
313	671	Equipment Replacement	Public Works		\$2,495,886		Vehicle replacement			X	Appropriate fund for additional amount needed to replace all vehicles (current and backlogged) scheduled to be replaced in FY 2021
314	671 Total			\$0	\$2,495,886						
315	672	Equipment Maintenance	Public Works		\$11,128		Equipment Maintenance			X	Appropriate fund to replace non-functioning pressure washer at Corp Yard
316	672	Equipment Maintenance	Public Works		\$16,754		Equipment Maintenance			X	Appropriate fund to replace aging pressure washer at Transfer Station
317	672	Equipment Maintenance	Public Works		\$9,000		Equipment Maintenance			X	Appropriate fund for Diesel Emissions Opacity Tester for mechanics
318	672	Equipment Maintenance	Public Works		\$50,000		Equipment Maintenance			X	Appropriate fund to complete Zonar GPS Sensor installation (Contract # 32000145 - funds approved but not encumbered)
319	672	Equipment Maintenance	Public Works		\$20,000		Equipment Maintenance			X	Appropriate fund for Training and memberships for Equipment Maintenance Personnel
320	672	Equipment Maintenance	Public Works		\$9,560		Equipment Maintenance			X	Appropriate fund for Scan tool for mechanics.

FY 2020 Departmental Carryover Requests and FY 2021 Adjustments

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
321	672	Equipment Maintenance	Public Works		\$68,000		Equipment Maintenance			X	Appropriate fund for Four fuel dispensers for Corp Yard to replace existing aging units.
322	672	Equipment Maintenance	Public Works	\$90,004		PWENBM2005	CY Lift Pits - Bldg G			X	Carryover of fund for CY lift pits decommissioning bldg G-Equip Mtc shop and underground pit chemical collection
323	672 Total			\$90,004	\$184,442						
324	678	Public Liability Fund	City Attorney	\$258,339			Salary savings			X	Carryover of salary savings from FY 2020 vacancies for for outside counsel and court costs.
325	678	Public Liability Fund	City Attorney	\$210,808			PL Fund savings			X	Carryover of Public Liability Fund account for outside counsel and court costs.
326	678	Public Liability Fund	City Attorney		\$719,017		City Attorney Outside Counsel, Court Costs, and Claims & Judgements			X	Additional funds to pay for outside counsel, court costs, and claims and judgements in FY 2021
327	678 Total			\$469,147	\$719,017						
328	680	IT Cost Allocation Plan	Information Technology	\$450,000			Network Hardware Replacement		X		Carryover of IT Cost Allocation fund for Fortigate and core switches replacement per Resolution No. XX,XXXX -N.S. 30NOV20 with Presidio Networked Solutions
329	680	IT Cost Allocation Plan	Information Technology	\$100,000			Citywide Microsoft Licenses			X	Carryover of IT Cost Allocation fund for Additional licenses for citywide Microsoft EA
330	680	IT Cost Allocation Plan	Information Technology	\$544,357			Cloud data backup solution		X		Carryover of IT Cost Allocation fund for citywide hosted cloud data backup solution per Resolution No. 69,520-N.S., 28JUL20
331	680	IT Cost Allocation Plan	Information Technology	\$428,000			VoIP System Upgrade		X		Carryover of IT Cost Allocation fund for citywide VoIP system upgrade per Resolution No. 69,388-N.S. 12MAY20
332	680	IT Cost Allocation Plan	Information Technology	\$200,000			Robert Half Consultants			X	Carryover of IT Cost Allocation fund for Robert Half Consultants support ofr Finance Department
333	680	IT Cost Allocation Plan	Information Technology	\$136,401			CycloMedia Technologies		X		Carryover of IT Cost Allocation fund for infrastructure asset data acquisition per Resolution No. 69,482-N.S. 30JUN20
334	680	IT Cost Allocation Plan	Information Technology	\$224,228			Middleware Upgrade: WebMethods		X		Carryover of IT Cost Allocation fund for data integration's middleware platform with SoftwareAG per Resolution No. 69,412-N.S. 26MAY20
335	680	IT Cost Allocation Plan	Information Technology	\$200,000			Support for Accela Software			X	Carryover of IT Cost Allocation fund for Configuration services to support Accela. Vendor: TruePoint and Grey Quarter
336	680	IT Cost Allocation Plan	Information Technology	\$95,451			Geographic Technologies Group		X		Carryover of IT Cost Allocation fund for GIS Master Plan execution per Resolution No. 69,413-N.S. 26MAY20
337	680 Total			\$2,378,437	\$0						

FY 2020 Departmental Carryover Requests and FY 2021 Adjustments

Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustment	Project Number	Description/Project name	Mandated by Law	Authorized by Council	City Manager Request	Comments/Justification
338	778	CFD No. 1 Disaster Fire Protection Bond	Fire		\$1,425,000		Water Distribution System			X	Appropriate funds to increase the capability and the maintenance of the water distribution system.
339	778 Total			\$0	\$1,425,000						
340	779	CFD NO.1 MELLO-ROOS	Non-Departmental		\$1,425,000		Transfer to Fund 778			X	Increase transfer to Fund 778 (CFD No. 1 Disaster Fire Protection) for funds needed to increase the capability and the maintenance of the water distribution system
341	779 Total			\$0	\$1,425,000						
342	781	Berkeley Tourism BID	City Manager's Office	\$0	\$85,825		Berkeley Tourism BID			X	This funding belongs to the Berkeley Tourism BID and the City is obligated to disperse it.
343	781 Total			\$0	\$85,825						
344	782	Elmwood BID	City Manager's Office	\$0	\$37,537		Elmwood BID			X	This funding belongs to the Elmwood BID and the City is obligated to disperse it.
345	782 Total			\$0	\$37,537						
346	783	Solano Avenue BID	City Manager's Office	\$0	\$9,881		Solano Avenue BID			X	This funding belongs to the Solano BID and the City is obligated to disperse it.
347	783 Total			\$0	\$9,881						
348	784	Telegraph PBID	City Manager's Office	\$0	\$239,714		Telegraph PBID			X	This funding belongs to the Telegraph PBID and the City is obligated to disperse it.
349	784 Total			\$0	\$239,714						
350	785	North Shattuck PBID	City Manager's Office	\$0	\$2,468		North Shattuck PBID			X	This funding belongs to the North Shattuck PBID and the City is obligated to disperse it.
351	785 Total			\$0	\$2,468						
352	786	Downtown PBID	City Manager's Office	\$0	\$253,352		Downtown Berkeley PBID			X	This funding belongs to the Downtown Berkeley PBID and the City is obligated to disperse it.
353	786 Total			\$0	\$253,352						
354	Grand Total			\$31,779,730	\$53,754,666						



Cheryl Davila
Councilmember
District 2

ACTION CALENDAR
November 17, 2020

To: Honorable Mayor and Members of the City Council

From: 4x4 Joint Task Force Committee on Housing

Subject: Updates to the COVID-19 Emergency Response Ordinance

RECOMMENDATION

Adopt first reading of an ordinance (effective February 1) amending Berkeley Municipal Code 13.110, Title 13, "The COVID-19 Emergency Response Ordinance," to enhance emergency tenant protections consistent with recently adopted Alameda County laws, action in other jurisdictions, and consultation with community stakeholders representing marginalized groups.

BACKGROUND

A. Berkeley's COVID-19 Emergency Response Ordinance

On March 17, 2020, the Berkeley City Council adopted an emergency ordinance prohibiting evictions of residential and commercial tenants unable to pay their rent due to COVID-19. Subsequently, on April 21, 2020, the Council further amended the City's ordinance to enhance eviction protections for commercial tenants, namely a prohibition on unreasonable rent increases for impacted businesses and nonprofits. Again on May 26, 2020, the Council further amended the city's ordinance to enhance eviction protections for residential tenants and homeowners, including banning most residential evictions through the end of the local state of emergency. Subsequently, on June 30, 2020 the Council further amended the city's ordinance to clarify and enhance the ability of residential tenants to terminate a lease. Since the enactment of these protections, other jurisdictions in California, including neighboring jurisdictions and the Alameda County Board of Supervisors have enacted a number of additional protections that are either complimentary to, or more stringent than, Berkeley's ordinance. The item updates BMC 13.110 to, among other provisions, include best practices and to align with newly adopted countywide protections.

B. Alameda County's Urgency Ordinances

On March 24, 2020, the Alameda County Board of Supervisors passed an urgency ordinance creating a temporary moratorium on evictions for renters and homeowners in the Unincorporated County (Ordinance No. 2020-14).

On March 31, 2020, the Alameda County Board of Supervisors extended protections to the entire County. Similar to our BMC 13.110, the ordinances applied a moratorium on evictions to tenants, homeowners or mobile homeowners who can provide documentation that they cannot pay their rent or mortgage due to a substantial loss of income, substantial out-of-pocket medical expenses, or extraordinary childcare needs caused by COVID-19.

On April 21, 2020, the Alameda County Board of Supervisors considered and adopted additional amendments,¹ after finding that the pandemic and shelter in place orders created severe new and exacerbated existing socioeconomic impacts. Accordingly, the County deemed any eviction, regardless of cause, a public health threat. Giving cities this option provides baseline protections for residents of cities without moratoria, but allows cities to make determinations in the best interest of their residents.

The California Attorney General has opined that when a county has declared a local emergency within its jurisdictional boundaries in an area that includes both unincorporated and incorporated territory, the county may adopt emergency rules and regulations pursuant to Government Code Section 8634 that will be effective in both unincorporated and incorporated areas (62 Ops. Cal. Atty. Gen. 701 (1979)). However, questions have been raised as to whether this power of counties always covers charter cities, such as Berkeley; for example, in early June, many members of the Council questioned whether the county-wide curfew issued by the County Sheriff was legally valid within Berkeley City limits.

C. [Assembly Bill 3088](#)

On August 31, the Governor signed AB 3088, an urgency bill (i.e. one which takes immediate effect). The bill provides, among other things, that “Any ordinance, resolution, regulation, or administrative action adopted by a city, county, or city and county in response to the COVID-19 pandemic to protect tenants from eviction is subject to [the limitation that]... Any extension, expansion, renewal, reenactment, or new adoption of a measure, however delineated, that occurs between August 19, 2020, and January 31, 2021, shall have no effect before February 1, 2021” (Cal. Civ. Proc. Code §1179.05(a)).

As a result, most if not all amendments made to Berkeley’s ordinance in order to further protect tenants could likely not take effect until February 1, 2021 regardless of urgency. However, the City Council can still adopt amendments before then so that they will come into effect on February 1, 2021.

D. Updates to The Covid-19 Emergency Response Ordinance

Unreasonable evictions are directly at odds with local, state and federal measures to recover from the pandemic.

Housing stability is a prerequisite for flattening the COVID-19 infection curve. Loss of housing presents significant health risks for those directly affected and the population at large, through disruption of shelter in place orders, social distancing measures and increased homelessness. Testing, quarantine, and physical distancing measures are bolstered by housing security.

In recognition of developments at the Alameda County level, action in other jurisdictions, and consultation with community stakeholders, the ordinance makes the following additional amendments to BMC 13.110:

1. *Expansion of Moratorium Scope:*

Consistent with numerous jurisdictions (including the Cities of Los Angeles, Santa Monica,

¹ Amend Countywide Temporary Moratorium on Residential Evictions, Alameda County Community Development Agency, April 21, 2020, https://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_04_21_20/GENERAL%20ADMINISTRATION/Regular%20Calendar/CDA_294956.pdf, Amendments were crafted and presented by the Alameda County’s Community Development Agency and the Housing and Community Development Department (HCD), in coordination with County Counsel, Public Health, all cities countywide, Resources for Community Development, and legal agencies including Bay Area Legal Aid, Centro Legal de la Raza, East Bay Community Law Center, and Housing and Economic Rights Advocates

and Inglewood) these amendments would prohibit Ellis Act evictions.² Additionally, minor amendments are made to the exception for health and safety threats to bring it in line with the language of the County ordinance and to reflect a change requested by legal services providers; the former is important to ensure there are no evictions prohibited by the County ordinance but ostensibly allowed under the City ordinance, thereby minimizing the risk of legal confusion.

2. *Council May Extend Protections By Resolution*

Currently, many protections under the Berkeley ordinance lapse either upon the expiration of the local state emergency. This period is not as long as in other jurisdictions. For example, the City of Los Angeles's ordinance protects tenants from Ellis Act evictions for sixty (60) days after the expiration of the local state of emergency, and Alameda County's eviction moratorium currently expires sixty (60) days after the expiration of the countywide state of emergency. These amendments would allow the Council to extend this period by resolution (instead of an ordinance), allowing the Council to swiftly act by majority vote to protect public health and safety and keep residents housed if the local situation necessitates immediate action.

3. *Authorize Tenants To Self-Attest Financial Hardship*

Some tenants may have difficulty providing sufficient documentation that proves their COVID-related financial hardship. In order to ensure that no tenant is left behind, these amendments would authorize tenants to self-attest their COVID-related financial hardship. Given that landlords are ultimately allowed to recover back rent, there would ultimately be no barrier to their ability to ultimately be made financially "whole." Furthermore, this would bring the City ordinance in line with the federal eviction moratorium recently issued by the Centers for Disease Control and Prevention (CDC), which allows tenants to self-declare their inability to pay.

4. *Clarifies Covered Reasons for Delayed Payment*

Due to Berkeley's status as a "college town" and the transition of UC Berkeley (and other local institutions of higher education) to mainly online and/or hybrid-format classes in response to the ongoing COVID pandemic many segments of Berkeley's rental market have seen a significant drop in demand. While this reduced demand may benefit many tenants entering new rental agreements, continuing tenants are largely not receiving this benefit, and ironically some may be in a worse position even if their own financial situation remains unchanged. Many tenants, especially those who live with students, may have had one or more roommates move-out, and planned to replace them with a new roommate(s) who would pay the same share of the rent. However, many landlords required their tenants to sign lease renewals before the severity of the COVID crisis became clear. As a result, those tenants were not in a position to bargain for a rent reduction, and with reduced demand for housing may be unable to find a replacement roommate willing and able to pay the same share of the rent as an outgoing roommate. The remaining tenants can be left with an unwinnable choice: Delaying taking on a new roommate(s) in the hope of finding someone who can pay the same share of the rent (while having to pay the full share of the rent until they find a replacement), or take on a higher share of the rent in order to immediately have a new roommate. While previous versions of the ordinance were clearly intended to cover this situation, the failure to explicitly mention them creates a perpetual risk that the courts will interpret them otherwise. These amendments make clear that such scenarios are covered reasons for nonpayment, eliminating the risk of judicial misinterpretation.

² aagla.org/wp-content/uploads/2020/07/7120-Updated-Temporary-Eviction-Moratorium-Chart-002.pdf

Additionally, the amendments also remove self-contradicting language referencing group living arrangements; this ensures that all tenants are properly covered by that potential reason for delaying payment.

5. *Extends Additional Protections to Homeowners and Penalties to Lenders*

The County Ordinance extends evictions protections afforded to tenants and related requirements to homeowners; similarly, the county ordinance makes explicit that lenders (e.g. a bank that holds the property's mortgage) and their agents have the same obligations (e.g. providing residents notice of their rights under the ordinance) and penalties for noncompliance as landlords. These amendments extend that tenant-homeowner parity to the City ordinance.

6. *Extends Back Rent Repayment Period Both to Reflect State Law and to Enact Better Policy*

Under the city's existing ordinance, a tenant has a twelve (12) month repayment period, which commences once a rent payment is late, to make that overdue rent payment before their landlord may sue. However, community stakeholders have raised significant concerns that this repayment period is much too short. For instance, if a tenant normally spends 50% or more of their income on rent (an obscene yet common scenario) and is unemployed due to COVID for 12 months, they would be mathematically unable to repay their back rent over 12 months even if they income immediately fully recovered (unlikely) and the the landlord waited until 12 months after the tenant re-gained employment (which is not required of the landlord).

AB 3088 provides that for Rental Debt which accrues through January 31, 2021, "the repayment period [established under an ordinance or other action by a city, county, or city and county] is deemed to begin on March 1, 2021" (Cal. Civ. Proc. Code §1179.05(a)(2)(B)). This ordinance amends city law to reflect that state law has delayed until March 1, 2021 the commencement of the twelve (12) month repayment period for rental debt accrued through January 31, 2021 (i.e. for rental debt accrued through January 31, 2021, a tenant has until March 1, 2021 to repay their landlord before the landlord may take them to court).

For rental debt which accrues starting February 1, 2021, these amendments provide that a tenant shall have a forty-eight (48) month period to repay back rent (24 hours in the case of oral rental agreements). This repayment period commences on the date on which no tenant may delay new rent payments under Covered Reason for Delayed Payment. This extension significantly increases the ability of a tenant to repay all their back rent.

7. *Provides Additional Examples of Prohibited Retaliation*

The ordinance prohibits retaliation against tenants for exercising their rights under it, and explicitly names shutting off utilities and reducing services as examples of prohibited retaliation. These amendments add additional examples of prohibited retaliation.

8. *Improves Civil Remedies for Violations*

These amendments make various changes to civil remedies (including authorizing administrative fines and offering protections for tenants who act in good faith but do not prevail in court). Additionally, it makes clear that the City or another person or entity may sue to enforce the ordinance.

9. *Extends Criminal Penalties to non-Commercial Violations*

Currently, the City ordinance only imposes criminal penalties for violations relating to

commercial properties. These amendments extend criminal penalties to any violations by a landlord or lender, using verbatim language from the County ordinance. In addition to providing legal certainty that violations also covered by the County ordinance can be criminally prosecuted, these amendments are necessary to allow criminal prosecution for violating residential property provisions not covered by the County ordinance (e.g. conducting an ostensible Ellis Act eviction).

10. *Liberal Construction*

States that the ordinance should be liberally construed so as to fully achieve its purpose and provide the greatest possible protections to tenants.

11. *Amendments Not Effective Before February 1*

In keeping with Cal. Civ. Proc. Code §1179.05(a)(1), i.e. AB 3088, section 2 of the attached ordinance provides that it shall not be effective until February 1 (or 30 days after its second reading, whichever is later).

Consistent with the actions of Alameda County, neighboring jurisdictions, and other jurisdictions throughout California; consultation with community stakeholders representing marginalized groups; Assembly Bill 3088 (2020); and the ongoing shelter-in-place order and associated emergency activities in response to the global pandemic, it is in the public interest to clarify and amend the COVID-19 Emergency Response Ordinance.

FINANCIAL IMPLICATIONS

This item will essentially not have any direct financial implications. However, preventing evictions can result in significant savings to the City in the short, medium, and long-term, by reducing homeless, COVID-19 infections, and social services spending. Additionally, bringing protections for tenants and other residents under Berkeley law to at least those of the County ordinance could result in savings from potential litigation by landlords or lenders seeking to nullify the County ordinance within Berkeley city limits (especially if such litigation names the City as a real party in interest). Preventing evictions will prevent the spread of COVID 19.

ENVIRONMENTAL SUSTAINABILITY

Protecting our communities during this climate and health crisis is an act of environmental sustainability.

CONTACT PERSONS

Cheryl Davila
Councilmember District 2
510.981.7120
cdavila@cityofberkeley.info

ATTACHMENTS:

1. Ordinance

REFERENCES:

1. Link to AB 3088:
https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB3088

ORDINANCE NO. -N.S.

ORDINANCE AMENDING CHAPTER 13.110 OF THE BERKELEY MUNICIPAL CODE, THE COVID-19 EMERGENCY RESPONSE ORDINANCE

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

Section 1. The Berkeley Municipal Code Chapter 13.110 is amended to read as follows:

**Chapter 13.110
COVID-19 EMERGENCY RESPONSE ORDINANCE**

Sections:

- 13.110.010 Findings and Purpose**
- 13.110.020 Prohibited Conduct**
- 13.110.030 Definitions**
- 13.110.040 Collection of Back Rent and Late Fees**
- 13.110.050 Application**
- 13.110.060 Implementing Regulations**
- 13.110.070 Waiver**
- 13.110.080 Enforcement Remedies**
- 13.110.090 Severability**
- 13.110.100 Liberal Construction**

13.110.010 Findings and Purposes

International, national, state and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2." And the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"). In response to this emergency, on March 3, 2020, the City Manager acting as the Director of Emergency Services declared a local State of Emergency based on COVID-19 (hereinafter referred to as "the State of Emergency"), which the City Council subsequently ratified on March 10, 2020. On April 21, 2020, the council ratified an extension of the local state of emergency through June 21, 2020. In addition, on March 4, 2020, the Governor declared a state of emergency in California and the President of the United States declared a national state of emergency on March 13, 2020 regarding the novel coronavirus and COVID-19.

On March 16, 2020, the City of Berkeley Public Health Officer, along with several other neighboring jurisdictions issued a Shelter in Place Order directing all individuals living in the City of Berkeley to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities, and prohibiting non-essential gatherings and ordering cessation of non-essential travel.

Furthermore, on March 16, 2020, the Governor issued Executive Order N-28-20, specifically authorizing local governments to halt evictions for commercial tenants, residential tenants, and homeowners who have been affected by COVID-19, emphasizing that the economic impacts of COVID-19 have been significant and could threaten to undermine housing security as many people are experiencing material income loss as a result of business closures, the loss of hours

or wages or layoffs related to COVID-19, hindering their ability to keep up with rents, mortgages and utility bills.

The Order also stated that because homelessness can exacerbate vulnerability to COVID-19, Californians must take measures to preserve and increase housing security for Californians to protect public health and specifically stated that local jurisdictions may take measures to promote housing security beyond what the state law would otherwise allow.

On March 31, this Shelter in Place Order was extended to May 3, 2020, and restricted activities further. This Shelter in Place Order was subsequently extended again.

On April 6, 2020, the Judicial Council of California issued emergency rules suspending court proceedings for unlawful detainer and judicial foreclosures until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted. However, the Judicial Council subsequently revoked this protection, thereby immediately placing tenants not covered by an eviction moratorium at immediate risk.

On April 21, 2020, Alameda County enacted an urgency ordinance prohibiting eviction for any reason other than withdrawal of rental property under the Ellis Act or court-ordered eviction for public safety. Even if the Alameda County ordinance did not have effect within the incorporated area of Berkeley, it would be ~~Although the Alameda County ordinance does not have effect within the incorporated area of Berkeley, it is desirable to ensure that Berkeley residents have at least~~ the same level of protection as the residents of unincorporated Alameda County.

During this State of Emergency (and the months following its expiration), and in the interests of protecting the public health and preventing transmission of the COVID-19, it is essential to avoid unnecessary displacement and homelessness. It is the intent of this Ordinance to fully implement the suspension of the statutory bases for eviction for nonpayment of rent and for default in the payment of a mortgage as authorized by Executive Order N-28-20.

At the same time, the Governor, as well as, the Berkeley Health Officer, and those of other jurisdictions ordered the closure of businesses, except those deemed essential. Many businesses, such as restaurants, are open only for take-out or pick up services and face a critical loss of business.

-----The City Council is aware that some landlords of commercial properties are seeking significant rent increases during the period when many commercial tenants are closed or are experiencing substantial and catastrophic reductions in their business and income. Such rent increases force tenants who are closed or have substantially reduced revenues face the choice of accepting a significant rent increase, moving at a time when it is virtually impossible, or closing altogether. Accepting a rent increase while closed or in a reduced state of operations means that the commercial tenants face even more debt to the landlord when the emergency is over, and may face a substantially increased rent when the tenant returns to normal operations, if ever.

Landlords of commercial property that unreasonably increases rents on tenants of commercial property during the COVID-19 emergency significantly impacts vulnerable small businesses, nonprofits, and artists who form a large part of the backbone of Berkeley's economy, revenue sources, and employment opportunities. These rent increases are coming at a time when the commercial rents are likely falling due to business closures and potential loss of businesses at the end of the emergency. Thus, these rent increases appear as a way of evading the

Governor's and Berkeley's commercial tenant eviction moratorium by forcing tenants to agree to rent increases or leave. Such conduct constitutes constructive evictions in contravention of the eviction moratorium. Furthermore, such rent increases may affect businesses providing goods and essential services, resulting in increases in those costs of essential goods and services contravening the intent of anti-price gouging laws.

On expiration of leases when the emergency order is in place, unreasonable rent increases have already forced the closure of businesses and will result in closing of additional business causing loss of income for the business owners, loss of employment for the employees and of revenue to the city, and an increase in homelessness. To reduce the spread of COVID-19, it is essential to avoid unnecessary displacement and homelessness. Because of the emergency restrictions, businesses forced out due to increased rents will be unable to move to new locations and new businesses will be unable to open during this emergency period. During a state of emergency cities have extraordinary powers and jurisdiction to create legislation in order to counteract the effects of the emergency situation on its people and businesses. Protecting tenants from excessive rent increases will prevent additional loss of employment and essential services for Berkeley residents. In order to effectively implement an eviction moratorium, the City Council finds it imperative to prevent constructive eviction through unreasonable rent increases.

Multiple jurisdictions have banned Ellis Act evictions. In Los Angeles County alone, the Cities of Los Angeles, Inglewood, and Santa Monica (and possibly others have banned) Ellis Act evictions. For example, Los Angeles's ordinance bans Ellis Act evictions through 60 days after the expiration of the local state of emergency.

Accordingly, the City of Berkeley adopts the following rules and regulations-amendments to Berkeley Municipal Code Chapter 13.110.

13.110.020 Prohibited Conduct

A. During the Covered Period~~local State of Emergency~~, no landlord or ~~lender~~~~other entity~~ shall evict or attempt to evict an occupant of real property, or otherwise require a Resident to vacate a residential unit, unless necessary to stop an imminent threat to for the health and safety of other occupants-residents. For purposes of this Ordinance, the basis for an exception to this Ordinance cannot be the Resident's COVID-19 illness or exposure to COVID-19, whether actual or suspected.

B. Notice Requirement. Any eviction notice or notice for an unlawful detainer action that is served, filed, or expires during the Covered Period must include, in at least twelve-point font, a copy of this Chapter (13.110), and the below notice. It shall be a complete defense to any action that this requirement was not strictly complied with.

Notice: The City of Berkeley has adopted a temporary moratorium on evictions, the "COVID-19 Emergency Response Ordinance" (Berkeley Municipal Code Chapter 13.110) during the local emergency declared in response to the COVID-19 pandemic. The ordinance prohibits evictions for most reasons, including eviction for nonpayment of rent due to COVID-19. The Ordinance permits evictions where necessary to stop an imminent threat to the health and safety of other occupants. A copy of the ordinance is attached. You may contact the Berkeley Rent Stabilization Board at (510) 981-7368 for additional information and referrals.

~~C. B.~~ Residential Eviction Moratorium. It shall be a complete defense to any action for unlawful detainer that the notice upon which the action is based was served or expired, or that the complaint was filed or served, during the Covered Period ~~local State of Emergency~~.

~~D. C.~~ No landlord of an Impacted Business or Nonprofit may upon expiration of a lease increase rent for an Impacted Business or Nonprofit in an amount greater than ten (10) percent over the rent in effect at the commencement of the local state of emergency declared by the Director of Emergency Services. For purposes of this section, rent means all consideration for the use and enjoyment of the rented premises, including base rent and any additional rent or other charges for costs such as utilities, maintenance, cleaning, trash removal, repairs and any other charges to the tenant required under the rental agreement. This section 13.110.020 C. shall expire on May 31, 2020, concurrent with Executive Order N-28-20; provided, however, that this section shall be automatically extended if Executive Order N-28-20 is extended or the tenant protections therein are extended pursuant to another Governor's Executive Order.

~~E. D.~~ For the duration of the Covered Period ~~local State of Emergency~~, if a tenant has a Covered reason for delayed payment the tenant may terminate a lease or rental agreement with 30 days' notice without penalty. A tenant may also exercise rights under this subsection if the tenants or roommates of the tenants are or were registered at an educational institution that cancelled or limited in-person classes due to the COVID-19 pandemic

13.110.030 Definitions

A. "Covered Period" means the period of time beginning with March 17, 2020 and concluding upon the expiration of the local emergency. However, the City Council may vote by resolution to extend the duration of the Covered Period.

B. A.—"Covered Reason for Delayed Payment" means:

- (1) The basis for the eviction is nonpayment of Rrent, arising out of a material decrease in household, business, or other rental unit occupant(s)'s income (including, but not limited to, a material decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or to caregiving responsibilities, or a material decrease in business income caused by a reduction in opening hours or consumer demand), or material out-of-pocket medical expenses, ~~or, in a group living arrangement wherein all tenants are collectively responsible for payment of the rent to the landlord,~~ a reduction in the number of tenants living in the unit (including due to difficulty finding new tenants and/or subtenants willing and able to cover a sufficient share of Rent) which reduces the ability of the remaining tenants to pay the Rrent, a change in the tenants which reduces the ability of the collective tenants to pay Rrent, or a rent increase that exceeds the Annual General Adjustment for the current year; and
- (2) The decrease in household, business, or other rental unit occupant's income or the expenses or reduction in number of tenants described in subparagraph (1) was caused by the impacts of COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

~~C. B.~~—"Delayed Rent Payment Agreement" means a mutual agreement between a landlord and tenant regarding the timing and amount of payments for Rrent that is delayed by a Covered Reason for Delayed Payment.

~~D. C.~~—"Impacted Business or Nonprofit" means a business or nonprofit organization that had a business license in 2019 or 2020 in the City of Berkeley or is a registered nonprofit in either or both of those years and:

1. whose operation has been shut down due to the COVID-19 emergency, or

2. that is unable to accept customers at its location and is open for limited virtual, take-out or pickup services only, or
3. who suffered a material loss of income.

E. D.-"Landlord" includes owners, lessors, or sublessors of either residential or commercial rental property, and the agent, representative, or successor of any of the foregoing.

F. "Lender" means the mortgagee of a purchase money or similar mortgage, or the holder or beneficiary of a loan secured by one or more units, which person has the right to mortgage or similar payments from the owner as mortgagor, including a loan servicer, and the agent, representative, or successor of any of the foregoing.

G. "Rent" includes, but is not limited to, base rent, fees (including late fee(s), fines, and interest.

H. E.-"Tenant" includes a tenant, subtenant, lessee, sublessee, or any other person entitled by written or oral rental agreement to use or occupancy a renter of either residential or commercial property.

13.110.040 Collection of Back Rent and Late Fees

A. Nothing in this Chapter shall relieve the tenant of liability for unpaid rent, which the landlord may seek after expiration of the local State of Emergency. Notwithstanding any lease provision to the contrary, a landlord may not charge or collect a late fee, fine, or interest for Rrent that is delayed by a Covered Reason for Delayed Payment. The City will develop standards or guidelines for tenants to repay unpaid rent accrued during the Covered Period course of the local State of Emergency. Landlords are encouraged to work with local agencies that will be making rental assistance available for qualifying tenants.

B.

1. For Rent accrued through January 31, 2021, t~~F~~Tenants shall have a up to twelve (12) months period, which shall commence March 1, 2021, to pay Rrent that was delayed by a Covered Reason for Delayed Payment unless the landlord and tenant come to a mutual repayment agreement ("Delayed Rent Payment Agreement").

2. For Rent accrued beginning February 1, 2021, Tenants shall have forty-seven (47) months to pay Rent that accrued during the Covered Period, except that in the case of an oral rental agreement this period shall be twenty-three (23) months.

3. Notwithstanding any lease provision to the contrary, a landlord may not charge or collect a late fee, fine, or interest for Rrent that is delayed by a Covered Reason for Delayed Payment.

C. A Tenant is not required to provide documentation to the Landlord in advance to qualify for the delayed repayment of Rrent ~~over the 12 months~~. However, upon the request of a Landlord, a Tenant shall provide such documentation to the Landlord within forty-five (45) days after the request or within thirty (30) days after the local State of Emergency is ended, whichever is later; the tenant may self-attest as a form of documentation. In the case of nonpayment of Rrent, the failure of a Tenant to notify the landlord in advance of being delinquent in the payment of Rrent prior to being served with a notice pursuant to Code of Civil Procedure sections 1161(2) et seq. does not waive the Tenant's right to claim this Chapter as a complete defense to nonpayment of Rrent in an unlawful detainer action.

D. Any medical or financial information provided to the landlord shall be held in confidence, and shall not be disclosed to other entities unless such disclosure is permitted or required by the law, or unless the tenant explicitly authorizes the disclosure of the information in writing.

E. Any relief from the City of Berkeley either directly to a property owner on their own application or as a pass through for City relief payments to the tenant shall directly reduce the amount of any Rrent that was delayed by a Covered Reason for Delayed Payment. This requirement shall be applied into any Delayed Rent Payment Agreement, regardless of the terms of that agreement.

13.110.050 Application

A. This Chapter applies to eviction notices and unlawful detainer actions based on notices served, filed, or which expire during the Covered Period ~~on or after the effective date of this Chapter through the end of the local State of Emergency~~. It does not apply ~~to withdrawal of accommodations from the rental market pursuant to Government Code 7060 et seq. ("Ellis Act")~~ or to units ordered by the City to be vacated for the preservation of public health, including where the City deems necessary to control the spread of COVID-19.

B. With respect to delayed payment accrued during the Covered Period ~~covered by this Ordinance~~, a landlord may seek such Rrent after the Covered Period ~~expiration of the local State of Emergency~~, pursuant to Section 13.110.040, but may not file an action pursuant to Code of Civil Procedure sections 1161(2) *et seq.* or otherwise seek to recover possession of a rental unit based on the failure to pay Rrent that accrued during the Covered Period ~~local State of Emergency~~. In any action to evict based on alleged nonpayment of Rrent, it shall be a complete defense to such action if any part of the Rrent in dispute accrued at any time during the Covered Period and/or if the action demands any fees or amounts contrary to the provisions of this Chapter. A landlord shall not apply any Rent payment towards Rent that is delayed by a Covered Reason for Delayed Payment before applying it towards any other Rent owed without the explicit written permission of the Tenant.

C. A Landlord or Lender shall not retaliate against a Tenant or other resident for exercising their rights under this Ordinance, including but not limited to shutting off any utilities, ~~or~~ reducing services or amenities, refusing to make or delaying repairs to which the Tenant or other resident would otherwise be entitled, refusing to offer a new rental agreement upon expiration of a prior rental agreement where the new rental agreement contains provisions that are substantially identical to the prior rental agreement.

D. In addition to the affirmative defenses set forth above, in any action to recover possession of a rental unit filed under Berkeley Municipal Code section 13.76.130(A)(1), it shall be a complete defense that the landlord impeded the tenant's effort to pay Rrent by refusing to accept Rrent paid on behalf of the tenant from a third party, or refusing to provide a W-9 form or other necessary documentation for the tenant to receive rental assistance from a government agency, non-profit organization, or other third party. Acceptance of rental payments made on behalf of the tenant by a third party shall not create a tenancy between the landlord and the third party.

13.110.060 ___ Implementing Regulations

The City Manager may promulgate implementing regulations and develop forms to effectuate this Ordinance. This includes the option of requiring landlords and lenders to give a notice to Tenants and other residents informing them of this Chapter and the right to seek the benefits of this Chapter.

13.110.080 Enforcement Remedies

~~In the event of a violation of this Ordinance, an aggrieved tenant may institute a civil proceeding for injunctive relief, and money actual damages as specified below, and whatever other relief the court deems appropriate. Money damages shall only be awarded if the trier of fact finds that the landlord acted in knowing violation of or in reckless disregard of this Ordinance. The prevailing party shall be entitled to reasonable attorney's fees and costs pursuant to order of the court. The remedy available under this section shall be in addition to any other existing remedies which may be available to the tenant under local, state or federal law. In addition, this Ordinance grants a defense to eviction in the event that an unlawful detainer action is commenced in violation of this Ordinance.~~

A. Remedies

1. In the event of a violation of this Chapter by a landlord or lender, any person aggrieved by the violation, any person or entity who will fairly and adequately represent the interests of the protected class, and/or the City or the Rent Board may file a civil action to enforce this Chapter.

2. The relief available to a plaintiff or plaintiffs in an action for violation of this Chapter may include an injunction; all actual damages suffered by any aggrieved party; and an award of civil penalties in the sum of between one thousand dollars and ten thousand dollars per incident which is a violation of this Chapter, as assessed by the trier of fact, either jury or the Court, depending on the degree of intentionality and severity of the conduct.

3. An award of actual damages may include an award for mental and/or emotional distress and/or suffering. The amount of actual damages awarded to a prevailing plaintiff shall be trebled by the Court outside of the presence, and without the knowledge of, the jury, if any, if a defendant acted in knowing violation of, or in reckless disregard for, the provisions of this Chapter.

4. A defendant shall be liable for additional civil penalties of up to five thousand dollars for each violation of this Chapter committed against a person who is disabled within the meaning of California Government Code section 12926, et seq., or aged sixty-five or over.

5. In addition to the above awards of damages in a civil action under this Chapter, a prevailing plaintiff shall be entitled to an award of reasonable attorneys' fees. A prevailing defendant in a civil action under this Chapter shall only be entitled to an award of attorneys' fees if it is determined by the Court the action was wholly without merit or frivolous.

6. Nonexclusive Remedies and Penalties. The remedies provided in this subdivision are not exclusive, and nothing in this Chapter shall preclude any person from seeking any other remedies, penalties or procedures provided by law.

7. In addition, this Chapter grants a complete defense to eviction in the event that an eviction notice or unlawful detainer action is commenced, filed, or served in violation of this Chapter.

B. The protections provided by this ordinance shall be available to all tenants, regardless of any agreement wherein a tenant waives or purports to waive their rights under this Ordinance, with any such agreement deemed void as contrary to public policy.

C. A. Violations of Section 13.110.020(C) – (Commercial rent restrictions:)-

1. Violations of this Chapter by a landlord or lender ~~Section 13.110.020(C)~~ may be enforced by an administrative fine of up to \$1,000 pursuant to Chapter 1.28. Each day a ~~commercial property landlord or lender violates this chapter demands rent in excess of the amount permitted pursuant to Section 13.110.020(C)~~ is a separate violation. Each and every day of violation includes each day on which a failure to comply with this ordinance continues. The City may also charge the costs of investigating and issuing any notices of violations, and any hearings or appeals of such notices.

2. Any landlord or lender violating any of the provisions of this ordinance is guilty of a misdemeanor. Each person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance is committed, continued or allowed in conjunction with the Landlord's or Lender's activities with respect to the unit and is punishable accordingly. Each and every day of violation includes each day on which a failure to comply with this ordinance continues. The City Attorney may refer those landlords and lenders in violation ~~violators~~ of this Chapter ~~Section 13.110.020(C)~~ to the Alameda County District Attorney for redress as a violation of this Chapter and/or Business and Professions Code section 17200, et seq. or, if granted permission by the District Attorney, may bring an action pursuant to this Chapter and/or Business and Professions Code section 17200, et seq.

D. The remedies provided by this ordinance are cumulative and in addition to any other remedies available at law or in equity.

13.110.100 Liberal Construction

The provisions of this Chapter shall be liberally construed so as to fully achieve its purpose and provide the greatest possible protections to tenants.

Section 2. Effective Date

This ordinance shall go into effect thirty days from the time of its final passage or February 1, 2021, whichever is later.



Cheryl Davila
Councilmember
District 2

ACTION CALENDAR
November 17, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Contract: Youth Listen Campaign with Voices Against Violence, A Program of the McGee Center for Food, Faith & Justice

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments for the Youth Listen Campaign with Voices Against Violence: A Program of the McGee Center for Food, Faith & Justice, for the period October 15, 2020 through June 15, 2021, for an amount not to exceed \$50,000.

BACKGROUND

Over the past several years, incidents of gun violence in South Berkeley have risen. The targets, shooters and victims have been African-American. Additionally, gun violence has occurred during the middle of the day, exposing toddlers, children, youth and adults who are out in their neighborhoods or sleeping in their beds to the terror of active shootings. Despite these repeated incidents, the City currently has no gun violence prevention or intervention mentoring program to address the immediate need to curtail the violence and take the necessary preventive steps toward healing and change within the community beyond police investigation.

In August of 2019, with limited funding from the University of California Chancellor's Community Partnership Grant, along with a gift from a local family foundation and funding from the Center for Food, Faith & Justice Health and Garden, the Voices Against Violence Program was launched. In its first year, the program served 27 Berkeley Middle and High School Students through weekly after-school sessions with 31 families registered for the program. Youth participated in workshops ranging from violence prevention, identity formation, diversity training, racial justice, art expression, urban gardening and healthy living. Participants were eligible to receive merit-based stipends for attendance, participation and community service projects.

In addition, Voices Against Violence staff recognized that many of our youth arrive hungry with limited or no resources for food which led the program to also include a weekly meal. In mid-March of 2020 the impact of COVID-19 required the program to temporarily shut down. By May 2020, program staff realized that the Pandemic would not end anytime soon and they began re-thinking our strategies to create a program model while the program continued to shelter in

place and still maintain contact with our young people engaging through social distancing as well as video and online technology.

Despite the ongoing challenges of Sheltering in Place, Voices Against Violence recognizes the recent events leading to the Black Lives Matter Uprising for justice and equity means that the population that the program serves is as vulnerable as ever. As Berkeley seeks to re-imagine strategies for community safety, Voices Against Violence is one of the few Black led Berkeley-based programs already working in this area with limited funding and resources from the City of Berkeley. As such, Voices Against Violence seek direct and ongoing funding from the City through the proposed Youth Listen Campaign to support and expand our efforts to continue and serve some of Berkeley's most vulnerable youth and families.

While the number of young people caught up in gun violence is relatively small, their impact is large. With a small investment of resources, Voices Against Violence - A Program of the McGee Center for Food, Faith & Justice, can engage the highest risk young people in stopping gun violence while getting on a path to positive alternatives. Surrounding this small group of highest risk young people are a larger circle of young people who get caught up in the violence or become collateral damage.

FINANCIAL IMPLICATIONS

\$50,000 was allocated in the Mayor's budget to conduct the Youth Listen Campaign, Voices Against Violence would like to include this as part of their program.

ENVIRONMENTAL SUSTAINABILITY

Protecting our communities during this climate and health crisis is an act of environmental sustainability.

CONTACT PERSONS

Cheryl Davila
Councilmember District 2
510.981.7120
cdavila@cityofberkeley.info

ATTACHMENTS:

1. Resolution
2. Contract
3. Program Background, Overview, Objectives and Timeline

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

CONTRACT: VOICES AGAINST VIOLENCE - A PROGRAM OF THE MCGEE CENTER FOR FOOD, FAITH, & JUSTICE - FOR THE YOUTH LISTEN CAMPAIGN

WHEREAS, Over the past several years, incidents of gun violence in South Berkeley have risen. The targets, shooters and victims have been African-American. Additionally, gun violence has occurred during the middle of the day, exposing toddlers, children, youth and adults who are out in their neighborhoods or sleeping in their beds to the terror of active shootings. Despite these repeated incidents, the City currently has no gun violence prevention or intervention mentoring program to address the immediate need to curtail the violence and take the necessary preventive steps toward healing and change within the community beyond police investigation; and

WHEREAS, In August of 2019, with limited funding from the University of California Chancellor's Community Partnership Grant, along with a gift from a local family foundation and funding from the Center for Food, Faith & Justice Health and Garden, the Voices Against Violence Program was launched. In its first year, the program served 27 Berkeley Middle and High School Students through weekly after-school sessions with 31 families registered for the program. Youth participated in workshops ranging from violence prevention, identity formation, diversity training, racial justice, art expression, urban gardening and healthy living. Participants were eligible to receive merit-based stipends for attendance, participation and community service projects; and

WHEREAS, In addition, Voices Against Violence staff recognized that many of our youth arrive hungry with limited or no resources for food which led the program to also include a weekly meal. In mid-March of 2020 the impact of COVID-19 required the program to temporarily shut down. By May 2020, program staff realized that the Pandemic would not end anytime soon and they began re-thinking our strategies to create a program model while the program continued to shelter in place and still maintain contact with our young people engaging through social distancing as well as video and online technology; and

WHEREAS, Despite the ongoing challenges of Sheltering in Place, Voices Against Violence recognizes the recent events leading to the Black Lives Matter Uprising for justice and equity means that the population that the program serves is as vulnerable as ever. As Berkeley seeks to re-imagine strategies for community safety, Voices Against Violence is one of the few Black led Berkeley-based programs already working in this area with limited funding and resources from the City of Berkeley. As such, Voices Against Violence seek direct and ongoing funding from the City through the proposed Youth Listen Campaign to support and expand our efforts to continue and serve some of Berkeley's most vulnerable youth and families; and

WHEREAS, While the number of young people caught up in gun violence is relatively small, their impact is large. With a small investment of resources, Voices Against Violence - A Program of the McGee Center for Food, Faith & Justice, can engage the highest risk young people in stopping gun violence while getting on a path to positive alternatives. Surrounding this small group of highest risk young people are a larger circle of young people who get caught up in the violence or become collateral damage.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments for the Youth Listen Campaign with Voices Against Violence: A Program of the McGee Center for Food, Faith & Justice, for the period October 15, 2020 through June 15, 2021, for an amount not to exceed \$50,000.

PERSONAL SERVICES CONTRACT

THIS CONTRACT is between the CITY OF BERKELEY (“City”), a Charter City organized and existing under the laws of the State of California, and **Rev. Michael Smith** (“Contractor”), a **Pastor and Executive Director** doing business at **McGee Avenue Baptist Church Center for Food, Faith, and Justice** who agree as follows:

1. **SCOPE OF SERVICES**

Contractor agrees to perform all services described in Exhibit A, in accordance with its stated terms and conditions. Exhibit A is attached to and made a part of this Contract.

2. **PAYMENT**

For services referred to in Section 1, City will pay Contractor a total amount not to exceed \$ **50,000**. City shall make payments to Contractor in accordance with the provisions described in Exhibit B, which is attached to and made a part of this Contract.

3. **TERM**

a. This Contract shall begin on **October 15, 2020** and end on **June 15, 2021**. The City Manager of the City may extend the term of this Contract by giving written notice.

b. Either party may terminate this Contract for default upon five (5) days’ written notice to the other if the other party has substantially failed to fulfill any of its obligations under this Contract in a timely manner. City may terminate this Contract at its convenience and without cause upon thirty (30) days written notice to Contractor. Except as provided in this Contract, in no event shall City be liable for costs incurred by or on behalf of Contractor after the effective date of a notice of termination.

c. A written notice is deemed served when a party sends the notice in an envelope addressed to the other party to this Contract and deposits it with the U.S. Postal Service, first class mail, postage prepaid. For purposes of this Contract, all notices to City shall be addressed as follows:

City Manager
City of Berkeley
2180 Milvia Street
Berkeley, California 94704

For purposes of this Contract, all notices to Contractor shall be addressed as follows:

Rev. Michael Smith, Executive Director
McGee Avenue Baptist Church,
Center for Food, Faith and Justice (CFFJ)
1640 Stuart St.
Berkeley, CA 94703]

d. If City terminates this Contract for convenience before Contractor completes the services in Exhibit A, Contractor shall then be entitled to recover its costs expended up to that point plus a reasonable profit, but no other loss, cost, damage, expense or liability may be claimed, requested or recovered.

4. **INDEMNIFICATION**

Contractor, for itself and its heirs, successors and assigns, agrees to release, defend, indemnify and hold harmless City, its officers, agents, volunteers and employees from and against any and all claims, demands, liability, damages, lawsuits or other actions, including, but not limited to, personal injury or death or property damage arising out of or in any way connected with Contractor's operations under this Contract, or with the performance of this Contract by Contractor or its officers, employees, partners, directors, subcontractors or agents.

5. **INSURANCE**

a. Contractor shall maintain at all times during the performance of this Contract a commercial general liability insurance policy with a minimum occurrence coverage in the amount of \$2,000,000 (two million dollars); an automobile liability insurance policy in the minimum amount of \$1,000,000 (one million dollars); and, if any licensed professional performs services under this contract, a professional liability insurance policy in the minimum amount of \$ [redacted] to cover any claims arising out of Contractor's performance of services under this Contract. All insurance, except professional liability, shall name the City, its officers, agents, volunteers and employees as additional insureds and shall provide primary coverage with respect to the City.

All insurance policies shall: 1) provide that the insurance carrier shall not cancel, terminate or otherwise modify the terms and conditions of said policies except upon thirty (30) days written notice to the City's Contract Administrator; 2) be evidenced by the original Certificate of Insurance, specifying the required coverage and the insurance carrier's standard additional insured form endorsement; and 3) be approved as to form and sufficiency by the City's Contract Administrator. **The original insurance certificates and all extensions to the insurance certificates should be sent to the address identified below.**

b. If the commercial general liability insurance referred to above is written on a

Claims Made Form then, following termination of this Contract, coverage shall survive for a period of not less than five years. Coverage shall also provide for a retroactive date of placement coinciding with the effective date of this Contract.

c. If Contractor employs any person, it shall carry workers' compensation and employer's liability insurance and shall provide a certificate of insurance to the City. The workers' compensation insurance shall: 1) provide that the insurance carrier shall not cancel, terminate or otherwise modify the terms and conditions of said insurance except upon thirty (30) days written notice to the City's Contract Administrator; 2) provide for a waiver of any right of subrogation against City to the extent permitted by law; and 3) shall be approved as to form and sufficiency by the Contract Administrator.

d. Contractor shall forward all insurance documents to:

Department Name: [REDACTED]

Department Address: [REDACTED]

6. **CONFORMITY WITH LAW AND SAFETY**

a. Contractor shall observe and comply with all applicable laws, ordinances, codes and regulations of governmental agencies, including federal, state, municipal and local governing bodies having jurisdiction over any or all of the scope of services, including all provisions of the Occupational Safety and Health Act of 1979 as amended, all California Occupational Safety and Health Regulations, and all other applicable federal, state, municipal and local safety regulations. All services performed by Contractor must be in accordance with these laws, ordinances, codes and regulations. Contractor shall release, defend, indemnify and hold harmless City, its officers, agents, volunteers and employees from any and all damages, liability, fines, penalties and consequences from any noncompliance or violation of any laws, ordinances, codes or regulations.

b. If a death, serious personal injury or substantial property damage occurs in connection with the performance of this Contract, Contractor shall immediately notify the City's Risk Manager by telephone. If any accident occurs in connection with this Contract, Contractor shall promptly submit a written report to City, in such form as the City may require. This report shall include the following information: 1) name and address of the injured or deceased person(s); 2) name and address of Contractor's subcontractor, if any; 3) name and address of Contractor's liability insurance carrier; and 4) a detailed description of the accident, including whether any of City's equipment, tools or materials were involved.

c. If a release of hazardous materials or hazardous waste that cannot be controlled occurs in connection with the performance of this Contract, Contractor shall immediately notify the Berkeley Police Department and the City's Health Protection office.

d. Contractor shall not store hazardous materials or hazardous waste within the City of Berkeley without a proper permit from the City.

7. **SAFETY DATA SHEETS**

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

b. City will inform Contractor about hazardous substances to which it may be exposed while on the job site and protective measures that can be taken to reduce the possibility of exposure.

8. **OWNERSHIP OF DOCUMENTS**

a. When this Contract is terminated, Contractor agrees to return to City all documents, drawings, photographs and other written or graphic material, however produced, that it received from City, its contractors or agents, in connection with the performance of its services under this Contract. All materials shall be returned in the same condition as received.

b. Contractor grants City a royalty-free, exclusive and irrevocable license to reproduce, publish, use and to authorize others to do so, all original computer programs, writing, sound recordings, pictorial reproductions, diagrams, charts, computations, drawings and other works of similar nature produced in the course of the performance of this Contract. Contractor shall not publish any such material without the prior written agreement of the City.

c. With the prior written approval of City's Project Manager, Contractor may retain and use copies of its work for reference and as documentation of its experience and capabilities.

9. **NON-DISCRIMINATION**

Contractor hereby agrees to comply with the provisions of Berkeley Municipal Code ("B.M.C.") Chapter 13.26 as amended from time to time. In the performance of this Contract, Contractor agrees as follows:

a. Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age (over 40), sex, pregnancy, marital status, disability, sexual orientation or AIDS.

b. Contractor shall permit the City access to records of employment, employment advertisements, application forms, EEO-1 forms, affirmative action plans and any other documents which, in the opinion of the City, are necessary to monitor compliance with this non-discrimination provision. In addition, Contractor shall fill-out, in a timely fashion, forms supplied by the City to monitor this non-discrimination provision.

10. **INDEPENDENT CONTRACTOR**

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

b. Direction from City regarding the subject of this Contract shall be construed as

providing for direction as to policy and the result of Contractor's Work only and not as to the means or methods by which such a result is obtained.

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

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

11. **CONFLICT OF INTEREST PROHIBITED**

a. In accordance with Government Code section 1090, Berkeley City Charter section 36 and B.M.C. Chapter 3.64, neither Contractor nor any employee, officer, director, partner or member of Contractor, or immediate family member of any of the preceding, shall have served as an elected officer, an employee, or a City board, committee or commission member, who has directly or indirectly influenced the making of this Contract.

b. In accordance with Government Code section 1090 and the Political Reform Act, Government Code section 87100 *et seq.*, no person who is a director, officer, partner, trustee, employee or consultant of the Contractor, or immediate family member of any of the preceding, shall make or participate in a decision made by the City or a City board, commission or committee, if it is reasonably foreseeable that the decision will have a material effect on any source of income, investment or interest in real property of that person or Contractor.

c. Interpretation of this section shall be governed by the definitions and provisions used in the Political Reform Act, Government Code section 87100 *et seq.*, its implementing regulations, manuals and codes, Government Code section 1090, Berkeley City Charter section 36 and B.M.C. Chapter 3.64.

12. **NUCLEAR FREE BERKELEY**

Contractor agrees to comply with B.M.C. Chapter 12.90, the Nuclear Free Berkeley Act, as amended from time to time.

13. **OPPRESSIVE STATES CONTRACTING PROHIBITION**

a. In accordance with Resolution No. 59,853-N.S., Contractor certifies that it has no contractual relations with, and agrees during the term of this Contract to forego contractual relations to provide personal services to, the following entities:

- (1) The governing regime in any Oppressive State.
- (2) Any business or corporation organized under the authority of the governing

regime of any Oppressive State.

- (3) Any individual, firm, partnership, corporation, association, or any other commercial organization, and including parent-entities and wholly-owned subsidiaries (to the extent that their operations are related to the purpose of its contract with the City), for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

b. For purposes of this Contract, the Tibet Autonomous Region and the provinces of Aho, Kham, and U-Tsang shall be deemed oppressive states.

c. Contractor's failure to comply with this section shall constitute a default of this Contract and City may terminate this Contract pursuant to Section 3. In the event that the City terminates Contractor due to a default under this provision, City may deem Contractor a non-responsible bidder for not more than five (5) years from the date this Contract is terminated.

14. **SANCTUARY CITY CONTRACTING**

Contractor hereby agrees to comply with the provisions of the Sanctuary City Contracting Ordinance, B.M.C. Chapter 13.105. In accordance with this Chapter, Contractor agrees not to provide the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security with any Data Broker or Extreme Vetting Services as defined herein:

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

cybersecurity events and cyber-forensic based investigations and prosecutions of illegal computer based activity.

15. **RECYCLED PAPER FOR WRITTEN REPORTS**

If Contractor is required by this Contract to prepare a written report or study, Contractor shall use recycled paper for said report or study when such paper is available at a cost of not more than ten percent more than the cost of virgin paper, and when such paper is available at the time it is needed. For the purposes of this Contract, recycled paper is paper that contains at least 50% recycled product. If recycled paper is not available, Contractor shall use white paper. Written reports or studies prepared under this Contract shall be printed on both sides of the page whenever practical.

16. **BERKELEY LIVING WAGE ORDINANCE**

a. Contractor hereby agrees to comply with the provisions of the Berkeley Living Wage Ordinance, B.M.C. Chapter 13.27. If Contractor is currently subject to the Berkeley Living Wage Ordinance, as indicated by the Living Wage Certification form, attached hereto, Contractor will be required to provide all eligible employees with City mandated minimum compensation during the term of this Contract, as defined in B.M.C. Chapter 13.27, as well as comply with the terms enumerated herein. Contractor expressly acknowledges that, even if Contractor is not currently subject to the Living Wage Ordinance, cumulative contracts with City may subject Contractor to the requirements under B.M.C. Chapter 13.27 in subsequent contracts.

b. If Contractor is currently subject to the Berkeley Living Wage Ordinance, Contractor shall be required to maintain monthly records of those employees providing service under the Contract. These records shall include the total number of hours worked, the number of hours spent providing service under this Contract, the hourly rate paid, and the amount paid by Contractor for health benefits, if any, for each of its employees providing services under the Contract. These records are expressly subject to the auditing terms described in Section 17.

c. If Contractor is currently subject to the Berkeley Living Wage Ordinance, Contractor shall include the requirements thereof, as defined in B.M.C. Chapter 13.27, in any and all subcontracts in which Contractor engages to execute its responsibilities under this Contract. All subcontractor employees who spend 25% or more of their compensated time engaged in work directly related to this Contract shall be entitled to a living wage, as described in B.M.C. Chapter 13.27 and herein.

d. If Contractor fails to comply with the requirements of this Section, the City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

Contractor's failure to comply with this Section shall constitute a material breach

of the Contract, upon which City may terminate this Contract pursuant to Section 3. In the event that City terminates Contractor due to a default under this provision, City may deem Contractor a non-responsible bidder for not more than five (5) years from the date this Contract is terminated.

In addition, at City's sole discretion, Contractor may be responsible for liquidated damage in the amount of \$50 per employee per day for each and every instance of an underpayment to an employee. It is mutually understood and agreed that Contractor's failure to pay any of its eligible employees at least the applicable living wage rate will result in damages being sustained by the City; that the nature and amount of the damages will be extremely difficult and impractical to fix; that the liquidated damage set forth herein is the nearest and most exact measure of damage for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty or forfeiture for Contractor's breach. City may deduct any assessed liquidated damages from any payments otherwise due Contractor.

17. **BERKELEY EQUAL BENEFITS ORDINANCE**

a. Contractor hereby agrees to comply with the provisions of the Berkeley Equal Benefits Ordinance, B.M.C. Chapter 13.29. If Contractor is currently subject to the Berkeley Equal Benefits Ordinance, as indicated by the Equal Benefits Certification form, attached hereto, Contractor will be required to provide all eligible employees with City mandated equal benefits, as defined in B.M.C. Chapter 13.29, during the term of this contract, as well as comply with the terms enumerated herein.

b. If Contractor is currently or becomes subject to the Berkeley Equal Benefits Ordinance, Contractor agrees to provide the City with all records the City deems necessary to determine compliance with this provision. These records are expressly subject to the auditing terms described in Section 17 of this contract.

c. If Contractor fails to comply with the requirements of this Section, City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

Contractor's failure to comply with this Section shall constitute a material breach of the Contract, upon which City may terminate this contract pursuant to Section 3. In the event the City terminates this contract due to a default by Contractor under this provision, the City may deem Contractor a non-responsible bidder for not more than five (5) years from the date this Contract is terminated.

In addition, at City's sole discretion, Contractor may be responsible for liquidated damages in the amount of \$50.00 per employee per day for each and every instance of violation of this Section. It is mutually understood and agreed that Contractor's failure to provide its employees with equal benefits will result in damages being sustained by City; that the nature and amount of these damages will be extremely difficult and impractical to fix; that the liquidated

damages set forth herein is the nearest and most exact measure of damages for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty or forfeiture for Contractor's breach. City may deduct any assessed liquidated damages from any payments otherwise due Contractor.

18. **AUDIT**

Pursuant to Section 61 of the Berkeley City Charter, the City Auditor's Office may conduct an audit of Contractor's financial, performance and compliance records maintained in connection with the operations and services performed under this Contract. In the event of such audit, Contractor agrees to provide the City Auditor with reasonable access to Contractor's employees and make all such financial, performance and compliance records available to the Auditor's Office. City agrees to provide Contractor an opportunity to discuss and respond to any findings before a final audit report is filed.

19. **SETOFF AGAINST DEBTS**

Contractor agrees that City may deduct from any payments due to Contractor under this Contract any monies that contractor owes City under any ordinance, contract or resolution for any unpaid taxes, fees, licenses, unpaid checks or other amounts.

20. **CONFIDENTIALITY OF INFORMATION**

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

21. **PREVAILING WAGES**

Certain labor categories under this contract may be subject to prevailing wages as identified in the State of California Labor Code commencing with Sections 1720 et. seq. and 1770 et. seq. These labor categories, when employed for any "work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work," constitute a "Public Work" within the definition of Section 1720(a)(1) of the California Labor Code requiring payment of prevailing wages. In performing its obligations under this contract, Contractor is solely responsible to determine which, if any, of the work is governed by a labor category pursuant to California Labor Code sections 1720 et. seq. and 1770 et. seq. and pay the pertinent prevailing wage. Contractor shall defend,

indemnify and hold harmless City concerning any liability arising out of Labor Code section 1720 et. seq. and 1770 et. seq.

22. **GOVERNING LAW**

This Contract shall be deemed to have been executed in Alameda County. The formation, interpretation and performance of this Contract shall be governed by the laws of the State of California, excluding its conflict of laws rules. Venue for all litigation relative to the formation, interpretation and performance of this Contract shall be in Alameda County, California.

23. **AMENDMENTS**

The terms and conditions of this Contract shall not be altered or otherwise modified except by a written amendment to this Contract executed by City and Contractor.

24. **ENTIRE CONTRACT**

a. The terms and conditions of this Contract, all exhibits attached and any documents expressly incorporated by reference represent the entire Contract between the parties with respect to the subject matter of this Contract. This Contract shall supersede any and all prior contracts, oral or written, regarding the subject matter between City and Contractor. No other contract, statement, or promise relating to the subject matter of this Contract shall be valid or binding except by a written amendment to this Contract.

b. If any conflicts arise between the terms and conditions of this Contract and the terms and conditions of the attached exhibits or any documents expressly incorporated, the terms and conditions of this Contract shall control.

25. **SEVERABILITY**

If any part of this Contract or the application thereof is declared invalid for any reason, such invalidity shall not affect the other provisions of this Contract which can be given effect without the invalid provision or application, and to this end the provisions of this Contract are declared to be severable.

26. **WAIVER**

Failure of City to insist on strict performance shall not constitute a waiver of any of the provisions of this Contract or a waiver of any other default of Contractor.

27. **ASSIGNMENT**

Contractor may not assign this Contract without the prior written consent of the City, except that Contractor may assign its right to any money due or to become due hereunder.

28. **EFFECT ON SUCCESSORS AND ASSIGNS**

This Contract shall be binding on and inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties hereto.

29. **CONSULTANTS TO SUBMIT STATEMENTS OF ECONOMIC INTEREST**

The City’s Conflict of Interest Code, Resolution No. 60,788-N.S., as amended, requires consultants who make a governmental decision or act in a staff capacity as defined in 2 Cal. Code of Regs. §18700, as amended from time to time, to disclose conflicts of interest by filing a Statement of Economic Interest (Form 700). Consultants agree to file such statements with the City Clerk at the beginning of the contract period and upon termination of the Contractor’s service.

30. **SECTION HEADINGS**

The sections and other headings of this Contract are for convenience of reference only and shall be disregarded in the interpretation of this Contract.

31. **CITY BUSINESS LICENSE, PAYMENT OF TAXES, TAX I.D. NUMBER**

Contractor has obtained a City business license as required by B.M.C. Chapter 9.04, and its license number is written below; or, Contractor is exempt from the provisions of B.M.C. Chapter 9.04 and has written below the specific B.M.C. section under which it is exempt. Contractor shall pay all state and federal income taxes and any other taxes due. **Contractor certifies under penalty of perjury that the taxpayer identification number written below is correct.**

Business License Number [redacted]
B.M.C. § [redacted]
Taxpayer ID Number [redacted] 94-2184326

IN WITNESS WHEREOF, City and Contractor have executed this Contract as of the date first mentioned above.

CITY OF BERKELEY

By: _____
City Manager

Pre-approved as to form
CITY ATTORNEY
10/2019

Registered on behalf
of the City Auditor by: _____
Finance Department

Attest by: _____
City Clerk

CONTRACTOR

Printed Name: _____
Rev. Michael Smith

By: _____
McGee Avenue Baptist Church,
Center for Food, Faith and Justice

Title: _____
Senior Pastor, Executive Director

Tax Identification #

94-2184326 _____

Berkeley Business License # _____

Incorporated: Yes • No •

Certified Woman Business Enterprise: Yes • No •

Certified Minority Business Enterprise: Yes • No •

If yes, state ethnicity: African

American _____

Certified Disadvantaged Business Enterprise: Yes • No •

EXHIBIT A

SCOPE OF SERVICES

EXHIBIT B

PAYMENT



Voices Against Violence

A Program of the McGee Center for Food, Faith & Justice

Background

Over the past several years incidents of gun violence in South Berkeley has risen. The targets, shooters and victims have been African-American. Additionally, the gun violence has occurred during the middle of the day, exposing toddlers, children, youth and adults who are out in their neighborhoods or sleeping in their beds to the terror of active shootings. Despite these repeated incidents, Berkeley currently has no gun violence prevention or intervention mentoring program to address the immediate need to curtail the violence and take the necessary preventive steps toward healing and change within the community beyond police investigation.

While the number of young people caught up in gun violence is relatively small, their impact is large. With a small investment of resources, we can engage the highest risk young people in stopping the gun violence while getting on a path to positive alternatives. Surrounding this small group of highest risk young people are a larger circle of young people who get caught up in the violence or become collateral damage. Beyond that is the impact on the overall safety and well-being of their families and the communities in which they live or visit.

In August of 2019, with limited funding from a UC Chancellor's Community Partnership Grant and a gift from a local family foundation in addition CFFJ Health and Garden funds we began the Voices of Violence Program. In year 1 we served 27 Berkeley Middle and High School Students through weekly after-school sessions. Youth participated in workshops ranging from violence prevention, Identity formation, diversity training, racial justice, Art expression, urban gardening and healthy living. Participants were eligible to receive merit-based stipends for attendance, participation and community service projects .

In addition, the program recognized that many of our youth arrive hungry with limited or no resources for food which led the program to also include a weekly meal. Unfortunately, in mid-March of 2020 the impact of COVID-19 required the program to temporarily shut down. By May we realized that the Pandemic would end anytime soon and we began re-thinking our strategies to create a program model while we continue to shelter in place and still main contact with our young people engaging through social distancing as well as video and online technology.

As we begin year 2 despite the ongoing challenges of Sheltering in Place we recognize the recent events leading to the Black Lives Matter Uprising for justice and equity means that the population that we serve is a vulnerable as ever. As Berkeley seeks to re-imagine strategies for community safety the Voice Against Violence Program is one of the few Black led Berkeley-

based programs already working in this area with limited funding and resources the City of Berkeley. As such, we seek direct and ongoing funding from the City through the proposed Youth Listen Campaign to support and expand our efforts to continue and serve some of Berkeley's most vulnerable youth and families.

Program Overview

The Voices Against Violence Program is led by Pastor Michael A. Smith who brings nearly of 30 years of experience in the fields of youth development and non-profit leadership along with Lorenzo Grayson, Reverend Angela Jernigan and our Community Healing Liaison, Scott Blake who brings nearly 20 years of experience and training in gun and gang violence reduction strategies. Similarly, Mr. Blake and Voices Against Violence Team will work directly with 2 Community Peace Ambassadors(CPA) and 7-10 volunteer mentors from South and West Berkeley to implement hybrid elements of the Ceasefire a data-driven violence-reduction strategy coordinating law enforcement, social services, and the community.

Our CPA's will work with the Community Liaison to identify and recruit 50 high-risk middle and high school students in South and West Berkeley in order to create positive opportunities for young people while also establishing circles of trust around potential areas and individuals within the community that have the potential to escalate thus putting young people and the community at-large at risk. In addition to participating in workshops, focus groups and restorative circles led by the The Haas Institute and Live Free, middle and high school students will have opportunities to participate in and/or lead several special events throughout the year while also being eligible to receive other incentives.

The Community Liaison will meet with the Voices Against Violence CPA's weekly to keep the program aware of potential areas of conflict through social media postings, individual or small group meetings and contacts with police, probation, schools and other community-based organizations. To understand the overall impact of the Voices Against Violence Program we will also engaged in 3- tiered program Evaluation of our 5 program objectives to understand the both empirical and anecdotal data throughout the grant cycle.

Additionally, understanding that life-skills development, employment training and trauma-informed care are critical elements in combating systemic violence the Voices Against Violence Program will recruit, train and certify 6 of the most vulnerable youth and young adults in South and West Berkeley ages 17-24 to participate in two 7-week Pre-Employment Training Programs through McGee's Center for Food, Faith & Justice. Upon completion of each 7-week cycle participants will receive a \$600 Stipend. Participants will also receive ongoing Life-Skills Training through Live-Free, CFFJ, BYA and Young Lives Matter in the areas of conflict resolution, communication skill, restorative justice, mental trauma and positive minds designed to support young people transitioning toward more positive, safe and healthy lifestyles.

Social Distancing Workshops and On-Farm Training in the Time of COVID-19

As The City of Berkeley, Alameda County and the nation continues to grapple with the current realities of sheltering in place CFFJ and Voices Against Violence continues to adapt to the dynamic needs of vulnerable communities in order to increase and sustain impact. In order to continue effective service delivery to youth participants and families in Berkeley we will use online medium including Zoom, YouTube and Facebook Live to deliver weekly workshops on violence prevention, racial justice, arts and crafts, urban agriculture, community food security, culinary instruction and local as well as nation issues of youth voice, inclusion and equity.

Due to social distancing requirements we will limit in-person sessions and classes to no more than 15 participants in one room while observing all social distancing regulations while also using required Personal Protection Equipment (PPE) for all staff, participants and students. This

reality means that our hands-on approach will also include at-home interviews, podcasts, art and garden projects while delivering relevant content and instruction through video and online technology. In order to ensure all participants complete the program we are staggering the days with Group A participating on a Monday-Wednesday schedule and Group B participating on Tuesday-Thursday. Subsequently, we are also including virtual violence prevention and anti-racism workshops, arts shows, cooking classes and urban gardens tours in the region.

Program Objectives

The Voices Against Violence Program will achieve 5 major outcomes over the course of the program and Based on our Project Timeline

1. Centralize violence prevention and mentoring efforts through a trained Community Healing Liaison who is acquainted with many of the most challenged young people in South and West Berkeley along with two Community Peace Ambassadors who will serve to connect young people to local services while working with with appropriate parts of the City of Berkeley, the Berkeley Unified School District(BUSD) and other community organizations to reduce gun violence, promote positive minds and create safer more livable communities for the young people and the Berkeley community as a whole. **(July 2020-June 2021)**
2. Partner with the BUSD Office of Family Engagement, as well as UC Berkeley Journalism Department and The Other and Belonging Institute to highlight and follow the stories of 30 high-risk Berkeley youth through a Youth-Led Podcast and Listening Campaign to understand the impact of COVID-19 and Sheltering in Place as well the killings of George Floyd, Breona Taylor, Ahmad Auberry and the Black Lives Matter Movement on the lives and families of participants. **(August 2020-June 2021)**
3. Incubate a trained Support Network of youth-led Social Media Initiatives in South and West Berkeley including a Berkeley United Gathering against Gun Violence **Party(September 2020)**, TheTears and Testimony for Healing Art and Poetry Slam **(February 2021)** and The Black, Green & Traumatized Earth Day Symposium on Food Sovereignty and Climate Justice**(April 2021)**.
4. Target 12 of the most vulnerable youth and young adults in South and West Berkeley through Life-Skills and Pre-Employment Training through CFFJ Urban Garden and Culinary Program **(July 2020-June 2021)**.
5. Train an additional 30 High-Risk Berkeley Youth and Young Adults in researched-based Violence Prevention Strategies Through Live Free and the UC Berkeley Other and Belonging Institute. Parents of high-risk youth will receive training and support services through McGee CFFJ Soulful Parenting Support Initiative a 9-week parenting series designed to connect Parents of vulnerable youth with resources and strategies to redirect young people engaging or at-risk for gun or gang activity.**(September 2020-June 2021)**



Office of the City Manager

INFORMATION CALENDAR

November 17, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Teresa Berkeley-Simmons, Budget Manager

Subject: FY 2020 Year-End Results and FY 2021 First Quarter Budget Update

INTRODUCTION

This budget update presents the FY 2020 Year-End (Year-End) results as well as reports on the FY 2021 First Quarter. The FY 2020 Year-End budget summary covers the period starting July 1, 2019, through June 30, 2020 (FY 2020). This report also provides preliminary revenue information for the first quarter of the current fiscal year, 2021. The FY 2021 First Quarter Budget Update covers the period July 1, 2020, through September 30, 2020. The FY 2020 General Fund Year-End balance was \$40.1 million. Amounts restricted, committed, and assigned totaled \$35.6 million. Allocations to the General Fund reserves totaled \$1.75 million¹. The amount of Unassigned Excess Equity totaled \$2.75 million.

The information in this report should be reviewed in conjunction with the Amendment to the FY 2021 Annual Appropriations Ordinance (AAO) also on tonight's agenda. The AAO#1 establishes the expenditure limits by fund for FY 2021. The adopted budget is amended annually to reflect the re-appropriation of prior year funds for contractual commitments (i.e. encumbrances) as well as unencumbered carryover of unexpended funds previously authorized for one-time, non-recurring purposes. These budget modifications are presented to the Council twice a year in the form of an AAO. The first AAO is on tonight's agenda. The second and final AAO will go to Council in May 2021.

Included on tonight's agenda is the First Amendment to the FY 2021 Annual Appropriations Ordinance report (AAO#1). The information included in this Year-End report is supplemented by the detailed information included in the AAO#1. Recommendations in the AAO#1 augments the adopted General Fund budget by \$16.1 million. The \$16.15 million includes encumbrances of \$7.19 million, unencumbered carry-over requests of \$5.41 million, and adjustments of \$3.55 million.

¹ Starting in FY 2018, to achieve the City's intermediate and long-term Reserves goals, 50% of Excess Equity above the first \$1M is allocated to Reserves. The General Fund Reserve consists of the total of the Stability Reserve and the Catastrophic Reserve.

CURRENT SITUATION AND ITS EFFECTS**FY 2020 Year-End Summary**General Fund

On June 25, 2019, the City Council adopted the FY 2020 budget (Adopted Budget).² The FY 2020 adopted General Fund revenues were \$197.0 million. The actual FY 2020 year-end General Fund revenues were \$220.4 million.

Included in the FY 2020 Adopted Budget were General Fund expenditures of \$196.9 million. During the fiscal year, there were three Adjustments to the Appropriation Ordinance totaling \$33.9 million, thus the total FY 2020 General Fund adjusted expenditure budget was \$230.8 million³. At the end of FY 2020, \$7.2 million was encumbered and rolled into FY 2021 resulting in an FY 2020 year-end adjusted expenditure budget of \$223.6. Not all of the budgeted funds were expended in FY 2020, so the FY 2020 year-end actual General Fund expenditures were \$219.0 million.

Revenues

At FY 2020 year-end, actual General Fund revenues were \$220.4 million. This was \$23.4 million above the adopted budget of \$197.0 million. The largest contributors to the revenue increase were Property Transfer Tax, which exceeded the budgeted amount by \$9.6 million⁴, Measure P – Transfer Tax⁵, which exceeded the budgeted amount by \$8.0 million, and Business License Tax generated from Measure U1 – Rental Unit Business License Tax⁶, which exceeded the budgeted amount by \$4.6 million. Together, these three revenue streams generated \$22.2 million above the FY 2020 adopted revenues for the General Fund.

Details on the FY 2020 General Fund revenues can be found in Attachment 1.

Expenditures

Actual FY 2020 General Fund expenditures were \$219.0 million. This was \$22.1 million above the initial adopted budget of \$196.9 million and \$4.6 million below the adjusted budget of \$223.6 million.

The actual General Fund expenditures came in below the adjusted budget due to salary savings in many departments. FY 2020 General Fund salary savings were \$4.8 million.

² https://www.cityofberkeley.info/Clerk/City_Council/2019/06_June/Documents/2019-06-25_Item_39_FY_2020_and_FY_2021_Biennial_Budget.aspx (Items #39 & #40)

³ https://www.cityofberkeley.info/Clerk/City_Council/2020/05_May/Documents/2020-05-12_Item_02_Amendment_FY_2020_Annual.aspx (Item #1, Exhibit A)

⁴ This amount will be reduced to \$9.2 million for the payment to the Workers Compensation Fund for the purchase of the University Avenue property

⁵ https://www.cityofberkeley.info/Clerk/Elections/Ballot_Measure_Archive_Page.aspx

⁶ Business License Tax of five or more units (U1)

In addition, there were funds for several projects that were budgeted but not completed in FY 2020. Funding allocations for ongoing projects are being carried over to FY 2021.

Details of the variances are included in Attachment 2 of this report.

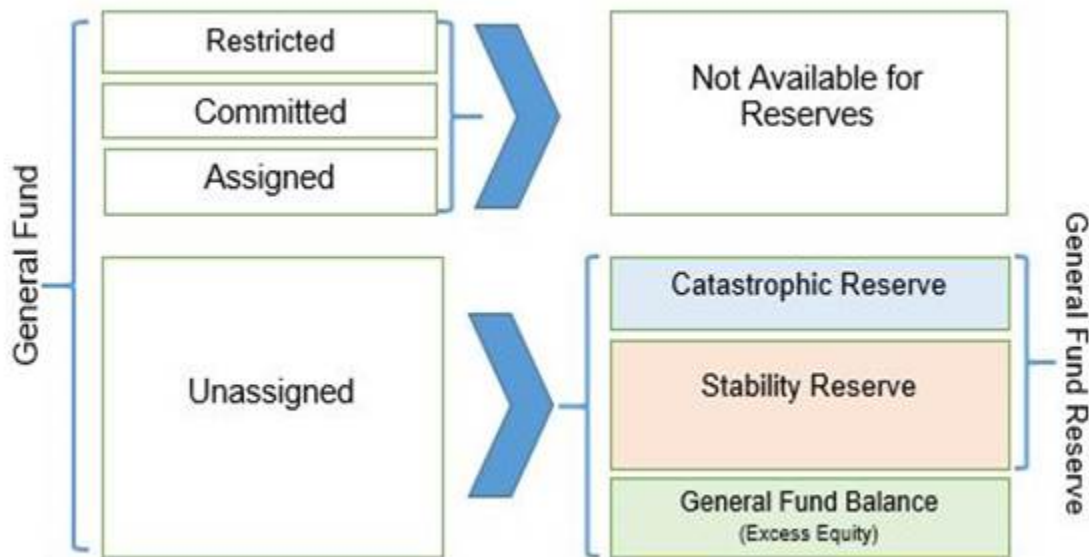
Details of the carryover requests are included in the AAO#1 on tonight's agenda.

Excess Equity

Starting in FY 2018 to achieve the City's intermediate and long-term General Fund Reserves goals, 50% of Excess Equity above the first \$1 million is allocated to General Fund Reserves. The chart below illustrates the FY 2020, \$1.75 million reserve calculation as well as the \$2.75 million calculation for the unassigned excess equity.

GENERAL FUND EXCESS EQUITY CALCULATION			
FY 2020 Beginning Balance		\$	38,777,804
FY 2020 Revenues		\$	220,364,309
FY 2020 Expenditures			(219,015,176)
Available Balance		\$	40,126,937
Less:			
Excess Property Transfer Tax Revenue*		\$	(9,188,555)
Measure U1 Fund Balance		\$	(10,017,583)
Measure P Fund Balance		\$	(9,859,779)
G. F. Encumbrances (AAO #1)		\$	(7,191,365)
G.F. Carryover & Other Adjustments (AAO #1)		\$	(8,551,265)
Total Restricted & Carryovers		\$	(35,619,992)
FY 2020 Available Excess Equity		\$	4,506,945
Allocation to Reserves		\$	1,753,473
Excess Equity Balance		\$	2,753,473
<i>*Policy can be suspended by Council to address FY 2021 funding priorities. Amount reduced by \$406,952 to repay loan to the Workers Compensation fund for the purchase of Premier Cru included in AAO#1.</i>			

The calculation for excess equity is documented in the graphic below.



The graphic above shows the relation between excess equity as well as other restricted, committed, and assigned General Fund monies.

- The restricted fund balance category includes amounts that can be spent only for the specific purposes stipulated by constitution, external resource providers, or through enabling legislation.
- The committed fund balance classification includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority.
- Amounts in the assigned fund balance classification are intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or committed.
- Unassigned fund balance is the residual classification for the government's general fund and includes all spendable amounts not contained in the other classifications

General Fund Reserve

The General Fund Reserve is distinctly separate from the General Fund Balance (Excess Equity). On January 24, 2017, the City Council established [Resolution No. 67,821](#) – N.S., a policy for the General Fund Reserves.⁷ The General Fund reserves are comprised of two elements: a Stability Reserve and a Catastrophic Reserve.

The Stability Reserve was established to mitigate the loss of service delivery and financial risks associated with unexpected revenue shortfalls during a single fiscal year or during a prolonged recessionary period. The purpose of the Stability Reserve is to provide fiscal stability in response to unexpected downturns or revenue shortfalls. Fifty-five percent of the General Fund Reserve is allocated to the Stability Reserve.

The Catastrophic Reserve was established to sustain the General Fund operations in the case of a public emergency such as a natural disaster or other catastrophic event. The Catastrophic Reserve may be used to respond to extreme onetime events, such as earthquakes, fires, floods, civil unrest, and terrorist attacks. Forty-five percent of the General Fund Reserve is allocated to the Catastrophic Reserve.

When the Council adopted the General Fund Reserve Policy the target level established for the Reserve was a minimum of 13.8% of Adopted General Fund Revenues with an Intermediate Goal of a minimum of 16.7% by the end of Fiscal Year 2020, if financially feasible. In addition, the Council adopted a Long-Term Goal of 30% of General Fund revenues, to be achieved within no more than 10 years. The Council demonstrated their commitment to these goals in the policy by assigning 50% of the General Fund Excess Equity above the first \$1 million to be allocated to Reserves. Additional Excess Equity may be allocated to Reserves by a majority vote of the Council. As part of the FY 2021 Mid-Biennial Budget Adoption, the Council approved the use of approximately \$11.4 million to help balance the General Fund deficit. The chart directly below illustrates the use of these reserves and the FY 2020 allocation of the \$1.75 million distributed to the General Fund Reserves, resulting in an actual Reserves level of 12.69%⁸.

General Fund Reserves	Stability Reserve	Catastrophic Reserve	Reserve %
Beginning Cash Balance -	\$ 20.89	\$ 16.91	
Use of Reserves to balance FY 2021 Budget	\$ (6.90)	\$ (4.50)	
FY 2020 Allocation to Reserves	\$ 0.96	\$ 0.79	
% Allocation	55%	45%	
Reserve Balance	\$ 14.95	\$ 13.20	
Reserved for Camps Fund - Tuolumne Camp		\$ (3.30)	
Ending Cash Balance - Reserves	\$ 14.95	\$ 9.90	12.69%

⁷ <https://www.cityofberkeley.info/recordsonline/export/17153922.pdf>

⁸ Based on the FY 2021 Adopted General Fund Revenues of \$195.8 million.

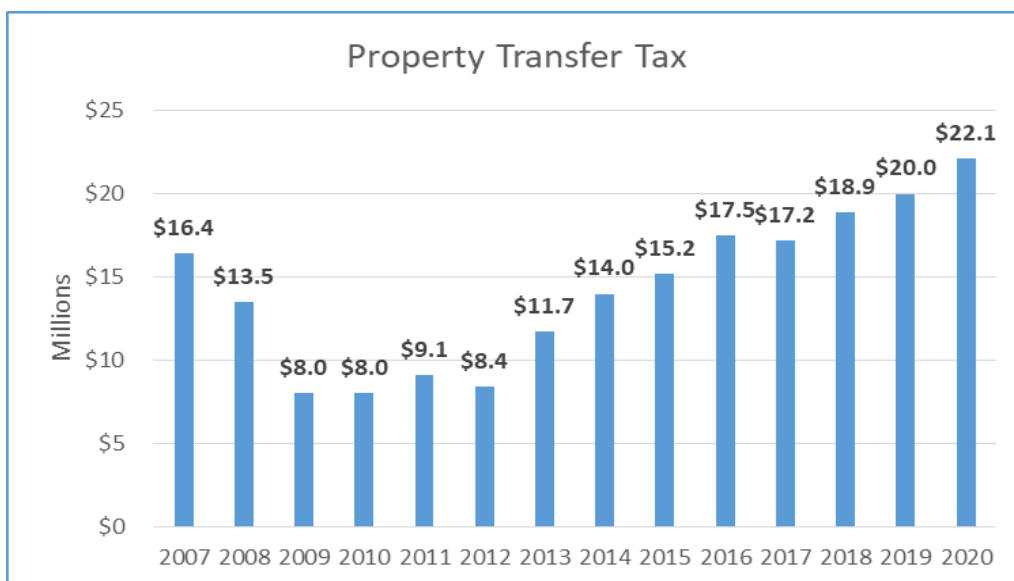
The allocations to the General Fund reserves are not included in AAO#1.

Funding for Capital Improvements

Property Transfer Tax

One of Council’s fiscal policies stipulates that the Property Transfer Tax in excess of the \$12.5 million operating baseline will be treated as one-time revenue to be used for the City’s capital infrastructure needs.

The chart below documents the historical trend of the City’s Property Transfer Tax from FY 2007 through FY 2020.



In FY 2020 the Property Transfer Tax included in the Adopted Budget was \$12.5 million. By year-end, the actual Property Transfer Tax was \$22.1 million. This is \$9.6 million over the \$12.5 million operating baseline threshold established by Council.

Of the \$9.6 million in excess Property Transfer Tax, \$406,952 is being allocated for a transfer to the Workers’ Compensation Fund to repay the loan for purchase of Premier Cru. The balance of \$9.2 million can be transferred to the Capital Improvement Fund or Council can suspend the policy to use these funds for FY 2021 funding priorities.

Measure U1 and Measure P

In November 2018 voters approved the passage of Measure P and in November 2016 the voters approved the passage of Measure U1. Measure P increased funding for general municipal purposes such as navigation centers, mental health support, rehousing and other services for the homeless, including homeless seniors and youth.

Measure U1 also makes available funding to support affordable housing. Although these are general fund revenues, the City tracks these revenue streams separately as Council has assigned these funds to homeless services and affordable housing.

The charts below summarize FY 2020 Measure U1 and Measure P revenues and expenditures.

Measure U1	
FY 2020 Beginning Measure U1 Balance	\$ 8,994,778
FY 2020 U1 Revenues	\$ 5,597,359
FY 2020 U1 Expenditures	\$ 3,574,554
FY 2020 U1 Funds for Berkeley Relief Fund	\$ 1,000,000
FY 2020 Ending U1 Fund Balance*	\$ 10,017,583
*U1 FY 2020 Ending Fund Balance will be transferred from the General Fund to new U1 Fund in FY 2021.	
Measure P	
FY 2020 Beginning Measure P Balance	\$ 2,932,313
FY 2020 Measure P Revenues	\$ 9,512,603
FY 2020 Measure P Expenditures	\$ 985,137
FY 2020 Measure P Funds for Berkeley Relief Fund	\$ 1,600,000
FY 2020 Ending Measure P Balance	\$ 9,859,779

Below are the FY 2021 preliminary calculations for Measure U1 and Measure P.

FY 2021 Beginning Measure U1 Balance	\$10,017,583
FY 2021 U1 Revenues	\$ 2,700,000
FY 2021 U1 Appropriated & Planned Expenditures	\$ 9,959,856
FY 2021 Projected Ending U1 Fund Balance	\$ 2,757,727
Measure P	
FY 2021 Beginning Measure P Balance	\$ 9,859,779
FY 2021 Measure P Revenues	\$ 4,747,414
FY 2021 Permanent Local Housing Allocation	\$ 1,000,000
FY 2021 Measure P Appropriated & Planned Expenditures	\$10,469,224
FY 2021 Ending Measure P Balance	\$ 5,137,969

A discussion on these funds information on these funds was held with the Budget & Finance Policy Committee on November 12, 2020.

Workers' Compensation Repayment for Purchase of University Avenue Property
The City appropriated \$6.7 million from the Workers' Compensation Fund for the Acquisition of Real Property at 1001 University Avenue, 1007 University Avenue, 1011 University Avenue, and 1925 Ninth Street (formerly Premier Cru) with the purpose of redeveloping the majority of the site for below market-rate housing. In addition, a portion of the property was identified for use as an interim City Council Chamber with a seating capacity of 150-200 persons. Meetings of the City Council, the Rent Board, and the Zoning Adjustments Board would utilize the interim Council Chamber.⁹

Proposed repayment to the Worker's Compensation fund was to be made with revenue generated from a combination of the Business License Tax of five or more units (U1) and excess Property Transfer Tax. The proposed repayment schedule is illustrated below.

Summary of Proposed Funds for Repayment

Total Purchase Price: \$6,650,000

Repayment Source	Principal Repayment Amount	Percent of Purchase Price
General Fund Excess Property Transfer Tax	\$ 2,000,000	30%
Measure U1 Business Tax Revenue	\$ 4,650,000	70%

Annual Repayment Amounts by Source (with interest)

Total Repayment Amount: \$6,765,575

Repayment Source	General Fund Excess Property Transfer Tax*	Measure U1 Business Tax Revenue**
FY 2017-18	406,952	946,163
FY 2018-19	406,952	946,163
FY 2019-20	406,952	946,163
FY 2020-21	406,952	946,163
FY 2021-22	406,952	946,163
Total	\$2,034,760	\$4,730,815

* Total General Fund excess Property Transfer Tax has averaged \$5.8 million over the last two years.

** Total Measure U1 Business Tax revenue is estimated at \$3 million annually.

Included in the AAO#1 on tonight's agenda is a \$406,952 General Fund allocation to repay the Workers' Compensation Fund for the portion of the property that will be used for the Council Chambers. The FY 2021 U1 funds for the \$946,163 payment were appropriated in the new Measure U1 Fund as part of the FY 2021 Mid-Biennial Budget Adoption.

⁹ https://www.cityofberkeley.info/Clerk/City_Council/2017/03_Mar/City_Council_03-28-2017_-_Regular_Meeting_Agenda.aspx (Item #32)

Other Funding Needs For Council's Consideration**Excess Transfer Occupancy Tax (Short Term Rentals)**

Included in Council's fiscal policies is the methodology to allocate General Fund revenues generated from Short Term Rentals. Starting in FY 2019, staff costs as approved by the City Council that exceed the enforcement fees and penalties shall be appropriated from the short term rental taxes collected pursuant to BMC Section 23C.22.050, Section H, with primary allocation of the rental tax to the purposes listed below:

- Two thirds (66.7%) allocated to the Affordable Housing Trust Fund.
- One third (33.3%) allocated to the Civic Arts Grant Fund.

On February 27, 2020, the Budget & Finance Policy Committee approved an item removing this policy with a positive recommendation to the Council and the following amendment:

That the Council consider the Committee's priorities for the short-term rental revenues as part of the budget process as follows:

- a. Sufficiently fund the implementation and enforcement of the short-term rental program;
- b. Keep the \$500,000 baseline for the arts grants program;
- c. Consider additional funding for the arts, including a capital grant program;
- d. Consider additional funding for affordable housing.

During the FY 2021 Mid-Biennial Budget discussions held in May, the Council discussed this item but did not take any official action on the policy.

The FY 2021 Adopted Budget has \$500,000 for the arts grants program.

Unfunded Liabilities

On April 4, 2017, there was a Council Worksession in which the City's outside actuary presented the [Projections of Future Liabilities - Options to Address Unfunded Liabilities Tied to Employee Benefits](#). The actuary provided several options for Council's consideration that would reduce the City's unfunded liabilities tied to post-employee benefits. Included in the recommendations were the following:

- Investing for the long-term to generate more earning to meet long-term funding targets,
- Increase annual contribution by approximately \$4.5 million per year and fully pre-fund the plans, and
- Establish an irrevocable supplemental trust for CalPERS to stabilize the increasing employer contribution rates.

On June 26, 2018, Council authorized the City Manager to establish an IRS Section 115 Pension Trust Fund (Trust) to be used to help pre-fund pension obligations¹⁰. On May 14, 2019, Council authorized the City Manager to execute a contract with Keenan date, Council has allocated \$9.1 million to fund the Trust, which consists of the following:

- ✓ \$4 million set aside in the PERS Savings Fund
- ✓ \$4 million allocated by Council in November 2018
- ✓ \$1.1 million discount the City saved by prepaying the FY 2019 unfunded liability payments required by CalPERS

Ongoing funding of the Trust has not yet been identified and is needed to ensure continuity of services as the City's pension contributions increase. As the Budget and Finance Policy Committee review Council's Fiscal Policies, a policy to identify ongoing funding of the Trust will be part of that discussion. No additional funding of the Trust is included in the AAO#1 on tonight's agenda. However, Council may vote to allocate additional Excess Equity to fund the Trust.

One thing that staff is paying close attention to and will increase the City's Unfunded Liabilities in the coming years will be the underperforming of CalPERS returns in FY 2020.

Council Budget Referrals Deferred for Consideration in November 2020

On June 30, 2020, Council referred the following Supplemental Budget Recommendations to the budget process for consideration in November 2020. Funding for these budget referrals is not included in AAO#1.

Council Items Referred to November 2020 AAO Process	
Contribution to Section 115 Trust Fund	\$4,000,000
Structure and Framework for an Office of Racial Equity	\$150,000
Solano Avenue Plan (OED or PW Transportation)	\$150,000
Bay Area Book Festival 2021 Funding	\$50,000
General Fund Reserves Replenishment	TBD based on available revenues

¹⁰ https://www.cityofberkeley.info/Clerk/City_Council/2018/06_June/Documents/2018-06-26_Item_19_Authorization_to_Establish_IRS.aspx

In addition, between July 14, 2020 and November 10, 2020, there were 15 Council items referred to the budget process for consideration in November 2020. These budget referrals are listed in Attachment 5.

Funding for these budget referrals is not included in AAO#1.

All Funds

On an All Funds basis, the City finished FY 2020, \$117 million (18%) under the adjusted budget. These fund balances are largely dedicated to projects, capital improvements that have not yet been completed, and personnel cost savings. For example, \$37 million is in the Department of Public Works. A sampling of the \$37 million underspending includes the following:

- State Transportation Tax (+\$2.9 million) \$1.1 million in salary savings and \$1.7 million in project funding for various street and storm drain program projects continued for completion in FY 2021.
- Capital Improvement Fund (+\$5.5 million): \$0.7 million in salary savings and \$4.3 million in project fund carryover for transportation, street, facilities project funds to FY 2021 due to project timing, including ADA Transition Plan Update, Shattuck Reconfiguration, FY 20 Street Rehab, Storm Drain and Sidewalk Repair projects.
- Measure B (+\$1.7 million) \$0.3 million in salary savings and \$1.4 million in street improvement projects project budget to carried over into FY 2021 for construction completion.
- Measure BB (+4.9 million) \$0.1 million in salary savings and \$4.7 million in sidewalk and street improvement projects project budget to be carried over into FY 2021 for completion.

In addition, the Department of Health Housing and Community Services had \$32 million in underspending primarily as a result of funds allocated to projects and programs not fully expended by the end of the fiscal year that will be carried forward to FY 2021, new positions being filled after the start of the fiscal year and vacancies throughout the department. Of the \$32 million, over \$13 million is allocated for housing development contracts to be encumbered in FY 2021, approximately \$3.1 million was accumulated in the Housing Trust Fund to be disbursed for various Housing Development projects at a later date, and almost \$1.9 million were CDBG funds committed to programs that were not expended during the fiscal year and will be carried forward. Over \$3 million are related to grant balances, including COVID allocations that will carry over into FY 2021. Over \$5 million in unspent Mental Health Service Act Funds and Mental Health Realignment funds resulted from vacancies throughout the division, new positions budgeted for the full year but not filled until later in the fiscal year and delays in implementation of new programs.

Information Technology had \$17.3 million in underspending due to FUNDS\$ Replacement Funds and IT Cost Allocation Funds not being fully spent in FY 2021. Only funds for active projects will be carried over to FY 2021.

Parks Recreation and Waterfront had \$17.1 million in underspending due to personnel savings and unexpended project funds in the Playground Camp, Parks Tax Fund, and Measure T1 Fund. Only certain unspent project funds will be carried over to FY 2021.

Finally, the Library Fund had underspending of \$5.3 million due in large part to unexpected delays to initiating construction of the Central Library Improvement Project; and although project construction began in early 2020, the Shelter-in-Place order declared in March temporarily suspended and subsequently slowed on-site activities.

Attachment 1 provides information on the FY 2020 Year-End General Fund Revenues and includes a variance analysis.

Attachment 2 provides information on unspent FY 2020 Year-End Expenditures.

Additional detailed information on unspent funds can be found in the AAO#1 on tonight's agenda.

FY 2021 First Quarter Summary

General Fund Revenues

The first quarter review generally focuses primarily on the major revenue fluctuation and changes that have occurred that might result in significant changes in future projections. However, in light of the disruptions created by the COVID-19 pandemic, Staff recognize that it would be wise, where possible to present revisions to revenue projections at this time based on the first quarter trends, and then refine them more during the mid-year update.

During the first quarter of FY 2021, General Fund revenue and transfers decreased significantly from the first quarter of FY 2020 by \$5,424,521 or 15.7%, due primarily to a decline of \$2,465,224 in Property Transfer Taxes, a decline of \$840,169 in Sales Taxes, a decline of \$1,717,910 in Transient Occupancy Taxes (TOT), a decline of \$517,575 in Parking Fines, a decline of \$676,108 in Ambulance Fees, and a decline of \$460,913 in Interest Income. These declines were partially offset by an increase of \$480,961 in Other Income and an increase in Transfers of \$3,115,969.

For additional information on the First Quarter General Fund Revenues please see Attachment 3.

General Fund Expenditures

General Fund expenditures are currently tracking close to within budget as departments tend to encumber funds purchase orders for the entire year in the first few months of the

year. Staff will continue to monitor the budget and report back at mid-year on the impacts of the key challenges discussed earlier in this report.

Attachment 4 provides additional information on the FY 2021 First Quarter Expenditures by department and includes a variance analysis

Next Steps

Staff will present second-quarter revenue and expenditure projections at the FY 2021 Mid-Year Update and the Projection of Future Liabilities Report in February 2021.

ENVIRONMENTAL SUSTAINABILITY

Actions included in the budget will be developed and implemented in a manner that is consistent with the City's environmental sustainability goals and requirements.

CONTACT PERSON

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Henry Oyekanmi, Finance Director, Department of Finance, 981-7300

Rama Murty, Senior Management Analyst, City Manager's Office, 981-7000

Attachments:

- 1: FY 2020 Year End General Fund Revenues
- 2: FY 2020 Year End General Fund and All Funds Expenditures
3. FY 2021 1st Quarter General Fund Revenues
4. FY 2021 1st Quarter General Fund and All Funds Expenditures
5. Summary of Council Referrals to the Budget Process

General Fund Revenue for FY 2020 and Comparison with FY 2019

Revenue Categories	FY 2020				FY 2019				Comparison FY20 vs FY 19	
	Adopted	Actual	Variance	% Received	Adopted	Actual	Variance	% Received	Amount	%
	(a)	(b)	c=(b) - (a)	(d) = (b)/(a)	(e)	(f)	g=(f) - (e)	(h) = (f)/(g)	(i) = (b) - (f)	(j) = (i)/(f)
Secured Property	\$63,199,622	\$63,192,678	(\$6,944)	99.99%	\$57,966,998	\$59,178,773	\$1,211,775	102.09%	4,013,905	6.78%
Redemptions -Regular	668,140	580,941	(87,199)	86.95%	668,140	590,395	(77,745)	88.36%	(9,454)	-1.60%
Supplemental Taxes	1,400,000	2,334,597	934,597	166.76%	1,400,000	2,174,903	774,903	155.35%	159,694	7.34%
Unsecured Property Taxes	2,500,000	3,164,168	664,168	126.57%	2,500,000	2,878,275	378,275	115.13%	285,893	9.93%
Property Transfer Tax	12,500,000	12,500,000	(0)	100.00%	12,500,000	12,500,000	0	100.00%	(0)	0.00%
Property Transfer Tax-Measure P	1,509,218	9,512,603	8,003,385	630.30%		2,932,313	2,932,313		6,580,290	224.41%
Sales Taxes	18,238,000	17,557,539	(680,461)	96.27%	18,140,977	18,663,550	522,573	102.88%	(1,106,011)	-5.93%
Soda Taxes	1,459,057	1,331,313	(127,744)	91.24%	1,500,000	1,547,349	47,349	103.16%	(216,036)	-13.96%
Utility Users Taxes	15,000,000	13,475,915	(1,524,085)	89.84%	15,000,000	13,973,744	(1,026,256)	93.16%	(497,829)	-3.56%
Transient Occupancy Taxes	7,800,000	6,387,495	(1,412,505)	81.89%	7,800,000	7,995,188	195,188	102.50%	(1,607,693)	-20.11%
Short-term Rentals	1,020,000	1,280,317	260,317	125.52%	840,000	1,830,983	990,983	217.97%	(550,666)	-30.07%
Business License Tax	19,284,000	20,863,685	1,579,685	108.19%	18,500,000	19,207,784	707,784	103.83%	1,655,902	8.62%
Recreational Cannabis	510,000	1,300,887	790,887	255.08%	500,000	1,168,794	668,794	233.76%	132,093	11.30%
Medicinal Cannabis	300,000	145,768	(154,232)	48.59%	700,000	641,019	(58,981)	91.57%	(495,252)	-77.26%
U1 Revenues	1,000,000	5,597,359	4,597,359	559.74%	1,000,000	5,828,443	4,828,443	582.84%	(231,084)	-3.96%
Other Taxes	1,116,860	1,536,731	419,871	137.59%	1,049,800	1,688,101	638,301	160.80%	(151,370)	-8.97%
Vehicle In-Lieu Taxes	13,333,826	13,356,044	22,218	100.17%	12,381,128	12,540,784	159,656	101.29%	815,260	6.50%
Parking Fines-Regular Collections	6,600,000	3,891,910	(2,708,090)	58.97%	5,818,123	6,002,211	184,088	103.16%	(2,110,301)	-35.16%
Parking Fines-Booting Collections	200,000	8,685	(191,315)	4.34%	200,000	211,913	11,913	105.96%	(203,228)	-95.90%
Moving Violations	190,000	209,894	19,894	110.47%	235,000	177,824	(57,176)	75.67%	(32,070)	-18.03%
Ambulance Fees	4,200,000	4,996,193	796,193	118.96%	4,613,194	4,424,808	(188,386)	95.92%	571,385	12.91%
Interest Income	3,500,000	6,702,564	3,202,564	191.50%	2,500,000	4,334,404	1,834,404	173.38%	2,368,160	54.64%
Franchise Fees	2,068,928	1,839,102	(229,826)	88.89%	1,984,643	1,821,316	(163,327)	91.77%	17,786	0.98%
Other Revenue	8,044,544	8,032,193	(12,351)	99.85%	7,620,152	8,116,908	496,756	106.52%	(84,715)	-1.04%
IDC Reimbursement	6,100,000	5,489,783	(610,217)	90.00%	4,952,317	5,223,725	271,408	105.48%	266,058	5.09%
Transfers	5,266,688	5,480,439	213,751	104.06%	4,385,568	5,356,132	970,564	122.13%	124,307	2.32%
Total Undesignated Revenue	\$197,008,883	\$210,768,802	\$13,759,919		\$184,756,040	\$201,009,639	\$16,253,599		\$9,759,163	
Prop. Transfer Taxes for capital improvements	4,500,000	9,595,507	5,095,507		4,500,000	7,452,981	2,952,981		2,142,526	
Total Designated Revenue and Transfers:	\$201,508,883	\$220,364,309	\$18,855,426	109.36%	\$189,256,040	\$208,462,620	\$19,206,580	110.15%	\$11,901,689	5.71%

Notes: (1) This statement is presented on a budgetary basis (i.e., cash).
 (2) Current vendor no longer breaks out Regular and Booting Parking Fines Collections

The General Fund revenues were on track to finish FY 2020 slightly below the growth rate experienced through the first half of FY 2020 (15.93%). However, once COVID-19 pandemic hit and the shelter in place order was implemented, the economic activity that drives some of the General Fund revenue streams caused a decline in the growth rate for the second half of FY 2020.

Property Tax Revenue Streams:

Because of the way that property taxes are assessed, due and paid, property taxes were only mildly impacted or not impacted at all. For example:

	Secured Taxes	Unsecured Taxes
Lien date	January 1	January 1
Levy dates	July 1	July 1
Due dates:		July 1
50%	November 1	
50%	February 1	
Delinquent as of:		August 1
For November	December 10	
For February	April 10	

Revenue Streams Reliant Upon Business and Other Activity:

As a result of the Governor's shelter in place orders to close all non-essential businesses, almost all business-related activity came to a halt and resulted in significant negative impact on the following revenue streams:

- Transient Occupancy Taxes (TOT)- Had growth of 3.51% at mid-year;
- Property Transfer Taxes-Had growth of 26.3% at mid-year;
- Parking fines-Had negative growth of 12.81% at mid-year;
- Sales Taxes- Had growth of .33% at mid-year;
- Utility Users Taxes- Had growth of .32% at mid-year;
- Other income- Had growth of 4.68% at mid-year; and,
- Ambulance fees-Had growth of 12.48% at mid-year.

During FY 2020, General Fund revenue increased from FY 2019 by \$11,901,689 or 5.71%, due primarily to an increase in Secured Property Taxes (+\$4,013,905), an increase in Measure P Property Transfer Tax (+6,580,290), an increase in Property Transfer Taxes (+2,142,526), and an increase in Interest Income (+2,368,160).

The annual review focuses primarily on the major revenue fluctuation and changes that have occurred that might result in significant changes in future projections.

Secured Property Tax (+\$4,013,905 more than FY 2019 Actual)

During FY 2020, Secured Property Tax revenues totaled \$63,192,678, which was \$4,013,905 or 6.78% more than the \$59,178,773 received for FY 2019. This was consistent with the County's FY 2020 Certification of Assessed Valuation growth of 6.60%.

Property Transfer Tax (+\$2,142,526 more than FY 2019 Actual)

During FY 2020, Property Transfer Tax totaled \$22,095,507, which was \$2,142,526 or 10.74% more than the \$19,952,981 received during FY 2019. The primary reason for the \$2,142,526 increase in Property Transfer Tax was the sale of a group of properties totaling \$87.5 million in the first quarter of FY 2020 that resulted in Property Transfer Tax of \$1,312,500.

In addition, \$9,512,603 in Measure P taxes (tax took effect December 21, 2018) was collected during FY 2020 compared to \$2,932,313 collected during FY 2019. The primary reason for the increase is the same as that for Property Transfer Tax above.

Sales Tax (-\$1,106,010 less than FY 2019 Actual)

For FY 2020, Sales Tax revenue totaled \$17,557,540, which is \$1,106,010 or 5.93% less than the \$18,663,550 received during FY 2019. Part of the decline was due to the Governor's shelter in place orders in March 2020. In addition, the FY 2019 total included \$555,600 in revenues that should have been received in FY 2018. This resulted when the California Department of Tax and Fee Administration (Formerly State Board of Equalization) changed the allocations from three advances and a cleanup to two advances and a cleanup; they underpaid Berkeley Sales Tax revenue in the first quarter of FY 2018 by \$555,600 and paid it during FY 2019.

Utility Users Taxes (- \$497,829 less than FY 2019 Actual)

Utility Users Taxes revenue for FY 2020 totaled \$13,475,915, which is \$497,829 or 3.56% less than the \$13,973,744 received during FY 2019. This decline of \$497,829 resulted from changes in the following sectors: Telephone (-\$519,353; Cable (-\$109,812); Cellular (+\$23,152); Electric (+\$41,302; and Gas (+\$66,883).

Transient Occupancy Tax (-\$1,607,693 less than FY 2019 Actual)

Transient Occupancy Tax (TOT) revenue for FY 2020 totaled \$6,387,495 which is \$1,607,693 or 20.11% less than the \$7,995,188 received during FY 2019. The decrease in FY 2020 TOT revenue is attributable to a substantial decline in room occupancy due to the Governor's shelter in place orders. For example, the shelter in place resulted in a decline of \$1,422,163 or 22.6% in TOT revenue at the five largest hotels in Berkeley during FY 2020, versus a 4.31% increase during FY 2019.

Business License Taxes (+\$1,655,902 more than FY 2019 Actual)

Business license Taxes (BLT) revenue for FY 2020 totaled \$20,863,685, which is \$1,655,902 or 8.62% more than the \$19,207,784 received during FY 2019. Categories with significant increases were the following: Professional/semi-professional (+\$413,395); Business personal repair service (+\$146,659); Construction/contractor (+\$58,562); Retail (+\$35,864); and Administrative Headquarters (+\$49,929).

Vehicle In Lieu Taxes (+\$815,260 more than FY 2019 Actual)

Vehicle in Lieu Taxes (VLF) revenue for FY 2020 totaled \$13,356,044, which is \$815,260 or 6.5% more than the \$12,540,784 received during FY 2019. This was consistent with the County's FY 2020 Certification of Assessed Valuation growth of 6.60%.

Parking Fines (-\$2,110,301 less than FY 2019 Actual)

Parking Fines revenue for FY 2020 totaled \$3,891,910 which is \$2,110,301 or 35.16% less than the \$6,002,211 received during FY 2019, due to Parking Enforcement stopping ticket writing as a result of the Governor's shelter in place orders, due to the pandemic.

Ambulance Fees (+\$571,385 more than FY 2019 Actual)

Ambulance Fees revenue for FY 2020 totaled \$4,996,193 which is \$571,385 or 12.91% more than the \$4,424,808 received during FY 2019. This increase was due to more aggressive collection efforts and new Medi-Cal QAF (Quality Assurance Fee) receipts of approximately \$617,452 in FY 2020 versus \$2,685 in FY 2019.

Interest Income (+\$2,368,160 more than FY 2019 Actual)

For FY 2020, interest income totaled \$6,702,564 which is \$2,368,160 or 54.64% more than the total of \$4,334,404 received during FY 2019. This increase is primarily attributable to (1) an increase in net interest income from long-term investments (after allocations to other funds) of \$1,874,173 in FY 2020; (2) an increase of \$376,697 in interest income on cash balances at the custodial bank in FY 2020. In FY 2019, such interest income was netted against the bank fees charged; and, (3) a FY 2019 adjustment to allocate interest to Measure M that was earned, but not allocated in FY 2014 through FY 2018 (\$352,189)

It should be noted that on March 15, 2020, the Federal Reserve Board voted to cut interest rates back to zero, in order to mitigate the negative impact of the COVID-19 pandemic on the US economy. As a result, interest income in FY 2021 and beyond will be significantly lower than the total in FY 2020.

Indirect Cost Reimbursements (+\$266,058 more than FY 2019 Actual)

IDC Reimbursement for FY 2020 totaled \$5,489,783 which is \$266,058 or 5.09% more than the \$5,223,725 received during FY 2019. This is primarily attributable to an increase in direct salaries and wages of \$1,279,724 or 5.0% for departments/divisions that are charged indirect costs; and, there was no change in the indirect cost rate charged. IDC Reimbursement increases result from increases in the indirect cost allocation base (i.e., total direct salaries and wages in the fund), an increase in the indirect cost rate or both.

FY 2020 Year End Expenditures

General Fund

Department	FY 2020 Adopted	FY 2020 Adjusted	Year-End Actuals	Balance	Percent Expended
Mayor & Council	2,398,876	2,616,304	2,525,920	90,384	97%
Auditor	2,625,103	2,652,154	2,432,086	220,068	92%
Rent Board	0	602,015	579,015	23,000	96%
City Manager	11,037,283	14,441,511	14,205,540	235,971	98%
City Attorney	2,516,581	2,945,069	2,217,772	727,297	75%
City Clerk	3,004,901	3,173,477	2,069,740	1,103,737	65%
Finance	6,797,353	7,722,946	6,596,629	1,126,317	85%
Human Resources	2,329,292	3,301,578	2,270,953	1,030,625	69%
Information Technology	213,210	1,988,228	1,396,627	591,601	70%
Health, Housing & Community Services	17,553,283	29,145,113	27,809,295	1,335,818	95%
Parks, Recreation and Waterfront	7,105,343	7,724,377	6,987,223	737,154	90%
Planning	2,426,051	3,711,249	2,540,320	1,170,929	68%
Public Works	4,404,030	5,861,827	4,729,001	1,132,826	81%
Police	70,622,557	70,973,523	75,754,210	(4,780,687)	107%
Fire	36,019,089	38,158,291	38,848,003	(689,712)	102%
Non-Departmental	27,860,897	28,607,285	28,052,841	554,444	98%
Total	196,913,849	223,624,947	219,015,176	4,609,771	98%

All Funds (including General Fund)

Department	FY 2020 Adopted	FY 2020 Adjusted	Year-End Actuals	Balance	Percent Expended
Mayor & Council	2,398,876	2,616,304	2,525,920	90,384	97%
Auditor	2,714,111	2,741,162	2,527,125	214,037	92%
Rent Board	5,334,943	5,973,313	5,755,222	218,091	96%
City Manager	14,548,957	19,748,713	17,831,838	1,916,875	90%
Library	26,114,585	24,199,430	18,865,464	5,333,966	78%
City Attorney	4,594,533	5,949,268	4,555,976	1,393,292	77%
City Clerk	3,004,901	3,173,477	2,069,740	1,103,737	65%
Finance	8,766,934	9,756,916	8,362,334	1,394,582	86%
Human Resources	4,240,103	5,205,076	3,924,687	1,280,389	75%
Information Technology	19,404,413	32,841,001	15,495,905	17,345,096	47%
Health, Housing & Community Services	54,597,950	92,609,169	60,597,079	32,012,090	65%
Parks, Recreation and Waterfront	46,600,585	60,678,313	43,593,489	17,084,824	72%
Planning	24,506,913	25,346,313	21,595,399	3,750,914	85%
Public Works	133,015,850	177,037,839	140,089,888	36,947,951	79%
Police	74,979,834	76,161,558	79,762,712	(3,601,154)	105%
Fire	44,379,144	47,193,247	48,213,947	(1,020,700)	102%
Non-Departmental	56,654,177	59,049,867	57,550,067	1,499,800	97%
Total	525,856,809	650,280,966	533,316,793	116,964,173	82%

FY 2020 Year-End Expenditures Variance Analysis**Significant General Fund Variances**

- City Manager's Office (+235,971) was due to salary savings from vacant positions and underspending in non-personnel funds. Non-personnel funds not spent in FY 2020 were \$200,000 for the Berkeley Contracting Availability Study and \$100,000 for a Citywide Risk Assessment. The funds for the Citywide Risk Assessment were deferred to help with balancing the FY 2020 budget and will not be carried over to FY 2021. The funds for the Berkeley Contracting Availability Study will be carried over to FY 2021.
- City Attorney (+783,082) was due to salary savings from vacant positions in FY 2020.
- City Clerk (+1,278,677) was due to funds for regular elections, the March 2020 primary election, and funds for the Fair Election Campaign Fund not being fully spent in FY 2020. FY 2020 funds for the regular elections will be carried over to FY 2021 to pay for the November elections. The Fair Election Campaign Funds will be carried over and transferred from the General Fund to the newly created Fair Election Campaign Fund created for FY 2021.
- Finance (+2,106,684) was due to salary savings from vacant positions and funds for banking services, IT consultants, and other professional services not being fully spent in FY 2020.
- Human Resources (+1,091,293) was due to salary savings from vacant positions and funds for labor negotiations and a compensation and classification study not being fully spent in FY 2020. The funds for labor negotiations and the compensation and classification study will be carried over to FY 2021.
- Health, Housing and Community Services (\$1,335,818) was due to salary savings from vacant positions and underspending of non-personnel funds.
- Parks, Recreation & Waterfront (\$737,154) was due to career and hourly salary savings and non-personnel savings. The hourly salary savings was a result of the spring recreation programs being canceled due to COVID-19 and the Shelter in Place order.
- Planning (\$1,170,929) was due to salary savings and allocations approved by Council that were not fully spent in FY 2020. Allocations that were deferred for FY 2020 and will not be carried over are the following:

CEQA student housing	\$ 45,000
Density Standards	\$ 8,000
Southside EIR	\$ 58,000
Missing Middle RFP Study	\$ 100,000
BART Station Env Planning	\$ 50,000
Landmarks Pres Grants	\$ 20,000
BART Station Env Planning (ph 3 deferral)	\$ 40,000

- Public Works (\$1,132,826) was due to salary savings and non-personnel funds for Funding Illegal Dumping Component of “Clean & Livable Commons Initiative” (\$200,000), Measure P allocated funds for the Downtown Streets Team (\$225,000), and funds for a sweeper (\$300,000) not being spent in FY 2020. The funds for these items will be carried over to FY 2021.
- Police (-\$4,780,687) was due to total overtime expenditures being \$5,254,848 over budget. The overage in overtime expenditures was due to many factors including maintaining adequate operational staffing levels in all of the units requiring 24-hour operations; staff being called in for special operations callouts and responses; longer duration events and demonstrations which required substantial departmental staffing and resources; and increased requests for reimbursable services. Salary and benefit savings resulted in the total personnel budget being over budget by \$4,714,175. The non-personnel budget was over budget by \$66,512, which was due to higher costs for vehicle maintenance and replacement. These costs were offset by savings in other non-personnel categories in FY 2020.
- Fire (-\$689,712) was primarily the result of the personnel budget being over budget by -\$725,176. Mutual Aid Overtime caused some of the personnel overage and the City has been reimbursed \$266,483.55 for the assistance provided. Non-personnel savings of \$35,464 helped to reduce the total overage down to the final -\$689,712 figure.

Significant All Funds Variances

- Information Technology (+\$17,345,096) was due to FUND\$ Replacement Funds and the IT Cost Allocation Fund not being fully spent in FY 2020.
- Health, Housing & Community Services fund balance (+\$32,098,325) was primarily the result of funds allocated to projects and programs not fully expended by the end of the fiscal year which will be carried forward to FY 2021, new positions being filled after the start of the fiscal year and vacancies throughout the department. Of the \$32 million, over \$13 million is allocated for housing development contracts to be encumbered in FY 2021, approximately \$3.1 million was accumulated in the Housing Trust Fund to be disbursed for various Housing Development projects at a later date, and almost \$1.9 million were CDBG funds committed to programs that were not expended during the fiscal year and will be carried forward. Over \$3 million are

related to grant balances, including COVID allocations that will carry over into FY 2021. Over \$5 million in unspent Mental Health Service Act Funds and Mental Health Realignment funds resulted from vacancies throughout the division, new positions budgeted for the full year but not filled until later in the fiscal year and delays in implementation of new programs. These funds have been carried forward into FY 2021. Additionally funds were unspent due to long-term vacancies that are difficult to fill, such as nurses and psychiatrists, and anticipated expenses on State Health grants we were unable to draw down because the activities did not take place due to COVID restrictions. Almost \$1 million was added to the fund balance in Realignment due to uncertainty in future revenues and vacancies. Of the \$1.3 million in general fund unexpended, a little under \$500,000 has been requested in carryforwards and another \$500,000 will go towards a Measure U1 Housing Development contract in FY 2021.

- Public Works (+\$36,947,951) were largely due to the following:
 - General Fund (+\$1.1 million): \$0.6 million in carryover for projects to be completed in FY 2021, \$0.4 million for Equipment Purchases carried forward into FY 2021.
 - Sewer Fund (+\$3.8 million): \$1.3 million in personnel savings due to vacancies, \$2.3 million in continuing and deferred sewer projects scheduled for completion in FY 2021.
 - State Transportation Tax (+\$2.9 million) \$1.1 million in salary savings and \$1.7 million in project funding for various street and storm drain program projects continued for completion in FY 2021.
 - Capital Improvement Fund (+\$5.5 million): \$0.7 million in salary savings and \$4.3 million in project fund carryover for transportation, street, facilities project funds to FY 2021 due to project timing, including ADA Transition Plan Update, Shattuck Reconfiguration, FY 20 Street Rehab, Storm Drain and Sidewalk Repair projects.
 - Measure B (+\$1.7 million) \$0.3 million in salary savings and \$1.4 million in street improvement projects project budget to carried over into FY 2021 for construction completion.
 - Measure BB (+4.9 million) \$0.1 million in salary savings and \$4.7 million in sidewalk and street improvement projects project budget to be carried over into FY 2021 for completion.
 - Off Street Parking (+0.3 million) and Parking Meter (+0.6 million): A combined total of \$0.1 million in salary savings and \$0.2M On -Street Parking Fund savings due to project budget carryover to FY 2021, and \$0.3 million in Parking Management savings.
 - Caltrans Grant (+\$1.3 million) \$1.3 million in project carryover into FY 2021 for transportation projects.
 - T1 (+\$1.5 million) \$1.5 million in carryover for various T1 projects with work continuing into FY 2021.
 - Streetlight Assessment (+\$0.8 million) \$0.6 million in salary savings, and \$0.2 million in capital project carryover into FY 2021.
 - Clean Storm (+\$2.6 million) \$1.3 million in salary savings, \$1.0 million in capital project carryover into FY 2021.
 - Building Maintenance (+\$1.1 million) \$0.9 million in salary savings due to vacancies.

- Equipment Replacement (+\$2.6 million) \$2.6 million for replacement purchases initially scheduled for FY 2020 but to be completed in FY 2021.
- Parks Recreation and Waterfront (+\$17,084,824) due to personnel savings and unexpended project funds in the Playground Camp, Parks Tax Fund, and Measure T1 Fund. Only certain unspent project funds will be carried over to FY 2021.
- Library (+\$5,333,966) due in large part to unexpected delays to initiating construction of the Central Library Improvement Project; and although project construction began in early 2020, the Shelter-in-Place order declared in March temporarily suspended and subsequently slowed on-site activities. Secondly, personnel costs contributed significant savings due to staffing vacancies – a factor which was further reinforced by the city-wide hiring freeze instituted on April 27 in response to impacts of the pandemic on the City's fiscal resources.

General Fund Revenue for 1st Quarter FY2021 and Comparison With 1st Quarter of FY2020

Revenue Categories	FY 2021				FY 2020				Comparison FY21 vs FY 20	
	Adopted	Actual	Variance	% Received	Adopted	Actual	Variance	% Received	Amount	%
	(a)	(b)	c=(b) - (a)	(d) = (b)/(a)	(e)	(f)	g=(f) - (e)	(h) = (f)/(g)	(i) = (b) - (f)	(j) = (i)/(f)
Secured Property	\$61,165,454	\$428,517	(\$60,736,937)	0.70%	\$63,199,622	\$306,451	(\$62,893,171)	0.48%	122,066	39.83%
Redemptions - Regular	534,512	123,151	(411,361)	23.04%	668,140	69,946	(\$598,194)	10.47%	53,205	76.07%
Supplemental Taxes	1,260,000	313,161	(946,839)	24.85%	1,400,000	310,555	(\$1,089,445)	22.18%	2,606	0.84%
Unsecured Property Taxes	2,250,000	2,867,793	617,793	127.46%	2,500,000	2,652,522	\$152,522	106.10%	215,271	8.12%
Property Transfer Tax	16,500,000	4,160,284	(12,339,716)	25.21%	12,500,000	6,625,508	(\$5,874,492)	53.00%	(2,465,224)	-37.21%
Property Transfer Tax-Measure P (New December 21, 2018)	4,747,414	1,589,134	(3,158,280)	33.47%	1,509,218	2,999,630	\$1,490,412	198.75%	(1,410,496)	-47.02%
Sales Taxes	15,786,200	3,827,061	(11,959,139)	24.24%	18,238,000	4,667,230	(\$13,570,770)	25.59%	(840,169)	-18.00%
Soda Taxes	970,794	260,569	(710,225)	26.84%	1,459,057	380,821	(\$1,078,236)	26.10%	(120,252)	-31.58%
Utility Users Taxes	12,750,000	3,078,308	(9,671,692)	24.14%	15,000,000	3,249,973	(\$11,750,027)	21.67%	(171,665)	-5.28%
Transient Occupancy Taxes	5,070,000	539,035	(4,530,965)	10.63%	7,800,000	2,256,945	(\$5,543,055)	28.94%	(1,717,910)	-76.12%
Short-term Rentals	676,260	62,436	(613,824)	9.23%	1,020,000	457,127	(\$562,873)	44.82%	(394,691)	-86.34%
Business License Tax	12,684,192	182,357	(12,501,835)	1.44%	19,284,000	202,222	(\$19,081,778)	1.05%	(19,865)	-9.82%
Recreational Cannabis	1,300,000	44,883	(1,255,117)	3.45%	510,000	481,424	(\$28,576)	94.40%	(436,541)	-90.68%
Medical Cannabis	300,000	4,122	(295,878)	1.37%	300,000	31,227	(\$268,773)	10.41%	(27,105)	-86.80%
U1 Revenues	2,700,000	34,236	(2,665,764)	1.27%	1,000,000	34,616	(\$965,384)	3.46%	(380)	-1.10%
Other Taxes	922,048	267,921	(654,127)	29.06%	1,116,860	304,536	(\$812,324)	27.27%	(36,615)	-12.02%
Vehicle In-Lieu Taxes	12,421,597	-	(12,421,597)	0.00%	13,333,826	-	(\$13,333,826)	0.00%	-	0.00%
Parking Fines-Regular Collections	5,049,000	758,837	(4,290,163)	15.03%	6,600,000	1,276,412	(\$5,323,588)	19.34%	(517,575)	-40.55%
Parking Fines-Booting Collections					200,000	8,685	(\$191,315)	4.34%	(8,685)	-100.00%
Moving Violations	190,000	15,789	(174,211)	8.31%	190,000	59,426	(\$130,574)	31.28%	(43,637)	-73.43%
Ambulance Fees	5,103,208	630,108	(4,473,100)	12.35%	4,200,000	1,306,216	(\$2,893,784)	31.10%	(676,108)	-51.76%
Interest Income	2,851,200	1,217,126	(1,634,074)	42.69%	3,500,000	1,678,039	(\$1,821,961)	47.94%	(460,913)	-27.47%
Franchise Fees	1,551,696	189,820	(1,361,876)	12.23%	2,068,928	216,794	(\$1,852,134)	10.48%	(26,974)	-12.44%
Other Revenue	6,246,348	2,789,292	(3,457,056)	44.65%	8,044,544	2,308,331	(\$5,736,213)	28.69%	480,961	20.84%
IDC Reimbursement	5,490,000	1,221,056	(4,268,944)	22.24%	6,100,000	1,260,850	(\$4,839,150)	20.67%	(39,794)	-3.16%
Transfers	17,274,293	4,432,641	(12,841,652)	25.66%	5,266,688	1,316,672	(\$3,950,016)	25.00%	3,115,969	236.65%
Total Revenue:	\$195,794,216	\$29,037,637	-\$166,756,579	14.83%	\$197,008,883	\$34,462,158	-\$162,546,725	17.49%	(\$5,424,521)	-15.74%

Note: This statement is presented on a budgetary basis.

The first quarter review generally focuses primarily on the major revenue fluctuation and changes that have occurred that might result in significant changes in future projections. However, in light of the disruptions created by the COVID-19 pandemic, Staff recognize that it would be wise, where possible to present revisions to revenue projections at this time based on the first quarter trends, and then refine them more during the mid-year update.

During the first quarter of FY 2021, General Fund revenue and transfers decreased significantly from the first quarter of FY 2020 by \$5,424,521 or 15.7%, due primarily to a decline of \$2,465,224 in Property Transfer Taxes, a decline of \$840,169 in Sales Taxes, a decline of \$1,717,910 in Transient Occupancy Taxes (TOT), a decline of \$517,575 in Parking Fines, a decline of \$676,108 in Ambulance Fees, and a decline of \$460,913 in Interest Income. These declines were partially offset by an increase of \$480,961 in Other Income and an increase in Transfers of \$3,115,969.

After the COVID-19 pandemic hit and the shelter in place orders were implemented, the economic activity that drives some of the General Fund's major revenue streams caused a sharp decline in the growth rate for the first quarter of FY 2021. However, some revenue streams were impacted differently than others.

Property Tax Revenue Streams:

Because of the way that property taxes are assessed, due and paid, the major property tax revenue sectors were only mildly impacted or not impacted at all. For example:

For Secured Property Taxes in FY 2021, assessed values were determined and taxes were lienied on January 1, 2020, before the COVID-19 pandemic hit. Therefore, the taxes could only be significantly affected by a lower collection rate. (i.e., a higher level of taxpayers who are delinquent in paying the taxes).

In addition, assessed values for Unsecured Property Taxes were determined and taxes were liened on January 1, 2020, before the pandemic hit; and, these taxes are due and primarily paid during the first quarter. Therefore, this tax category will be unaffected by the COVID-19 pandemic in FY 2021.

Revenue Streams Reliant Upon Business and Other Activity:

As a result of the shelter in place orders to close all non-essential businesses, almost all business-related activities came to a halt (or close to a halt) and resulted in significant negative impacts on the following revenue streams:

- Transient Occupancy Taxes (TOT)- Decline of 76.1%;
- Short-Term Rentals – Decline of 86.3%
- Property Transfer Taxes- Decline of 37.2%;
- Parking fines – Decline of 40.6%;
- Sales Taxes -Decline of 18.0%;
- Utility Users Taxes – Decline of 5.3%;
- Ambulance fees -Decline of 51.8%; and
- Interest Income -Decline of 27.5%

Secured Property Tax (+\$122,066 more than FY 2020 Actual)

During the first quarter of FY 2021, Secured Property Tax revenues totaled \$428,517, which was \$122,066 or 39.8% more than the \$306,451 received for the same period in FY 2020. This first quarter revenue reflects a relatively small amount received from the previous year's levy that was unpaid during that fiscal year. The amount received is typical of what is historically received in the first quarter. The Staff revenue projection reflected in the FY 2021 Adopted Budget assumes a 3.22%% decline for the year, while the County's Certification of Assessed Valuation reflects growth of 7.70%.

Since assessed values for Secured Property Taxes were determined as of January 1, 2020, and they were liened as of that date, the only material factor that could impact Secured Property Tax revenues as a result of COVID-19 would a significant increase in delinquent property taxes, resulting in a significant reduction in the collection rate. As indicated in the table below, the collection rate for the City of Berkeley has been high and rising for many years. In addition, the COVID-19 pandemic had little, if any, impact on the second Secured Property Tax payment for FY 2020, which was due February 1, 2020 and was delinquent on April 10, 2020 (i.e., The total Secured Property Tax revenues in FY 2020 was the amount expected based on the actual growth in assessed value for FY 2020.

**Percentage of Secured Property Tax Levy Collected Within the Fiscal Year of Levy
Fiscal Year Ended June 30**

2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
96.71%	97.27%	97.47%	98.16%	98.57%	98.73%	98.58%	98.92%	98.89%	98.97%

Staff is considering revising the projections upward once it analyzes the allowances for delinquencies due to COVID-19 pandemic.

Unsecured Property Tax (+\$215,271 more than FY 2020 Actual)

During the first quarter of FY 2021, Unsecured Property Tax revenues totaled \$2,867,793, which was \$215,271 or 8.1% more than the \$2,652,522 received for the same period in FY 2020. The Staff revenue projection reflected in the FY 2021 Adopted Budget assumes a 15.2%% decline for the year, versus the County's Certification of Assessed Valuation growth of 8.23%.

Since Unsecured property taxes were liened on January 1, 2020, were due July 1, 2020, and were mostly collected in the first quarter, these taxes do not appear to be impacted by COVID-19 in FY 2021. As a result, staff is considering increasing the projection after a more detailed analysis.

Property Transfer Tax (-\$2,465,224 less than FY 2020 Actual)

During the first quarter of FY 2021, Property Transfer Tax totaled \$4,160,284, which was \$2,465,224 or 37.2% less than the \$6,625,508 received for the first quarter of FY 2020. The primary reasons for the \$2,465,224 decrease in Property Transfer Tax were (1) The FY 2020 total includes the sale of a group of properties totaling \$87.5 million that resulted in Property Transfer Tax of \$1,312,500; (2) The dollar value of property sales declined by 35.8% during the first quarter of FY 2021, as illustrated in the table below; and (3) The number of property sales transactions declined by 51 or 19.9% during the first quarter of FY 2021, as illustrated in the table below. Staff will closely monitor this revenue for another quarter before proposing a change in the FY 2021 projection for Property Transfer Taxes and/or Measure P taxes.

Property Sales \$	July	August	September	Total
FY 2021	\$ 74,018,291	\$115,008,000	\$106,351,773	\$295,378,064
FY 2020	113,356,500	234,115,500	112,790,500	460,262,500
Change	-39,338,209	-119,107,500	-6,438,727	-164,884,436
% Change	-34.7%	-50.9%	-5.7%	-35.8%

Transactions	July	August	September	Total
FY 2021	50	82	73	205
FY 2020	86	86	84	256
Change	-36	-4	-11	-51
% Change	-41.9%	-4.7%	-13.1%	-19.9%

In addition, \$1,589,134 in Measure P taxes (a tax which took effect on December 21, 2018) was collected during the first quarter of FY 2021 compared to \$2,999,630 collected during the first quarter of FY 2020.

Sales Tax (-\$840,169 less than FY 2020 Actual)

For the first quarter of FY 2020, Sales Tax revenue totaled \$3,827,061, which is \$840,169 or 18.0% less than the \$4,667,230 received for the first quarter of FY 2020. Staff is considering revising the projection for Sales Taxes as reflected in the FY 2021 Adopted Budget once it is able to review and analyze concrete trend lines of economic activities and the collection trends compiled by the City's Sales Tax Consultant:

The expected FY 2021 decline from the FY 2020 total will be partially mitigated by a \$281,987 increase in the County Pool revenues, a \$44,371 decrease in county sharing, and a \$24,430 decline in CDTFA administrative costs.

Utility Users Taxes (-\$171,665 less than FY 2020 Actual)

Utility Users Tax revenue for the first quarter of FY 2021 totaled \$3,078,308, which is \$171,665 or 5.28% less than the \$3,249,973 received for the same period in FY 2020. This decline of \$171,665 was experienced across the board in the following sectors:

FY 2020 Actual First Quarter Cash Revenues and FY 2021 Actual First Quarter Revenues

	FY2021	FY 2020	\$ Change	% Change
Telephone	\$ 368,636	\$ 388,889	-\$ 20,253	-5.21%
Cable	258,207	298,274	- 40,067	-13.43%
Cellular	313,395	342,929	-29,534	- 8.61%
Electric	1,710,892	1,761,837	-50,945	-2.89%
Gas	427,122	458,045	-30,923	-6.75%
Total	\$3,078,252	\$3,249,974	-\$171,722	-5.28%

Staff expects Utility Users Tax revenue in FY 2021 to meet or slightly exceed the FY 2021 revenue projection of \$12,750,000.

Transient Occupancy Tax (-\$1,717,910 less than FY 2020 Actual)

Transient Occupancy Tax (TOT) revenue for the first quarter of FY 2021 totaled \$539,035, which is \$1,717,910 or 76.1% less than the \$2,256,945 received for the first quarter of FY 2020. The decrease in FY 2021 is primarily attributable to a decline of 77.9% at the five largest hotels in Berkeley during the quarter, which included some months with no payments for two of the hotels. Staff is considering lowering the FY 2021 projection of \$5,070,000 reflected in the Adopted Budget to \$4,070,000. Staff will also continue to monitor this revenue stream critically over the next several months.

Short-Term Rentals (-\$394,691 less than FY 2020 Actual)

Short-Term Rentals revenue for the first quarter of FY 2021 totaled \$62,436, which is \$394,691 or 86.3% less than the \$457,127 received for the first quarter of FY 2020. Staff is considering lowering the FY 2021 projection of \$676,260 in the FY 2021 Adopted Budget to \$476,260. Staff will also continue to monitor this revenue stream on a monthly basis.

Business License Taxes (-\$46,970 less than FY 2020 Actual)

Business license Taxes (BLT) revenue for the first quarter of FY 2021 totaled \$186,479, which is \$46,970 or 20.1% less than the \$233,449 received for the first quarter of FY 2020. BLT are not due yet, so it is too soon to gauge the effect COVID-19 has had on FY 2021 Business License Tax revenue. With that said, this revenue stream is based on gross receipts that is generated by economic activities. Staff will continue to review and analyze all the economic indicators for a more concise action.

Recreational Cannabis (-\$436,541 less than FY 2020 Actual)

Recreational Cannabis revenue for the first quarter of FY 2021 totaled \$44,883, which is \$436,541 or 90.7% less than the \$481,424 received in the first quarter of FY 2020. This decline is primarily attributable to (1) \$240,260 in Recreational Cannabis receipts during the first quarter of FY 2021 that did not get recorded in the General Ledger before the close of the first quarter; and (2) \$160,250 of FY 2019 Recreational Cannabis revenues which were recorded in the first quarter of FY 2020. Recreational Cannabis taxes are not due yet, so it is too soon to gauge the effect COVID-19 has had on FY 2021 Recreational Cannabis.

U1 Revenues (-\$380 less than FY 2020 Actual)

U1 revenues for the first quarter of FY 2021 totaled \$34,236, which is \$380 or 1.1% less than the \$34,616 received in the first quarter of FY 2020. U1 revenues are not due yet, so it is too soon to gauge the effect COVID-19 has had on FY 2021 U1 revenues.

Vehicle in Lieu Taxes (+\$0 more than FY 2020 Actual)

There was no Vehicle in Lieu Taxes (VLF) received during the first quarter of FY 2021 and FY 2020, since they are not yet due. However, the Staff revenue projection reflected in the FY 2021 Adopted Budget assumes a 6.8%% decline for the year, while the County's Certification of Assessed Valuation reflects growth of 7.70%.

Changes in VLF revenues are based on the growth in assessed values.

Since assessed values for VLF Taxes were determined as of January 1, 2020, and they were liened as of that date, the only material factor that could impact revenues as a result of COVID-19 would be a significant increase in delinquent property taxes, resulting in a significant reduction in the collection rate. As indicated in the table below, the collection rate for the City of Berkeley has been high and rising for many years. In addition, the COVID-19 pandemic had little, if any, impact on the second payment of Property Taxes for FY 2020, which was due February 1, 2020 and was delinquent on April 10, 2020.

**Percentage of Secured Property Tax Levy Collected Within the Fiscal Year of Levy
Fiscal Year Ended June 30**

2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
96.71%	97.27%	97.47%	98.16%	98.57%	98.73%	98.58%	98.92%	98.89%	98.97%

Staff is considering revising the projections upward once it analyzes the allowances for delinquencies dues to COVID-19 pandemic.

Parking Fines (-\$517,575 less than FY 2020 Actual)

Parking Fines revenue for the first quarter of FY 2021 totaled \$758,837, which is \$517,575 or 40.6% less than the \$1,276,412 received for the first quarter of FY 2020. The primary reason for the decline is that starting March 18, 2020, due to the shelter in place orders, Parking Enforcement was directed to enforce in a relaxed manner for Street Sweeping. The only violation enforced was Street Sweeping. All other violations, including meters, time zones, yellow curbs, and residential parking were not enforced. The City also implemented an amnesty program which allowed citizens to contact the City Manager and were allowed one citation per household to be dismissed for Street Sweeping. This enforcement was continued until July 1, 2020.

On July 1, 2020, enforcement of time zones was restarted, and meter enforcement was restarted using a phased approach with discounted rates. By the end of July 2020, all meters were being enforced. On October 1, 2020, Residential Parking enforcement was restarted, and Parking Enforcement is currently enforcing all violations.

During the quarter, ticket writing declined from 27,650 or 14,5% in the first quarter of FY 2020 to 23,450 in the first quarter of FY 2021, as follows:

	July	August	Sept.	Total
FY 2020	8,840	9,888	9,122	27,650
FY 2021	6,810	7,744	9,091	23,645
Difference	-2,030	-2,144	-31	-4,005
% Difference	-23.0%	-21.7%	-.3%	-14.5%

Staff is considering lowering the Parking Fines projection to \$4,049,000 from the \$5,049,00 reflected in the FY 2021 Adopted Budget.

Ambulance Fees (-\$676,108 less than FY 2020 Actual)

Ambulance Fees revenue for FY 2021 totaled \$630,108, which is \$676,108 or 51.8% less than the \$1,306,216 received for the same period during FY 2020. According to the City's Ambulance Fees vendor, the collections being made during the first quarter of FY 2021 were for services provided during March and April 2020, right after the COVID-19 hit and the Governor's shelter in place orders went into effect. During March, transports declined from 576 in 2019 to 312 in 2020 or 45.8%; and in April, transports declined from 312 in 2019 to 251 in 2020 or 19.6%.

Prior to the COVID-19 pandemic, the vendor was projecting 6,541 transports and \$ 4,774, 200 in Ambulance Fees revenues on a cash basis. Currently, they are projecting that transports and Ambulance Fees revenue for FY 2021 will decline to 4,579 transports and \$3,342,159 in revenue.

As a result, Staff is lowering the FY 2021 projection from the \$5,103,208 reflected in the Adopted Budget to \$3,342,159.

Interest Income (-\$460,913 less than FY 2020 Actual)

For the first quarter of FY 2021, interest income totaled \$1,217,126, which is \$460,913 or 27.5% less than the total of \$1,678,039 received for the same period in FY 2020. This decrease is primarily attributable to a sharp drop in short-term and long-term interest rates, as a result of the Federal Reserve Board's (the Fed) vote on March 15, 2020 to cut interest rates back to zero, in order to mitigate the negative impact of the COVID-19 pandemic on the US economy. The Fed subsequently also announced that it expects to keep rates at this low level through FY 2023.

Primarily as a result of the Fed's actions, the net interest rate earned by the City dropped from a range of 2.23%-2.33% during the first quarter of FY 2020, to a range of 1.13%-1.17% during the first quarter of FY 2021, as follows:

Monthly Net Interest Rate Earned

FY	July	August	September
2020	2.33%	2.29%	2.23%
2021	1.17%	1.13%	1.14%

As a result of the sharp decline in the net interest rate being earned by the City, interest income in FY 2021 and beyond will be significantly lower than the total earned in FY 2020. Staff expected a sharp decline in interest rates, and will keep the Interest Income projection at the \$2,851,200 level reflected in the FY 2021 Adopted Budget (Down from the \$6,696,279 received in FY 2020).

Franchise Fees (-\$26,974 less than FY 2020 Actual)

Franchise Fees for the first quarter of FY 2021 totaled \$189,820, which is \$26,974 or 12.4% less than the \$216,794 received for the same period in FY 2020. Only the Cable Fees were collected in the first quarter of FY 2021 and FY 2020, and this decline is consistent with the 13.4% decline in UUT for Cable. The UUT Electric and Gas declines in the FY 2021 first quarter were 2.89% and 6.75%, respectively.

Therefore, Staff is increasing the FY 2021 Franchise Fees revenues projection to \$1,581,650 from the \$1,551,696 reflected in the Adopted Budget (but down from the \$1,839,102 received in FY 2020), based on the projected COVID-19 impact below:

Category	FY 2020 Actuals	Est. FY 2021 COVID Impact %	Est. FY 2021 COVID Impact \$	FY 2021 Revised Projection
Cable	\$ 791,663	-20%	-\$158,333	\$ 633,330
Electric	598,023	-5%	-29,901	568,122
Gas	422,442	-10%	-42,244	380,198
Total	\$1,812,128	-13%	-\$230,478	\$1,581,650

Transfers (+\$3,115,969 more than FY 2020 Actual)

Transfers from other funds for the first quarter of FY 2021 totaled \$4,432,641 which is \$3,115,969 or 236.7% more than the \$1,316,672 received for the same period in FY 2020. This is primarily attributable to the Transfer of \$1,725,000 from the Stabilization Reserve Fund and the \$1,125,000 from the Catastrophic Reserve Fund during the FY 2021 first quarter, to mitigate the negative impact of COVID-19. It should be noted that a total of \$6,900,000 and \$4,500,000 will be transferred from the Stabilization Reserve Fund and Catastrophic Reserve Fund, respectively, for General Fund operations in FY 2021.

Other Revenues (+\$480,961 more than FY 2020 Actual)

Other Revenues consists of licenses and permits; grants; preferential parking fees; general government charges for services; public safety charges for services; health charges for services; culture and recreation charges for services; rents and royalties; and other miscellaneous revenues that are not considered major.

Other Revenues for the first quarter of FY 2021 totaled \$2,789,292 which is \$480,961 or 20.8% more than the \$2,308,331 received for the first quarter of FY 2020, This increase resulted primarily from the receipt of \$704,000 from East Bay Community Foundation for the Berkeley Relief Fund, to finance grant payments to assist businesses and nonprofit organizations impacted by the COVID-19 pandemic.

FY 2021 First Quarter Expenditures (7/1/20 – 9/30/20)

General Fund

Department	FY 2021 Adopted	FY 2021 Adjusted*	Year-To-Date		Percent Expended
			Actuals + Encumbrances	Balance	
Mayor & Council	2,559,046	2,575,185	479,931	2,095,254	19%
Auditor	2,657,863	2,665,324	474,237	2,191,087	18%
City Manager	10,450,066	11,186,655	2,812,214	8,374,441	25%
City Attorney	2,587,273	2,643,059	522,247	2,120,812	20%
City Clerk	2,338,047	2,572,987	642,470	1,930,517	25%
Finance	5,978,002	7,111,104	2,221,163	4,889,941	31%
Human Resources	2,280,207	2,860,875	476,041	2,384,834	17%
Information Technology	580,710	1,334,885	1,009,981	324,904	76%
Health, Housing & Community Services	14,850,382	26,074,606	13,234,285	12,840,321	51%
Parks, Recreation and Waterfront	6,831,086	7,746,386	2,087,978	5,658,408	27%
Planning	2,178,037	2,361,990	691,346	1,670,644	29%
Public Works	4,408,589	6,238,450	1,475,252	4,763,198	24%
Police	65,460,524	64,843,729	15,032,613	49,811,116	23%
Fire	32,272,610	36,814,113	8,284,339	28,529,774	23%
Non-Departmental	39,286,268	27,761,101	8,701,525	19,059,576	31%
Total	194,718,710	204,790,449	58,145,622	146,644,827	28%

*FY 2021 Adjusted includes FY 2020 Encumbrance Rollover

All Funds (including General Fund)

Department	FY 2021 Adopted	FY 2021 Adjusted*	Year-To-Date		Percent Expended
			Actuals + Encumbrances	Balance	
Mayor & Council	2,559,046	2,575,185	479,931	2,095,254	19%
Auditor	2,786,499	2,793,960	492,850	2,301,110	18%
Rent Board	6,646,209	6,772,560	1,741,320	5,031,240	26%
City Manager	13,515,943	14,790,341	4,181,513	10,608,828	28%
Library	21,846,159	24,991,144	8,450,105	16,541,039	34%
City Attorney	4,509,824	5,204,947	1,758,709	3,446,238	34%
City Clerk	2,839,880	3,074,820	810,134	2,264,686	26%
Finance	8,555,177	9,696,178	2,519,123	7,177,055	26%
Human Resources	4,072,239	4,715,202	858,862	3,856,340	18%
Information Technology	20,647,410	25,011,428	6,849,896	18,161,532	27%
Health, Housing & Community Services	53,834,105	97,274,965	42,699,483	54,575,482	44%
Parks, Recreation and Waterfront	32,561,123	61,242,951	34,331,966	26,910,985	56%
Planning	25,022,338	27,284,553	5,795,072	21,489,481	21%
Public Works	138,631,154	204,495,368	72,189,866	132,305,502	35%
Police	70,325,114	69,882,747	16,390,759	53,491,988	23%
Fire	41,254,373	47,548,441	10,998,981	36,549,460	23%
Non-Departmental	83,711,926	72,352,591	24,096,488	48,256,103	33%
Total	533,318,519	679,707,381	234,645,058	445,062,323	35%

*FY 2021 Adjusted includes FY 2020 Encumbrance Rollover

FY 2021 First Quarter Expenditures Variance Analysis

First Quarter Assumptions

- Personnel year-to-date actuals are through 09/30/20 and represent 22.21% expended. All departments are tracking at or below 22.21% in personnel expenditures. General Fund personnel costs represent almost 74% of the total City's General Fund budget and are tracked on a monthly basis. As in prior years, Police overtime continues to be a concern and is being monitored by staff.

Generally, on an all funds basis, expenditures over 22.21% are related to non-personnel costs, such as encumbrances for contracts, supplies, and materials.

First Quarter Variances

General Fund

- Finance: Banking Services contracts and other professional services contracts were encumbered in the 1st Quarter.
- Information Technology: Funds encumbered for projects started in FY 2020 were rolled over to FY 2021 in the 1st Quarter along with funds for software maintenance and the City's contract with Berkeley Community Media being encumbered as well.
- Health, Housing & Community Services: Community Agency contract funds were moved from Non-Departmental so that contracts purchase orders could be created.
- Public Works: Funds were encumbered for gas and electricity payments.
- Non-Departmental: Funds for the City's Outside Auditors, Legislative and Professional Services, Insurance were encumbered or paid in the first three months of FY 2021.

All Funds

- City Attorney: Funds for outside counsel contracts were encumbered at the start of the fiscal year.
- Public Works & Parks, Recreation & Waterfront: Funds were encumbered for capital improvement projects early in the fiscal year.
- Non-Departmental: Debt service and insurance payments were made in August.

Summary of Council Referrals to the Budget Process

Attachment 5

Title and Item #	Council Date	Description (Purpose)	Amount	Funding Allocation	Referred by: Council Member Name
1. Safety for all: The George Floyd Community Safety Act – Budget Request to Hire a Consultant to Perform Police Call and Response Data Analysis ¹	July 14, 2020	Refer to the Budget Process \$150,000 to: a. Hire a consultant to conduct a data-driven analysis of police calls and responses to determine the quantity and proportion of these calls that can be responded to by non-police services. The third-party consultant must be hired and engaged in work within three months of the item's passage. b. Hire a consultant to conduct an analysis of the Berkeley Police Department's budget and its expenditures by call type. The third-party consultant must be hired and engaged in work within three months of the item's passage.	\$150,000		Bartlett, Mayor Arreguin, and Harrison
2. BerkDOT: Reimagining Transportation for a Racially Just Futures ²	July 14, 2020	Refer to the City Manager, the FY 2021-22 budget process, and the proposed community engagement process to reimagine public safety to pursue the creation of a Berkeley Department of Transportation (BerkDOT) to ensure a racial justice lens in traffic enforcement and the development of transportation policy, programs, & infrastructure.	unknown		Robinson, Droste, Bartlett, and Mayor Arreguin
3. Support Community Refrigerators ³	September 22, 2020 <i>(continued on October 13, 2020)</i>	Allocate \$8,000 of the budget for the purchasing of the refrigerators.	\$8,000		Davila

¹ https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-14_Item_18a_Safety_for_All_The_George_Floyd_pdf.aspx

² https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-14_Item_18e_BerkDOT_Reimagining_Transportation_pdf.aspx

³ https://www.cityofberkeley.info/Clerk/City_Council/2020/09_Sep/Documents/2020-09-22_Item_17_Support_Community_Refrigerators.aspx

Summary of Council Referrals to the Budget Process

Attachment 5

Title and Item #	Council Date	Description (Purpose)	Amount	Funding Allocation	Referred by: Council Member Name
4. Providing our Unhoused Communities in the City of Berkeley with Potable Water and addressing Water Insecurity ⁴	September 22, 2020	Refer to City Manager to include an allocation in the upcoming AAO budget to use existing homeless services to fund Berkeley Free Clinic's program to address water insecurity among Berkeley's unhoused communities. This program will initially require \$10,000 to construct and maintain a large tank with a foot pump for dispensing water from a spout that can be used for drinking or handwashing.	\$10,000	Funded	Davila
5. Healthy Checkout Ordinance ⁵	September 22, 2020	Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program. Refer to the Sugar Sweetened Beverage Product Panel of Experts to consider recommending funding allocations, and to work with City staff to develop protocols for, implementation, education, and enforcement.	unknown		Harrison and Hahn
6. Authorize Installation of Security Cameras at the Marina and Request an Environmental Safety Assessment ⁶	October 13, 2020	Adopt the following recommendation in order to address the recent dramatic uptick in reported crime incidents at the Berkeley marina: • Request that the City Manager install security cameras and signage as expeditiously as possible as a long-term safety measure;	\$120,000	\$60,000 – PRW– General Fund carryover request \$60,000 – Marina Fund	Kesarwani and Wengraf

⁴ https://www.cityofberkeley.info/Clerk/City_Council/2020/09_Sep/Documents/2020-09-22_Item_09_Providing_our_Unhoused_Communities.aspx

⁵ https://www.cityofberkeley.info/Clerk/City_Council/2020/09_Sep/Documents/2020-09-22_Item_16_Healthy_Checkout_Ordinance.aspx

⁶ https://www.cityofberkeley.info/Clerk/City_Council/2020/10_Oct/Documents/2020-10-13_Item_12_Authorize_Installation_of_Security.aspx

Summary of Council Referrals to the Budget Process

Attachment 5

Title and Item #	Council Date	Description (Purpose)	Amount	Funding Allocation	Referred by: Council Member Name
7. “Step Up Housing” Initiative: Allocation of Measure P Funds to Lease and Operate a New Permanent Supportive Housing Project at 1367 University Avenue ⁷	October 13, 2020	Adopt a resolution allocating approximately \$900,000 per year for 10 years, as well as a one-time allocation of approximately \$32,975 from Measure P transfer tax receipts to support the lease and operation of a new permanent supportive housing project for the homeless at 1367 University Avenue. This resolution is put forward out of consideration that the City Council has already approved in its FY 2020-21 budget—on June 30, 2020— an allocation of \$2.5 million for permanent housing subsidy, a portion of which is available to be spent on the 1367 University Avenue project.	\$32,975 (one-time allocation from Measure P) \$900,000/year for 10 years	Measure P	Bartlett, Kesarwani, Wengraf, and Mayor Arreguin
8. Removal of Traffic Bollards on the Intersection at Fairview and California St. ⁸	October 13, 2020	Refer to the City Manager to remove the traffic bollards at the intersection at Fairview and California St. for the following reasons: 1. To allow residents, emergency responders, street cleaning and garbage disposal services, and delivery vehicles ease of access to enter and exit Fairview Street; 2. To allow residents of the 1600 block of Fairview St. access to additional parking spots because the current capacity is inadequate; and 3. To decrease illegal dumping that has been incentivized by the traffic bollards and eliminate the harborage of junk, debris, and garbage.	unknown		Bartlett

⁷ https://www.cityofberkeley.info/Clerk/City_Council/2020/10_Oct/Documents/2020-10-13_Item_16_Step_Up_Housing_Initiative_Allocation.aspx

⁸ https://www.cityofberkeley.info/Clerk/City_Council/2020/10_Oct/Documents/2020-10-13_Item_17_Removal_of_Traffic_Bollards.aspx

Summary of Council Referrals to the Budget Process

Attachment 5

Title and Item #	Council Date	Description (Purpose)	Amount	Funding Allocation	Referred by: Council Member Name
9. \$50,000 to UC Theatre Concert Career Pathways Education Program ⁹	October 27, 2020	Refer to the November 2020 AAO budget process the allocation of \$50,000 to the UC Theatre Concert Career Pathways Education Program.	\$50,000		Mayor Arreguin
10. Equitable Clean Streets Budget Referral: Funding for Staff to Conduct Bi-Weekly (Once Every Two Weeks) Residential Cleaning Services ¹⁰	October 27, 2020	Refer to the November AAO budget process to allocate \$500,000 from the General Fund to require biweekly (once every two weeks) cleaning of populated encampment sites, major corridors, and encampments adjacent to residential neighborhoods throughout the City of Berkeley for approximately one year. The City should also partner with appropriate non-profit organizations to create work opportunities for homeless residents who can help City staff clean the streets on an ongoing basis	\$500,000		Bartlett
11. Convert 62nd Street between King St. and Adeline St. into a One-Way Line that exits in the direction of Adeline St. ¹¹	October 27, 2020	Refer to the City Manager to convert 62nd Street between King St. and Adeline St. into a one-way lane that exits to Adeline and blocks motorists from entering 62nd Street through Adeline Street.	unknown		Bartlett and Mayor Arreguin
12. Support for Berkeley Mutual Aid ¹²	October 27, 2020	Refer to the City Manager and to the November FY2020 AAO budget adjustment process to identify existing resources, or propose a new allocation of funds, to provide emergency financial support to Berkeley Mutual Aid (BMA) to allow the organization to continue its highly valued programs and	\$36,000 annual cost		Hahn and Mayor Arreguin

⁹ https://www.cityofberkeley.info/Clerk/City_Council/2020/10_Oct/Documents/2020-10-27_Item_18_Budget_Referral_50,000_to_UC_Theatre.aspx

¹⁰ https://www.cityofberkeley.info/Clerk/City_Council/2020/10_Oct/Documents/2020-10-27_Item_20_Equitable_Clean_Streets_Budget_Referral.aspx

¹¹ https://www.cityofberkeley.info/Clerk/City_Council/2020/10_Oct/Documents/2020-10-27_Item_21_Convert_62nd_Street_between_King_St.aspx

¹² https://www.cityofberkeley.info/Clerk/City_Council/2020/10_Oct/Documents/2020-10-27_Item_23_Support_for_Berkeley_Mutual_Aid.aspx

Summary of Council Referrals to the Budget Process

Attachment 5

Title and Item #	Council Date	Description (Purpose)	Amount	Funding Allocation	Referred by: Council Member Name
		services addressing the needs of Berkeley residents sheltering-in- place during the COVID-19 health emergency. Support required for BMA to continue providing critical services to the community is \$3,000 per month, starting as soon as possible and continuing until 3 months after the COVID-19 emergency order is lifted.			
13. Security Cameras at Major Berkeley Arterial Entry and Exit Points for the City and Request an Environmental Safety Assessment at High Crime Areas of the City ¹³	November 10, 2020	In order to deter would-be perpetrators of gun violence and apprehend those engaging in gun violence, adopt the following recommendations: • Request that the City Manager install security cameras and increased lighting at appropriate arterial streets serving as entry into and exit out of the City of Berkeley in conjunction with prominently displayed signage; • Refer to the City Manager to perform an environmental safety assessment of the high crime areas specifically in South and West Berkeley; • Refer costs for security cameras and lighting to the mid-year budget process for FY 2020-21.	\$500,000 - \$1,000,000		Kesarwani and Mayor Arreguin
14. Gun Buy Back Program ¹⁴	November 10, 2020	Refer to the FY 2020-21 November Amendment to the Annual Appropriations Ordinance (AAO #1) \$40,000 to reinstate partial funding for the Gun Buyback Program—originally proposed by Councilmember Cheryl Davila and authorized by the City Council on Nov. 27, 2018.	\$40,000		Kesarwani, Mayor Arreguin, and Davila

¹³ https://www.cityofberkeley.info/Clerk/City_Council/2020/11_Nov/Documents/2020-11-10_Item_12_Authorize_Installation_of_Security.aspx

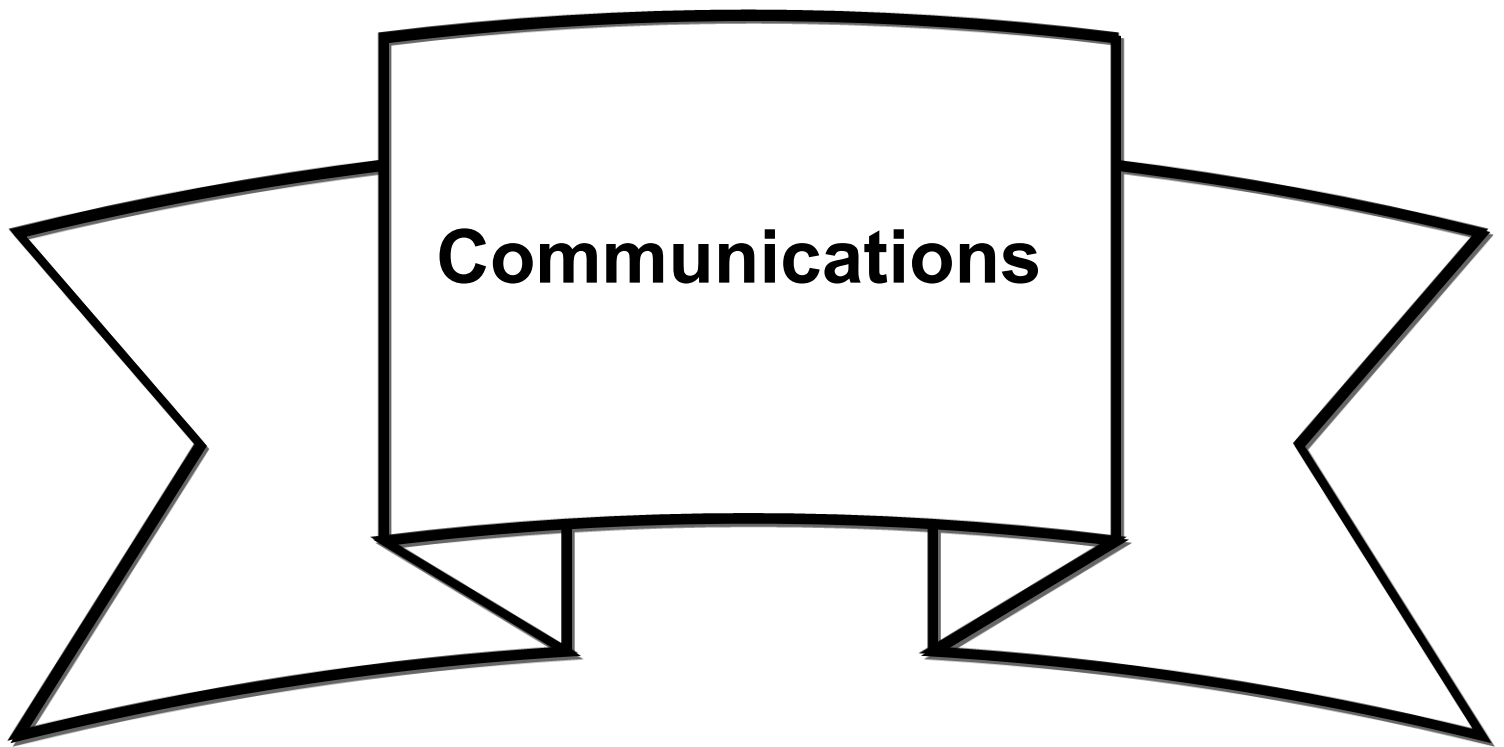
¹⁴ https://www.cityofberkeley.info/Clerk/City_Council/2020/11_Nov/Documents/2020-11-10_Item_13_Budget_Referral_to_Reinstate.aspx

Summary of Council Referrals to the Budget Process

Attachment 5

Title and Item #	Council Date	Description (Purpose)	Amount	Funding Allocation	Referred by: Council Member Name
15. Radar speed feedback sign for Wildcat Canyon Road ¹⁵	November 10, 2020	Referral to the City Manager for a solar powered radar speed feedback sign to be installed on Wildcat Canyon Road at the cost of \$20,000 to be considered during the Mid-Year Budget Process.	\$20,000		Wengraf
TOTAL			\$2,866,975		

¹⁵ https://www.cityofberkeley.info/Clerk/City_Council/2020/11_Nov/Documents/2020-11-10_Item_16_Budget_Referral_-_20,000_radar_speed.aspx



All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

City Clerk Department

2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

Records Online

<http://www.cityofberkeley.info/recordsonline>

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1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF