

AGENDA



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

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/86157441939>. 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: 861 5744 1939. 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. 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
- 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
- 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
- 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
- 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

Consent Calendar

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

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

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

Consent Calendar

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

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

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

Consent Calendar

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

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

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

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

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

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

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
- 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

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
- 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
- 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
- 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

Council Consent Items

- 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
- 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 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 – 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

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

Information Reports

26. Police Review Commission Work Plan for 2020-2021

From: City Manager

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

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.

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*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 October 15, 2020.*



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](#).*

### **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**

*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.

ORDINANCE NO. 7,735-N.S.

LEASE AGREEMENT: QASEMI ABDUL MOQIM DBA BERKELEY SPORTSMAN CENTER, FOR THE PROPERTY AT 225 UNIVERSITY AVENUE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1.

The City Manager or designee is hereby authorized to execute a three-year lease agreement with a two-year option with Qasemi Abdul Moqim dba Berkeley Sportsman Center, for the property at 225 University Avenue in Berkeley, CA. Such lease shall be on substantially the same terms as set forth in Exhibit A.

Section 2.

The rent will be \$3,200/month with an annual increase of 3%. Berkeley Sportsman Center will make improvements to the building estimated at \$65,000, including upgrades to open a pizza kitchen. Revenue from this lease will be deposited into the Marina Fund, budget code 608-52-544-592-0000-000-000-461120-.

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.

At a regular meeting of the Council of the City of Berkeley held on October 13, 2020, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.

**CITY OF BERKELEY**  
**IMPROVED PROPERTY LEASE**

Between

THE CITY OF BERKELEY, A CHARTER CITY  
ORGANIZED AND EXISTING UNDER THE LAWS  
OF THE STATE OF CALIFORNIA

as Landlord,

and

Qasemi Abdul Moqim  
DBA Berkeley Sportsman Center ,

as Tenant.

For the Property at  
225 University Avenue  
Berkeley, CA



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**PROPERTY LEASE**  
**BASIC LEASE INFORMATION**

1. **Landlord:** City of Berkeley, a California municipal corporation  
2180 Milvia Street  
Berkeley, CA 94704  
Attention: Director, Parks, Recreation & Waterfront  
Telephone: (510) 981-6700  
Facsimile: (510) 981-6710
  
2. **Tenant:** Qasemi Abdul Moqim dba Berkeley Sportsman Center  
3794 Castro Valley Blvd.  
Castro Valley, CA 94546  
Telephone: (510) 849-2727  
Facsimile: N/A  
Email: monesaq@yahoo.com
  
3. **Tenant Trade Name:** Tenant shall operate under the trade name **Berkeley Sportsman Center**
  
4. **Effective Date:** **November 1, 2020**
  
5. **Property:** The ground floor (approximately 1,800 square feet), the basement area (approximately 800 square feet), and the exterior hardscape to the south and east of the building ("**Premises**") of the building commonly known and referred to as 225 University Avenue, Berkeley, CA 94710, (the "**Building**").
  
6. **Permitted Uses:** Tenant shall operate a retail establishment on the property that provides a variety of convenience items, groceries, prepared foods and service the sale of fishing equipment, licenses and bait and tackle as described in Exhibit B- Scope of Services.
  
7. **Initial Term:** Three (3) Year(s) with an option to renew for two (2) Year(s), commencing as of November 1, 2020. ("**Commencement Date**").
  
8. **Rent:** \$3,200.00 per month with 3% annual increase
  
9. **Security Deposit:** N/A
  
10. **Guarantor:** Not required with this Lease.
  
11. **Permitted Uses:** The Basic Lease Information set forth above and the Exhibits attached hereto are incorporated into and made a part of the following Lease. In the event of any conflict between the Basic Lease Information and terms of the Lease, the terms of the Lease shall control.

LANDLORD'S INITIALS \_\_\_\_\_

TENANT'S INITIALS \_\_\_\_\_

**LEASE**

THIS LEASE is made by and between the CITY OF BERKELEY, a Charter City organized and existing under the laws of the State of California ("Landlord or City") and Qasemi Abdul Moqim DBA Berkeley Sportsman Center, a California corporation, doing business at 225 University Avenue in Berkeley, CA ("Tenant").

WITNESSETH:

Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, the Property for the term and subject to the terms, covenants, agreements and conditions set forth below, to each and all of which Landlord and Tenant hereby mutually agree.

**1. DEFINITIONS**

Unless the context otherwise specifies or requires, the following terms shall have the meanings herein specified:

A. "Affiliate," as to any person, shall mean such person's partners, members, commissioners, officers, employees, volunteers and agents.

B. "Building" shall mean the ground floor (approximately 1,800 square feet), the basement area (approximately 800 square feet), and the exterior hardscape to the south and east of the building commonly known and referred to as 225 University, as more fully described on Exhibit A, attached hereto.

C. "Lease Year" shall mean each consecutive twelve-calendar-month period during the term of the Lease commencing upon the effective date of the Lease.

D. "Property" shall mean the property described on Exhibit A, including all building(s) and other improvements on, or appurtenances to, such property.

**2. TERM**

A. The Initial Term shall commence on the November 1, 2020 ("Lease Commencement Date") and expire on October 31, 2025 ("Lease Expiration Date").

B. Tenant is granted the option ("Extension Option") to extend the initial term of this lease for an additional term of two (2) years ("Extension Term") provided all of the Extension Conditions are met.

C. "Extension Conditions" shall mean, as a condition to Tenant exercising each Extension Option: (a) Tenant gives Landlord written notice no less than eight (8) months prior to the commencement of the Extension Term, as applicable, that Tenant is exercising the Extension Option; (b) at the date the applicable Extension Option is exercised, and at the commencement of the Extension Term, as applicable, no Event of Default has occurred and is continuing; and (c) Tenant has not been more than ten (10) days late in the payment of any or all rent more than a total of three (3) times for all periods prior to the commencement of the Extension Term.

D. If Landlord, in its sole discretion, determines that Tenant has complied with all Extension Conditions, at least sixty (60) days prior to the Lease Expiration Date, Landlord shall provide written notice to Tenant of any additional improvements that will be required to be completed by Tenant or increase in rent during the five-year Extension Term and shall provide notice of its determination to grant renewal of the lease upon condition that Tenant agrees, at least thirty (30) days prior to the expiration of the Initial Term.

E. If, after Landlord's initial determination that Tenant has complied with the Extension Conditions but prior to the Lease Expiration Date, Landlord determines, at its sole discretion, that Tenant has failed to comply with any of the Extension Conditions, Landlord may revoke the granting of the Extension Term and seek applicable remedies under the Lease, including, but not limited to Paragraph 18.

F. At the Lease Expiration Date, or expiration of the Extension Term, or any sooner termination of this lease due to default, Tenant agrees to quit and surrender possession of the Property and its appurtenances to Landlord in good order and condition. Tenant agrees to reimburse the Landlord for any damage done to the Property caused by Tenant's occupation or tenancy excepting reasonable wear and tear and damage by the elements. Tenant shall not leave or allow to remain on the property any garbage, refuse, debris, or personal property. Tenant will pay Landlord any removal costs incurred by Landlord. At the end of the tenancy, Tenant agrees to deliver the property keys to the Landlord in person or by mail to the Landlord's designated agent.

**3. RENT.**

A. Fixed Rent. Tenant shall pay to Landlord as rent for its use and occupancy of the Property a monthly rent beginning at **Three Thousand Two Hundred Dollars (\$3,200.00)** per month, and escalating as summarized in the table below:

| Lease Period Beginning: | Monthly Rent Due | Annual Rent Due |
|-------------------------|------------------|-----------------|
| November 1, 2020        | \$3,200.00       | \$38,400.00     |
| November 1, 2021        | \$3,296.00       | \$39,552.00     |
| November 1, 2022        | \$3,394.88       | \$40,738.56     |
| November 1, 2023        | \$3,496.73       | \$41,960.72     |
| Option Year Beginning:  |                  |                 |
| November 1, 2024        | \$3,601.63       | \$43,219.54     |
| November 1, 2025        | \$3,709.68       | \$44,516.16     |

B. Special Event Percentage Rent. Tenant shall pay to Landlord 5% of Tenant's gross income earned from any special events. A "special event" shall be defined as a concession or revenue-generating event on the Property.

C. Records. Tenant shall keep complete and accurate books and accounts of its daily gross sales in every part of its business operating at any time during the currency of this Lease in any part of the Leased Property. Lessor and its agents and employees shall have the right at any time during regular business hours to examine and inspect all the books and accounts of Lessee related to gross sales, including sales tax reports, tax returns, or other reports to any

governmental agency, for the purpose of verifying the gross sales of the business.

D. Manner of Payment. All rent and other payments due from Tenant shall be made to Landlord in lawful money of the United States of America at Landlord's address for notice hereunder, or to such other person or at such other place as Landlord may from time to time designate in writing. If the term shall commence on a day between the 1st of the month and the 14th of the month, the Lease Year shall be deemed to start on the 1st of the then current month. If the term shall commence on a day between the 15th and the end of the month, the Lease Year shall be deemed to start on the 1st day of the following month. Special Event Percentage Rent shall be due at the same time as Fixed Rent and shall be based on any and all special event income earned by Tenant in the prior month.

E. Tenant understands that this Lease does not guarantee that the City, in its regulatory capacity, will grant any particular request for a permit. Tenant understands that the City may grant or deny such permit in its sole discretion, and may impose such terms and conditions as it deems consistent with that discretion.

F. Delinquency and Late Charges; Interest.

1. Tenant hereby acknowledges that its late payment of rent and other sums due hereunder will cause Landlord to incur costs not contemplated by this Lease, the exact amount of which will be extremely difficult or impracticable to ascertain. Such costs include, without limitation, processing and accounting charges and overtime wages. Accordingly, any payment of rent or other sum due hereunder that remains due and unpaid for a period of ten (10) days after it becomes due and payable shall be subject to a delinquency charge of ten percent (10%) of the delinquent amount. The parties agree that such charge represents a fair and reasonable estimate of the costs Landlord shall incur by reason of Tenant's late payment. Landlord shall apply any monies received from Tenant first to any accrued delinquency charges and then to any rent then due. Acceptance of such delinquency charges by Landlord shall not constitute a waiver of Tenant's default with respect to such overdue amount. The delinquency charge is in addition to all other remedies that Landlord may have under this Lease or at law.

2. Any amount due to Landlord, if not paid when due, shall bear interest from the date due until paid at the rate of the twelve percent (12%) per annum. Interest shall not be payable on delinquency or late charges nor on any amounts upon which such charges are paid by Tenant, to the extent such interest would cause the total interest to exceed that legally permitted. Payment of interest shall not excuse or cure any default hereunder by Tenant.

F. Accord and Satisfaction. Landlord's acceptance of a lesser amount of rent or other sum due hereunder shall not be deemed to be other than on account of the earliest rent or payment due and shall be applied by Landlord as provided in subparagraph E. (1). No endorsement or statement on any check or letter accompanying any such check or payment shall be deemed an accord and satisfaction, and Landlord may accept such check or payment and pursue any other remedy available under this Lease or at law. Landlord may accept any partial payment from Tenant without invalidation of any contractual notice required hereunder (if required) and without invalidation of any notice required pursuant to California Code of Civil Procedure Section 1161, et seq., or any successor statute.

**4. PROPERTY AND OTHER TAXES**

A. Possessory Interest Taxes. The property interests created by this Lease may be subject to property taxation and Tenant, in whom the possessory interest is vested, will be responsible for the timely payment of any property taxes levied on such possessory interest. Tenant agrees to pay before delinquency all lawful taxes, assessments, fees or charges which at any time may be levied by the state, county, city or any tax or assessment levying body against the transfer of the leasehold interest hereunder upon recordation or otherwise, or upon any activity carried on under this Lease, any interest in this Lease or any possessory right which Tenant may have in or to the Property or the Property by reason of its use or occupancy thereof or otherwise.

B. City of Berkeley Assessments. Tenant also shall be responsible for and shall pay prior to delinquency all assessments imposed against the Property and/or the Property by Landlord. Tenant acknowledges that Landlord has established certain assessment districts within the City of Berkeley and that all properties within the assessment districts are subject to annual assessments. Landlord reserves the right to create additional districts and to terminate any such district(s). Landlord shall provide Tenant with written notice of each such assessment not later than sixty (60) days before such assessment is due and payable.

C. Personal Property and Other Taxes. In addition to all other sums to be paid by Tenant hereunder, Tenant shall pay, before delinquency, any and all taxes levied or assessed during the term of the Lease on Tenant's equipment, furniture, fixtures, merchandise, and other personal property located in the Property, and shall pay, or shall reimburse Landlord for, any and all assessments (including, without limitation, all assessments for public improvements, services or benefits, irrespective of when commenced or completed), excises, levies, business taxes, Lease, permit, inspection and other authorization fees, transit fees, service payments in lieu of taxes and any other fees or charges of any kind, which are levied, assessed, or imposed by any public authority: (i) upon or measured by rental payable hereunder, including without limitation, any gross income tax or excise tax levied by the City of Berkeley, Alameda County, the State of California, the Federal Government or any other government body with respect to the receipt of such rental; (ii) upon or with respect to the development, possession, leasing, operation, management, maintenance, alteration, repair, use or occupancy by Tenant of the Property or any portion thereof; (iii) upon, measured by or reasonably attributable to the cost or value of Tenant's equipment, furniture, fixtures, merchandise, and other personal property located at or in the Property or by the cost or value of any improvements made by Tenant to the Property, regardless of whether title to such improvements shall be in Tenant or Landlord; or (iv) upon this Lease or any document to which Tenant is a party creating or transferring an interest in the Property.

D. Tenant's Right to Contest. Tenant may, at no cost to Landlord, reasonably contest the legal validity or amount of any taxes, assessments, or charges for which Tenant is responsible under this Lease, and institute such proceedings as Tenant considers necessary; provided, however, that Tenant shall at all times protect Landlord from foreclosure of any lien, and that Landlord shall not be required to join in any proceeding or contest brought by Tenant.

**5. USE OF PROPERTY**



A. Landlord and Tenant specifically agree that a material consideration of this Lease is Tenant's agreement to continually operate, maintain and improve the Property as first-class commercial space, to be used in accord with the Public Trust Doctrine, and attract and serve visitors to the Berkeley Marina.

B. Tenant is authorized to use the Property for the purpose of operating a retail shop (establishment) to provide a variety of convenience items, groceries, prepared foods and services including the sale of fishing licenses and bait and tackle as described in Exhibit B- Scope of Services. Tenant proposes to build out a pizza kitchen that will sale pizza slices to go. Tenant may conduct ancillary uses only after requesting such uses in writing and receiving authorization by the Landlord prior to commencement.

C. Tenant shall operate its business in the Property in a manner consistent with the use permitted herein and the standards promulgated by Landlord.

D. Tenant shall not do or permit to be done in, on, or about the Property anything which is prohibited by or may conflict with any law, statute, ordinance or governmental rule or regulation now in force or hereafter enacted or promulgated, which is prohibited by the standard forms of special form or commercial general liability insurance or which may cause a cancellation of any insurance policy covering the Berkeley Waterfront or the Property or any of its contents, or (except with the prior written consent of Landlord) which may increase the existing rate of or affect any special form or commercial general liability insurance or other insurance upon the Berkeley Waterfront or the Property, or any of its contents. In the event Tenant does or permits to be done anything or keeps or permits to be kept anything on or about the Property or the Berkeley Waterfront which increases the existing rate of such insurance upon Berkeley Waterfront or the Property or any of its contents, Tenant shall pay the amount of any such increase promptly upon Landlord's demand. Tenant shall not do or permit anything to be done which will in any way obstruct or interfere with the rights of other lawful users of Berkeley Waterfront, including, without limitation, tenants, their employees or invitees, disturb or annoy them, or use or allow the Property to be used for any improper, unlawful or objectionable purpose. Tenant shall not maintain or permit any nuisance in or about the Property or commit or suffer to be committed any waste in or upon the Property.

E. No auction, fire, bankruptcy, distress, clearance, or going-out-of-business sale shall be conducted on the Property nor shall any sign or advertisement regarding such activity be posted in or about the Property.

F. Tenant shall not use or permit the Property to be used in any manner or permit anything to be brought into or kept therein which would (i) violate the certificate of occupancy for the Property; (ii) make it impossible or extraordinarily difficult to obtain special form coverage, commercial general liability or other insurance required to be furnished by Tenant under this Lease; (iii) cause structural injury to any part of the Property or the Building; (iv) impair or interfere with the proper operation and maintenance of the Property and/or Berkeley Waterfront; or (v) violate any of Tenant's other obligations under this Lease.

G. If any governmental license or permit shall be required for the proper and lawful conduct of Tenant's business, Tenant shall procure and maintain such license or permit and submit the same for inspection by Landlord. Tenant at all times shall comply with the terms and conditions of each such license or permit.

H. Nothing shall be done in or about the Property by Tenant or anyone having a contractual relationship with Tenant that will result in substantial interference, by themselves or third parties, with normal operation and use of Berkeley Waterfront or the means of ingress and egress thereto ("Substantial Interference"). Tenant shall use every effort to eliminate Substantial Interference, including legal action. If Tenant fails to bring an immediate halt to any Substantial Interference, Landlord shall have the right (i) to designate action to Tenant, which Tenant will undertake to eliminate such Substantial Interference and (ii) to commence any legal action to eliminate such Substantial Interference. Any agreement entered into by Tenant with regard to use of the Property shall contain a provision reserving to Tenant all of the necessary rights and remedies to permit Tenant to comply with its obligations under this provision and authorizing Landlord to enforce the terms of such provision if Tenant fails to do so.

**6. USE OF BERKELEY WATERFRONT PROPERTY; PUBLIC TRUST**

A. Tenant agrees that except as otherwise provided in this Lease, it is not a covenant or condition of this Lease or of any other agreement with Tenant that Landlord undertake or cause to be undertaken any development or redevelopment of the Property or the Berkeley Waterfront, and Landlord shall incur no liability whatsoever to Tenant for failure to undertake such development or redevelopment.

B. Landlord at all times shall have the right and privilege of making such changes in and to the Berkeley Waterfront (other than the Building) from time to time which in its sole opinion are deemed to be desirable or appropriate, including the location and relocation of stairways, sidewalks, pathways, driveways, streets, entrances, exits, automobile parking spaces, the direction and flow of traffic, designation of prohibited areas, landscaped areas, utilities and all other facilities; provided, however, that the foregoing is not intended to entitle Landlord to unreasonably effect changes that would materially and adversely affect access to or visibility of the Property, except temporarily during periods of construction. Landlord shall have the right to establish, promulgate, and enforce such reasonable rules and regulations concerning the Berkeley Waterfront, as it may deem necessary or advisable for the proper and efficient management, operation, maintenance and use thereof, and Tenant shall comply with the same.

C. Landlord at all times shall have the sole and exclusive management and control of the Berkeley Waterfront, including, without limitation, the right to lease, license or permit the use of space within the Berkeley Waterfront to persons for the sale of merchandise and/or services and the right to permit advertising displays, educational displays, displays of art, special events (including but not limited to the Fourth of July, Bay Festival, Winter on the Waterfront, and Events approved through the City's Special Event Permit Application Process), and promotional activities and entertainment. Tenant acknowledges that this may impact access to the Waterfront on several occasions each year.

D. Nothing contained herein shall be deemed to create any liability to Landlord for any personal injury, or any damage to motor vehicles, vessels, or other property of Tenant's members, employees or others, unless caused by the gross negligence or willful misconduct of Landlord, its agents, servants or employees. Tenant is solely responsible for the security of the Property, and for the safety of those using the Property pursuant to this Lease or any permits or licenses from the City. Tenant acknowledges that if Landlord provides security guards or police patrols for the Berkeley Waterfront or any portion thereof, Landlord does not represent,

guarantee or assume responsibility that Tenant or any person or entity will be secure from losses caused by the illegal acts of third parties and does not assume responsibility for any such illegal acts. To induce Landlord to provide such security, if any, as Landlord in its sole discretion deems reasonable, appropriate and economically feasible, Tenant hereby waives any present or future claims Tenant may have against Landlord, whether known or unknown, for bodily injury or property damage arising from the performance of such security agents. Landlord shall not be obligated to provide any public liability or property damage insurance for the benefit of Tenant or any other person or entity, each such party being responsible for its own insurance.

E. Public Trust Tidelands Requirements. Tenant acknowledges that the Property is located on State tidelands held by the City of Berkeley in trust for the promotion of commerce, navigation, and fishery pursuant to Chapter 347 of the California Statutes of 1913, as amended ("the Grant"), subject to the conditions, restrictions, limitations, rights, powers, and duties reversionary rights and other rights created or reserved in the Grant. Tenant agrees that, notwithstanding anything in this Lease to the contrary, Tenant shall use the Building and the Property consistently with and in a manner that shall not result in a violation of the Grant or of provisions of the Berkeley City Charter, California law or the California Constitution.

F. Landlord reserves to itself and the right to grant to others in the future nonexclusive utility easements over, under, through, across or on the Property in locations that will not unreasonably interfere with Tenant's access to or use of the Property. Any interference shall be temporary, and all work on the Property shall proceed expeditiously. Tenant shall be given reasonable notice before commencement of any work on the Property. In the event the installation or maintenance of such future utility lines in such easements causes any damage to the Property, or any portion thereof, or to the Building, or other facilities located upon the Property, including but not limited to pavement, curbs and sidewalks, the same shall be repaired by Landlord at its expense, if not so repaired by the party installing and maintaining the line. Landlord shall hold harmless and indemnify Tenant from all claims arising out of the grant or use of such a utility easement, except to the extent they result from the negligence or willful misconduct of Tenant.

## 7. UTILITIES

A. Tenant, at Tenant's sole cost and expense, shall be responsible and shall directly contract and pay for any and all utilities and services required or desired by Tenant in connection with its use or occupancy of the Property, including, but not limited to, water, sewer, gas, electricity, telephone, computer, internet, communications services, plumbing and drain clean out services, and alarm.

B. Landlord makes no representation or warranty that the supply of any utility or service to the Property and/or the Building will not be interrupted, delayed or reduced.

C. Landlord shall not be liable for damages to either person or property; nor shall Landlord be deemed to have evicted Tenant; nor shall there be any abatement of any rent; nor shall Tenant be relieved from performance of any covenant on its part to be performed hereunder by reason of any (i) breakdown of equipment or machinery utilized in supplying utilities or services; (ii) interruption of or failure to supply or delay in supplying any such utilities or services; (iii) the limitation or restriction on use of water, electricity, gas, or telecommunications

service serving the Property or the Berkeley Waterfront; or (iv) failure to repair or cure any of the foregoing, except in the case of Landlord's gross negligence or willful misconduct.

## **8. ALTERATIONS AND IMPROVEMENTS**

A. Tenant acknowledges that Landlord owns the Building(s). Tenant accepts the Building(s) from Landlord in its "as is" conditions, the conditions that exist as of the Effective Date of this Lease. Tenant acknowledges that Landlord makes no representation or warranty concerning (i) the physical condition of the Building(s); (ii) the Property's suitability for Tenant's proposed use; or (iii) the presence of any Hazardous Substance in or about the Property or the Building(s), except as otherwise expressly set forth in this Lease. Landlord has encouraged Tenant to make its own physical inspection of all aspects of the Property and the Building(s) and to conduct its own investigation as to the suitability of the Property and the Building(s) for Tenant's use.

B. If Tenant proposes to make or construct any alterations, improvements, additions or fixtures ("Alterations") that affect any portion of the Property or any structures located on the Property that are allowed under an existing use permit, Tenant shall first provide the Landlord with thirty (30) days prior written notice. If Landlord raises no objections within thirty (30) days after receipt of such notice, Tenant may proceed, provided Tenant obtains all required permits. Tenant shall not attach any fixture or item of equipment to the Building without Landlord's prior written consent. All such Alterations shall be made at Tenant's sole expense in accordance with Landlord's General Design Requirements (if any) and the plans and specifications (including specifications for materials to be used in connection therewith) and a statement of the estimated cost of such work submitted to and approved by Landlord (collectively the "Plans and Specifications"). Landlord, in its sole discretion, shall approve or disapprove Tenant's request and may disapprove Tenant's use of any materials or substances, including but not limited to asbestos and fiber glass, which Landlord, in its sole discretion, deems potentially hazardous, toxic or threatening to health. To the extent that Tenant's work shall require a building permit or other permits from the City of Berkeley, Bay Conservation and Development Commission ("BCDC") and/or any other governmental agency, Tenant shall not perform any of Tenant's Work until Tenant has obtained all requisite permits. Tenant further shall comply with all prevailing wage requirements of California Labor Code Sections 1720 et seq.; to the extent, such requirements are applicable to Tenant's work.

C. Except as otherwise expressly provided in this Lease, Tenant shall not repair, replace, or modify any utility system located within the Building without the Landlord's prior written consent. Tenant is responsible for the repair of any damage to any utility system, structural element of the Building(s), facilities of Landlord or any other facilities arising out of Tenant's construction activities or Tenant's negligence or willful misconduct; provided, however, such provision is not intended to and shall not be interpreted to make any other person or entity a third party beneficiary thereof.

D. This Lease specifically prohibits Tenants, or any other party, from expanding uses or structures allowed on the Property beyond those designated in use permits approved by the City of Berkeley. Notwithstanding approval of any new Use Permit allowing expansion, or any future expansion of the uses in existing buildings, or additions to existing buildings or docks, or construction of any new buildings or docks, or moving existing buildings onto the Property, are

all subject to the prior written approval of the Landlord and all improvements are subject to the environmental review and permit regulations and approvals of same by all applicable local, state, and federal agencies.<sup>1</sup>

E. Tenant shall not substantially deface or change any floors, walls, ceilings, roofs, or partition any of the structures or improvements on the Property without first providing thirty (30) days written notice to Landlord. If Landlord raises no objections within thirty (30) days after receipt of such notice, Tenant may proceed, provided Tenant obtains all required permits. Except as may be specifically approved in writing by Landlord, Tenant shall require all contractors to provide a labor and materials bond for the full amount of any contract for improvements that exceed \$50,000. Tenant shall pay, when due, all sums of money that may be due or become due for any labor, services, materials, supplies or equipment furnished to or for Tenant, in, at, upon or about the Property and which may be secured by any mechanic's, material men's or other lien against the Property or Landlord's interest therein.

F. Unless otherwise elected by Landlord as hereinafter provided, all Alterations made by Tenant shall become the property of Landlord and shall be surrendered to Landlord on or before the Lease Expiration Date, except as otherwise set forth in this Lease. Notwithstanding the foregoing, movable equipment, trade fixtures, personal property, furniture, or any other items that can be removed without material harm to the Property will remain Tenant's property (collectively, "Tenant Owned Property") and shall not become the property of Landlord but shall be removed by Tenant, at its sole cost and expense, not later than the Lease Expiration Date. When granting consent for any Alterations that require Landlord's consent, Landlord shall indicate whether it will require the removal of those Alterations prior to the Lease Expiration Date. Prior to making any Alterations not requiring Landlord's consent, Tenant shall request that Landlord notify Tenant whether Landlord requires Tenant to remove that Alteration prior to the Lease Expiration Date. Tenant shall repair at its sole cost and expense all damage caused to the Property or the Building by the removal of any Alterations that Tenant is required to remove or Tenant Owned Property. Landlord may remove any Tenant Owned Property or Alterations that Tenant is required but fails to remove at the Lease Expiration Date and Tenant shall pay to Landlord the reasonable cost of removal. Tenant's obligations under this Section 8F shall survive the expiration or earlier termination of this Lease. Notwithstanding the foregoing, Landlord can elect within thirty (30) days of the termination of the Lease to require Tenant, at its cost, to remove any equipment that Tenant has affixed to the Property.

G. Tenant shall assure that all workers are paid the prevailing rate of per diem wages, and travel and subsistence payments (defined in applicable collective bargaining agreements filed in accordance with Section 1773.8 of the California Labor Code), in effect on the date of Landlord's first approval of a building permit or other approval of the work. Copies of the applicable prevailing rate of per diem wages are on file at Landlord's principal office and will be made available to any interested party on request. Tenant agrees to post a copy of the prevailing rate of per diem wages at the Property. The difference between such prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which each worker was paid less than the prevailing wage rate shall be paid to each worker by Tenant. In the event Tenant fails to meet its obligations under this Section 8.G., Landlord's remedy shall be to enforce its indemnification rights under Section 12 below and/or seek specific performance.

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## 9. LIENS

Tenant shall keep the Property, the Building, and the Berkeley Waterfront free from any liens arising out of any work performed, materials furnished or obligations incurred by Tenant. In the event that Tenant shall not cause any such liens to be released of record, Landlord shall have, in addition to all other remedies provided herein or by law, the right (but not the obligation) to cause the same to be released by such means as Landlord shall deem proper, including payment of the claim giving rise to such lien. All sums paid and all expenses incurred by Landlord in connection therewith shall be reimbursed by Tenant promptly on demand. Landlord shall have the right to post and keep posted on the Property any notices (including, without limitation, notices of non-responsibility pursuant to California Civil Code Section 3094) that Landlord may deem proper for protection of Landlord, and the Property. Tenant shall give Landlord at least ten (10) business days' prior notice of the date of commencement of any Tenant's work on or in the Property to allow Landlord to post such notices.

## 10. TENANT AND LANDLORD MAINTENANCE OBLIGATIONS

A. Tenant agrees that during the entire term of this Lease, at its own cost and expense, it shall keep and maintain the Building(s) on the Property, and all leasehold improvements, fixtures, furniture, equipment and other improvements located on the Property in good-quality order, repair and condition, as further described in Exhibit B, Maintenance Standards. Except as otherwise provided in this Lease, Tenant shall perform, at its own cost and expense, any and all maintenance, removal of graffiti, repairs, or rehabilitation to the Building(s), whether required by deterioration or by operations of Tenant or otherwise. This obligation includes any repairs to the roof.

B. Tenant accepts responsibility to make improvements and repairs to the building at Tenant's sole cost, estimated at \$65,000, to facilitate a contemporary, clean, updated, functional, first class commercial business. Tenant acknowledges that failure to meet this deadline shall constitute an event of default under this Lease. Necessary improvements and repairs include, but are not limited to:

- New refrigeration system
- Kitchen remodel
- Complete build-out of pizza kitchen that will serve takeaway orders.
- replacement of broken kitchen equipment
- a deep cleaning
- a remodel/refresh of the interior (paint, wall and floor coverings, lighting, counter tops)
- repair/replacement of kitchen equipment if needed
- implementation of all necessary improvements to establish a safe, modern retail space.

Tenant shall not open the pizza business to the public without prior approval from Landlord, verifying that such improvements and repairs have been completed to the satisfaction of Landlord.

C. Waiver. To the extent applicable, Tenant hereby waives the provisions of Civil Code Sections 1941 and 1942, and any other provision of law now or hereafter in effect, with regard to untenable conditions of the Property or the Building.

D. "Good-quality order, repair and condition", as used herein, shall mean the maintenance, repair, or renovation of the Building, equipment, furniture, fixtures, outdoor lighting, signage, and appurtenances necessary to keep and maintain the Building in efficient and attractive condition, given the nature and age of the Building, at any time during the term of this Lease.

E. Tenant shall provide its own janitorial service for the Property, and Tenant shall remove all of Tenant's rubbish to such location(s) on the Property or within the Berkeley Waterfront as may be designated by Landlord for pick-up and disposal.

F. Landlord shall maintain or cause to be maintained, at Landlord's expense, all exterior structural elements of the Building (including the structural walls).

G. City shall use good faith efforts in providing for the safe and reasonable use of the Building and the Berkeley Waterfront. In the event of a dispute, if Landlord and Tenant cannot informally resolve the dispute, Tenant's only remedy against Landlord shall be the right to terminate this Lease, effective thirty (30) days from the delivery of written notice to Landlord.

H. Nothing in this Paragraph 10 shall be deemed to affect or impair Landlord's rights under Paragraph 7 of this Lease. Other than Landlord's commitment in Paragraph 8 to repair the sewer lateral, Tenant acknowledges that Landlord has no obligation and has made no promises to alter, remodel, improve, repair, decorate or paint the Building or to improve the Property, or any part thereof. Landlord has made no representations respecting the condition of the Building, the Property, or the Berkeley Waterfront, except as specifically set forth in this Lease.

**11. DAMAGE OR DESTRUCTION**

A. In the event the Property is damaged by fire, earthquake, flood, hurricane, act of God, the elements, or other casualty, then (unless this Lease is terminated pursuant to this Paragraph 11) Tenant shall forthwith repair the same, at its sole expense. In this event, Tenant shall be solely responsible for the loss, repair, and replacement of its all equipment and leasehold improvements.

B. Anything in subparagraph A to the contrary notwithstanding, neither Tenant nor Landlord shall have any obligation to repair or rebuild the Property or the Building, as the case may be, following damage or destruction thereto if the damage or destruction is due to any cause or casualty other than one against which the responsible party is required to carry insurance or actually does carry insurance and such party reasonably estimates that the cost of repair or rebuilding exceeds ten percent (10%) of the replacement cost of the Property or Buildings, as the case may be. If the responsible party elects not to repair any damage or destruction pursuant to this provision, such party shall give the other party notice of such election within sixty (60) days after the date of such damage or destruction; and this Lease shall terminate as of the date of such damage or destruction.

C. Tenant hereby waives the provisions of California Civil Code Sections 1932 and 1933 and any other statutes now or hereafter in effect which relate to termination of a lease when leased property is damaged or destroyed and agrees that such event shall be governed by the terms of this Lease.

## 12. INDEMNIFICATION

Landlord and its Affiliates shall not be liable to Tenant and, to the fullest extent permitted by law, Tenant hereby waives all claims against each of them, for any injury to or death of any person or damage to or destruction of property in or about the Property, the Building or the Berkeley Waterfront by or from any cause whatsoever, including, without limitation, gas, fire, oil, electricity or leakage or invasion of water or contaminants of any character from the roof, walls, basement, subsurface or other portion of the Property, the Building or Berkeley Waterfront, except any injury to or death of any person or damage to or destruction of any property which is caused solely by the willful misconduct of Landlord or its Affiliates. Tenant shall indemnify each of said parties and hold them harmless from and against any and all penalties, liability, claims, losses, damages, (including consequential damages), injury, cost and expense, including attorneys' fees and disbursements, arising out of or related to (i) Tenant's breach of any obligations under this Lease, or (ii) claims of injury to or death of persons or damage to property resulting directly or indirectly from Tenant's use or occupancy of the Property or activities of Tenant, its employees, agents, contractors or invitees in or about the Property, Building or Berkeley Waterfront or (iii) claims of injury to or death of persons or damage to property by Tenant or third parties (except Landlord) resulting from any cause or causes whatsoever while in or upon the Property or the Building. Such indemnity shall include, without limitation, the obligation to reimburse all costs of defense, including the legal fees for counsel selected by Landlord.

## 13. INSURANCE

A. Tenant, at its sole expense, shall procure and maintain the following insurance:

1. Commercial general liability insurance insuring Tenant against any liability arising out of its use, occupancy, repair or maintenance of the Property or the Building, with a combined single limit of not less than \$2,000,000 for injury to or death of one or more persons in any one accident or occurrence and property damage in any one accident or occurrence. Such comprehensive general liability insurance shall include fire liability coverage and public liability and property damage insurance, including personal injury, broad form property damage, blanket contractual, and other coverage as may be reasonably required by Landlord. Landlord shall have the right, from time to time, to require Tenant to increase the amount of its comprehensive general liability insurance coverage if, in Landlord's reasonable opinion, the amount of such coverage is not sufficient in light of the risks insured and Tenant's use of the Property or Berkeley Waterfront.

2. Special form property insurance for the full replacement cost of damage to the Building, including, without limitation, alterations, Tenant's Work, trade fixtures, furnishings, equipment, goods and inventory, and, during any term of construction of Tenant's Work, builders' All-Risk Insurance. Such insurance shall include coverage for vandalism and malicious



mischievous and cost of demolition and increased cost of construction by reason of changes in applicable ordinances/laws and shall not contain a co-insurance clause.

B. All policies of insurance and all renewals thereof shall be approved as to form and sufficiency by Landlord's Risk Manager and shall be issued by good and responsible companies qualified to do and doing business in California and rated A+: XIII or better in the most recent version of Best's Insurance Guide. Each of the required insurance coverage's except for workers compensation (i) shall name Landlord and each of its Affiliates as additional insured and, with respect to casualty insurance, as their respective interests may appear and (ii) shall provide that it may not be canceled or altered by the insurer in such manner as to adversely affect the coverage unless sixty (60) days' prior notice is given by certified mail to Landlord at the address set forth in Paragraph 33 below, or to such place as Landlord may from time to time designate in a notice to Tenant.

C. An original certificate of each policy of insurance shall be delivered to Landlord prior to the date the Property is delivered to Tenant and from time to time during the Term. If Tenant shall fail to procure or maintain any insurance required hereunder or shall fail to furnish to Landlord any duplicate policy or certificate, Landlord may obtain such insurance; and any premium or cost paid by Landlord for such insurance shall be reimbursed by Tenant promptly upon Landlord's demand. Tenant shall make good faith efforts to ensure that at least sixty (60) days prior to the expiration of any such policy, an extension endorsement showing that such insurance coverage has been or will be renewed or extended shall be delivered to Landlord and if, despite such good faith efforts, such extension endorsement cannot be timely delivered, Tenant shall cause to be delivered to Landlord within said time other reasonable documentary evidence of renewal of coverage and shall continue exercising diligent efforts to deliver to Landlord the required extension endorsement. If such coverage is canceled or reduced, Tenant, within ten (10) days after receipt of written notice of such cancellation or reduction in coverage but in no event later than the effective date of cancellation or reduction, shall deliver to Landlord a certificate showing that the required insurance has been reinstated or provided through another insurance company(ies). Upon Tenant's failure to so deliver such certificate, Landlord may, without further notice and at its option, (1) exercise Landlord's rights as provided in this Lease or (2) procure such insurance coverage at Tenant's expense and Tenant shall promptly reimburse Landlord for such expense.

D. If any of the insurance required in this Paragraph 13 is provided under a claims-made form of policy, Tenant shall maintain such coverage continuously throughout the Term and without lapse for a period of not less than five (5) years beyond the termination of this Lease, to the effect that should occurrences during the Term give rise to claims made after termination of this Lease, such claims shall be covered by such claims-made policies.

E. Each of Tenant's property insurance policies insuring the Property and Tenant's property in the Property shall include a waiver of the insurer's right of subrogation against Landlord, or, if such waiver should be unobtainable or unenforceable, (i) an express agreement that such policy shall not be invalidated if the assured waives, before the casualty, the right of recovery against any party responsible for a casualty covered by the policy or (ii) any other form of permission concerning the assured's right to waive its right of recovery. If such waiver, agreement or permission shall not be, or shall cease to be, obtainable, Tenant shall so notify Landlord promptly after learning thereof.

F. Tenant hereby releases Landlord with respect to any claim (including a claim for negligence) which Tenant might otherwise have against Landlord for loss, damage or destruction of Tenant's property occurring during the Term to the extent to which Tenant is insured under a policy(ies) containing a waiver of subrogation or agreement or permission to release liability, as provided in E. above. If, notwithstanding the recovery of insurance proceeds by Tenant for such loss, damage or destruction, Landlord is liable to Tenant with respect thereto or is obligated under this Lease to make replacement, repair, restoration or payment, then (provided Tenant's right of full recovery under its insurance policies is not thereby prejudiced or otherwise adversely affected) the amount of the net proceeds of the Tenant's insurance against such loss, damage or destruction shall be offset against Landlord's liability to Tenant therefore or shall be made available to Landlord to pay for replacement, repair or restoration, as the case may be. Nothing contained herein shall relieve either party of any duty to repair, restore or rebuild imposed elsewhere in this Lease or shall nullify any abatement of rent provided for elsewhere in this Lease.

G. If a death, serious personal injury or substantial property damage occurs in connection with the performance of this Lease, Tenant shall immediately notify the Landlord's Risk Manager. If any accident occurs in connection with this Lease, Tenant shall promptly submit a written report to Landlord, in such form as the Landlord 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 Tenant's subtenant, if any; 3) name and address of Tenant's liability insurance carrier; and 4) a detailed description of the accident, including whether any of Landlord's equipment, tools or materials were involved.

#### **14. COMPLIANCE WITH LAWS**

A. Tenant, at its sole expense, shall promptly comply with all laws, ordinances, rules, regulations, permits or requirements now or hereafter in effect (whether foreseen or unforeseen by Landlord or Tenant), with the requirements of any board of fire underwriters or similar body now or hereafter constituted; with any occupancy certificate issued by any public officer and with the provisions of all recorded documents affecting the Property, insofar as any of the foregoing relate to or affect the condition, use or occupancy of the Property or the Building. Such compliance by Tenant shall include, without limitation, compliance with all obligations to alter, maintain, or restore the Property (and, as applicable, the Building), or construct improvements in or to the Property, regardless of cost and regardless of when during the term of the Lease the work is required.

B. Tenant acknowledges that conducting its operations at the Property and making certain alterations and improvements may require an authorization, approval or permit (collectively, "Regulatory Approval") from a governmental authority having jurisdiction over the Property, including but not limited to BCDC. Tenant shall be solely responsible for obtaining any such Regulatory Approval, and Tenant shall not seek any Regulatory Approval without first obtaining the approval of Landlord. All costs associated with applying for and obtaining any necessary Regulatory Approval shall be borne by Tenant. Tenant shall be solely responsible for complying with any and all conditions imposed by regulatory agencies as part of a Regulatory Approval; however, Landlord shall not take any action that would materially interfere or prevent Tenant from complying with all such conditions. Any fines or penalties imposed as a result of

the failure of Tenant to comply with the terms and conditions of any Regulatory Approval shall be paid and discharged by Tenant, and Landlord shall have no liability, monetary or otherwise, for said fines and penalties, except to the extent that such fines or penalties were caused by the willful acts or omissions of Landlord. To the fullest extent permitted by law, Tenant agrees to indemnify and hold Landlord and its officers, agents and employees harmless from and against any loss, expense, cost, damage, attorneys' fees, penalties, claims or liabilities which Landlord may incur as a result of Tenant's failure to timely obtain or comply with the terms and conditions of any Regulatory Approval. Landlord agrees to cooperate (but only to the same extent and in the same manner as a non-public entity could so cooperate, and not as an exercise of Landlord's police or regulatory power) with Tenant in filing, processing and obtaining all Regulatory Approvals, and upon request of Tenant, to join with Tenant as co-applicant in filing, processing and obtaining all Regulatory Approvals; provided, however, that Landlord may refuse to file, process or obtain Regulatory Approvals or to join Tenant as a co-applicant if Landlord determines in its sole and absolute discretion that it is not in Landlord's best interest to do so. Nothing contained herein shall be deemed to limit or otherwise constrain Landlord's discretion, powers and duties as a regulatory agency with certain police powers.

C. Tenant understands and agrees that Landlord is entering into this Lease in its capacity as a landowner with a proprietary interest in the Property and not as a regulatory agency of the City of Berkeley with certain police powers. Landlord's legal status shall in no way limit the obligation of Tenant to obtain any required approvals from Landlord's departments, boards or commissions that have jurisdiction over the Property. By Landlord's entering into this Lease, neither Landlord nor any of Landlord's Council, boards, commissions, agencies, departments, or Affiliates obligates itself to any other governmental agent, board, commission or agency, or to Tenant, or to any other individual or entity, with regard to any discretionary action relating to development or operation of the Property or Berkeley Waterfront. Discretionary action includes but is not limited to rezonings, variances, environmental clearances, or any other governmental agency approvals that may be required or desirable for the improvement, alteration, or operation of the Property or Berkeley Waterfront. By entering into this Lease, Landlord is in no way modifying or limiting the obligation of Tenant to cause the Property to be used and occupied in accordance with all laws.

## **15. ASSIGNMENT AND SUBLEASE**

A. Any provision of this Lease to the contrary notwithstanding, Tenant shall not directly or indirectly, by operation of law or otherwise, transfer, assign, pledge, encumber or hypothecate this Lease or all or any portion of the Property or Tenant's interest in and to the Property (collectively, an "Assignment") or sublet the Property or any portion thereof or permit the Property or any portion thereof to be used, occupied or managed by anyone other than Tenant pursuant to any Lease, use or concession agreement or otherwise (collectively, a "Sublease") without Landlord's prior written consent in each instance.

B. If Tenant is a partnership or a limited liability company, any cumulative transfer of more than fifty percent (50%) of the partnership or the limited liability company membership interests, as applicable, shall constitute an Assignment and shall require Landlord's consent. Without limiting the foregoing, it shall constitute an Assignment and shall require Landlord's consent if: (a) Tenant is a limited partnership, and there is a transfer of a general partner interest; or (b) if Tenant is a limited liability company, and there is a transfer of any managing members

interest. If Tenant is a corporation, any change in a controlling interest of the voting stock of the corporation shall constitute an Assignment and shall require Landlord's prior consent.

C. Neither this Lease nor any interest therein shall be assignable or transferable in proceedings in attachment, garnishment or execution against Tenant, in voluntary or involuntary proceedings in bankruptcy or insolvency or receivership taken by or against Tenant or by any process of law. Possession of the Property shall not be divested from Tenant in such proceedings or by any process of law without the prior written consent of Landlord.

D. Tenant expressly waives any rights that it might otherwise be deemed to possess pursuant to applicable law, including without limitation, Section 1997.040 of the California Civil Code, to limit any remedy of Landlord pursuant to Section 1951.2 or 1951.4 of the Code by means of proof that enforcement of a restriction on use of the Property would be unreasonable.

## 16. INSPECTION

Landlord may enter the Property at all reasonable times (with reasonable advance notice except in case of emergency) (i) to inspect the same; (ii) to exhibit the same to prospective purchasers, mortgagees or tenants; (iii) to conduct tests, inspections and surveys to determine whether Tenant is complying with all of its obligations hereunder; (iv) to post notices of non-responsibility or other notices that may be permitted hereunder; (v) to post "to Lease" signs of reasonable size upon the Property during the last ninety (90) days of the Term; and (vi) to make repairs required or permitted to be made by Landlord or repairs to any adjoining space or any utility systems or to make repairs, alterations or additions to any other portion of the Building or Berkeley Waterfront; provided, however, that all such work shall be done as promptly and with as little interference to Tenant as reasonably possible. Tenant hereby waives all claims against Landlord for any injury or inconvenience to or interference with Tenant's business or any loss of occupancy or quiet enjoyment of the Property resulting from Landlord's entry into the Property or any work performed therein by Landlord. Landlord shall at all times have a key to all doors in and about the Property (excluding Tenant's vaults, safes and similar areas designated by Tenant in writing in advance), and Landlord shall have the right to use any and all means which Landlord may deem proper in an emergency to obtain entry to the Property. Tenant also shall provide Landlord with written notice of the name, address, telephone number and Tenant's account number of the burglar alarm company (if any) utilized by Tenant for the Property. Any entry to the Property by any of said means or otherwise shall not under any circumstances be deemed a forcible or unlawful entry into or a detainer of the Property or an eviction (actual or constructive) of Tenant from the Property.

## 17. DEFAULT

The occurrence of any one of the following shall constitute an event of default on the part of Tenant:

A. Failure to Use Property. Failure to use the Property as specified in Paragraphs 5 and 6.

B. Nonpayment of Rent. Failure to pay any installment of rent or any other sum due and payable hereunder upon the date when such payment is due, such failure continuing for a

period of five (5) days after written notice of such failure; provided, however, that Landlord shall not be required to provide such notice more than twice during any consecutive twelve (12) months with respect to non-payment of any portion of rent, the third such non-payment during any consecutive twelve (12) months constituting an event of default without requirement of notice.

C. Other Obligations. Failure to perform any obligation, agreement or covenant under this Lease, such failure having continued for thirty (30) days after notice of such failure from Landlord or such longer period as is reasonably necessary to remedy such default, provided that Tenant has commenced to remedy the default within such thirty (30) day period and shall continuously and diligently pursue such remedy until such default is cured.

D. General Assignment. A general assignment by Tenant for the benefit of creditors.

E. Bankruptcy. The filing of a voluntary petition in bankruptcy by Tenant, or the filing of an involuntary petition by Tenant's creditors, which involuntary petition remains undischarged for a period of thirty (30) days. In the event that under applicable law the trustee in bankruptcy or Tenant has the right to affirm this Lease and to continue to perform the obligations of Tenant hereunder, such trustee or Tenant, in such time period as may be permitted by the bankruptcy court having jurisdiction, shall cure all defaults of Tenant hereunder outstanding as of the date of affirmance and shall provide to Landlord such adequate assurances as may be necessary to ensure Landlord of the continued performance of Tenant's obligations hereunder. Any transferee (by operation of law or otherwise) must provide Landlord with adequate assurance of its future performance under this Lease. In the event of Tenant's bankruptcy, insolvency or reorganization, the parties specifically intend that the actions of the trustee or Tenant in assuming and/or assigning this Lease shall be governed by Section 365 of Title 11 of the United States Code applicable to shopping center leases.

F. Receivership. The employment of a receiver to take possession of all or substantially all of Tenant's assets in the Property.

G. Insolvency. The attachment, execution or other judicial seizure of all or substantially all of Tenant's assets in or on the Property; the admission by Tenant in writing of its inability to pay its debts as they become due; the filing by Tenant of a petition seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any present or future law or regulation; the filing by Tenant of an answer admitting or failing timely to contest a material allegation of a petition filed against Tenant in any such proceeding or if, within thirty (30) days after the commencement of any proceeding against Tenant seeking reorganization or arrangement, composition, readjustment, liquidation, dissolution or similar relief under any present or future law or regulation, such proceeding shall not have been dismissed.

H. Release of Hazardous or Toxic Substances or Materials and Other Environmental Impacts. Any release or discharge in, on, under, around, or from the Property and/or the Berkeley Waterfront by Tenant, its agents or employees of Hazardous Substances which has not been fully cleaned up within ten (10) days after such release or discharge. Any negative impacts to the natural habitat and environment of the Berkeley Waterfront caused by Tenant that are documented by a qualified, independent source and for which reasonable remediation measures

are not available, or the Tenant fails to cooperate with the Landlord in implementing in a timely manner reasonable measures intended to mitigate any negative impacts.

I. Illegal Substances. Any release or discharge of chemicals, toxics, solution in connection with the manufacturing and mixing of any illegal substance on the Property.

## 18. REMEDIES UPON DEFAULT

A. Termination. In the event of the occurrence of any event of default, Landlord shall have the right immediately to terminate this Lease by written notice and at any time thereafter to recover possession of the Property or any part thereof and to expel and remove Tenant, any other person or party occupying the same and all property located therein, by any lawful means and to reenter the Property without prejudice to any of the remedies that Landlord may have under this Lease or under law or equity.

B. Continuation After Default. In the event of any default, this Lease shall continue in effect for so long as Landlord does not terminate this Lease under subparagraph A above. In such case, Landlord may enforce all its rights and remedies under this Lease, including without limitation, the right to recover rent as it becomes due, and all of its rights and remedies under law. Acts of maintenance, preservation, efforts to relent the Property for Tenant's account or the appointment of a receiver upon application of Landlord to protect Landlord's interest under this Lease shall not constitute an election to terminate this Lease or Tenant's right to possession.

C. Damages Upon Termination. Should Landlord terminate this Lease pursuant to subparagraph A above, in addition to any other rights and remedies to which it may be entitled under applicable law, Landlord shall be entitled to recover from Tenant: (i) the worth at the time of the award of the unpaid rent and other amounts which had been earned at the time of termination; plus (ii) the worth at the time of the award of the amount by which the unpaid rent which would have been earned after termination until the time of the award exceeds the amount of such rent loss that Tenant proves reasonably could have been avoided; plus (iii) the worth at the time of the award of the amount by which the unpaid rent for the balance of the Term after the time of award exceeds the amount of such rent loss that Tenant proves reasonably could be avoided; plus (iv) any other amount necessary to compensate Landlord for all the detriment proximately caused by Tenant's failure to perform its obligations under this Lease or which, in the ordinary course of things, would likely result therefrom, including without limitation, the costs and expenses (including brokerage commissions and advertising costs) incurred by Landlord, with or without terminating the Lease, (1) in retaking possession of the Property, (2) in cleaning and making repairs and alterations to the Property reasonably necessary to return the Property to good condition for the use permitted by this Lease and otherwise to prepare the Property for reletting, (3) in removing all persons and property from the Property and transporting and storing any of Tenant's property left at the Property, although Landlord shall have no obligation to remove, transport, or store any of such property, and (4) in reletting the Property for such term, at such rent and upon such other terms and conditions as Landlord in its sole discretion may deem advisable; plus (v) such other amounts in addition to or in lieu of the foregoing as may be permitted from time to time under California law. The "worth at the time of award" of the amounts referred to in (i) and (ii) shall be computed with interest at the maximum rate allowed by law. The "worth at the time of award" of the amount referred to in (iii) shall be

computed by discounting such amount at the discount rate of the Federal Reserve Bank of San Francisco at the time of the award plus one percent (1%).

D. Computation of Rent for Purposes of Default. For purposes of computing unpaid rent which would have accrued and become payable pursuant to subparagraph C above, unpaid rent shall include the total rent for the balance of the term of the Lease.

E. Remedies Cumulative. All rights, privileges and elections or remedies of the parties are cumulative and not alternative to the extent permitted by law and except as otherwise specifically provided herein.

F. No Waiver. Landlord's waiver of any breach of a covenant or condition hereof, or Landlord's failure to declare any default immediately upon occurrence thereof or a delay in taking any action in connection therewith shall not waive such breach or such covenant or condition or any subsequent breach thereof. The subsequent acceptance of rent or other monies by Landlord shall not be deemed a waiver of any preceding default by Tenant, other than the failure of Tenant to pay the particular rent or other sum so accepted, regardless of Landlord's knowledge of such default at the time of its acceptance of rent.

G. No Right of Redemption. Tenant waives any right of redemption or relief from forfeiture under California Code of Civil Procedure Sections 1174 and 1179 or any other present or future law in the event Tenant is evicted or Landlord takes possession of the Property by reason of Tenant's default.

## 19. ENVIRONMENTAL OBLIGATIONS

A. Tenant shall not, without Landlord's prior written consent (which consent may be granted or denied in Landlord's sole discretion), install, bring into or release or discharge in, on, under, around, or from the Property any (i) asbestos-containing materials, (ii) electrical transformers, fluorescent light fixtures with ballasts or other equipment containing PCB's or (iii) materials which constitute hazardous, extremely hazardous or toxic materials under the Resource Conservation and Recovery Act, the California Hazardous Waste Control Act, the Comprehensive Environmental Response Compensation and Liability Act, the California Safe Drinking Water and Toxic Enforcement Act of 1986 or any other applicable law or regulation concerning hazardous or toxic materials, (collectively "Hazardous Substances") and has not done so prior to the effective date of this Lease. Any Hazardous Substances which are used, stored, treated, disposed of or released from the Property by Tenant or its representatives, agents, employees or invitees, shall be used, stored, treated, released and disposed of in accordance with all applicable laws and regulations.

B. If Tenant knows or has reasonable cause to believe that any Hazardous Substance has been released on or beneath the Property, Tenant shall immediately notify the Berkeley Police Department and Toxics Management Division and promptly give written notice of same to Landlord. If Tenant knows or has reasonable cause to believe that such substance is an imminent and material danger to public health or safety, Tenant shall take all actions necessary to alleviate such danger. Tenant shall provide to Landlord as promptly as possible, and in any event within five business days after Tenant first receives or sends the same, copies of all claims, reports, complaints, notices, warnings or asserted violations relating in any way to the Property

or Tenant's use thereof and concerning Hazardous Substances. Tenant shall not negotiate or enter into any settlement agreement, consent decree or other compromise in respect of Hazardous Substances affecting the Property or the Property without first giving Landlord prior written notice and full opportunity to appear, intervene or otherwise protect Landlord's rights and interests.

C. Without limitation of the provisions of Paragraph 12 hereof, Tenant shall indemnify, defend and hold Landlord and its Affiliates harmless from any and all claims, judgments, damages, penalties, fines, costs, liabilities or losses which arise during or after the term of this Lease as a result of the handling of Hazardous Substances on the Property, or Berkeley Waterfront by Tenant, its agents or invitees, including without limitation, all costs of monitoring, investigating, and remediation of the same, damages for diminution in the value of the Property, damages for the loss or restriction on use of rentable or usable space or of any amenity of the Property, damages arising from any adverse impact on marketing of any such space and sums paid in settlement of claims, attorneys' fees, consultant fees and expert fees. This indemnification by Tenant includes, but is not limited to, costs incurred in connection with any investigation of site conditions or any clean-up, remediation, removal or restoration work requested by Landlord or required by any federal, state or local governmental agency or political subdivision because of Hazardous Substance present in the soil or groundwater in, on or under the Property or in any improvements. Without limiting the foregoing, if the presence of any Hazardous Substance in, on, under or about the Property caused or permitted by Tenant results in any contamination of the Property or Berkeley Waterfront, Tenant, at its sole expense, promptly shall take all action that is necessary to return the Property to the condition existing prior to the introduction of such Hazardous Substance in, on, under or about the Property; provided that Landlord's approval of such actions shall first be obtained, which approval shall not be unreasonably withheld so long as such actions could not potentially have any material adverse effect upon the Property. Tenant's obligations under this Paragraph 19.C. shall survive the expiration or termination of this Lease.

## **20. LANDLORD'S RIGHT TO CURE**

All covenants to be performed by Tenant shall be performed at Tenant's sole cost and expense and without abatement of rent. Without limiting Landlord's rights under any other provision of this Lease, if Tenant shall fail to pay any sum of money or shall fail to perform any other act and such failure shall have become an event of default under Paragraph 17, Landlord, without waiving or releasing Tenant from any of its obligations, may make (but shall not be obligated to make) any such payment or perform any such other act. All sums so paid by Landlord and all necessary incidental costs shall be deemed additional rent and shall be payable to Landlord immediately upon Landlord's written demand.

## **21. EMINENT DOMAIN**

A. If all or any part of the Property shall be taken as a result of the exercise of the power of eminent domain, this Lease shall terminate as to the part so taken on the earlier of the date title vests in the condemning authority or such authority takes possession of the Property. In the case of a partial taking, either Landlord or Tenant shall have the right to terminate this Lease as to the balance of the Property by written notice to the other within thirty (30) days after such date of taking; provided, however, that Tenant shall have no right to terminate this Lease unless



the portion of the Property taken shall be of such extent and nature as substantially to impede or impair Tenant's use of the balance of the Property. In the event of any such taking, Landlord shall be entitled to all compensation, damages, income, rent, awards and interest that may be paid or made in connection with such taking. Tenant shall have no claim against Landlord for the value of any unexpired Term; however, Landlord shall cooperate with Tenant if Tenant seeks to recover, at its sole expense, proceeds or awards paid to compensate for damage to the "goodwill" associated with Tenant's business. Any such amounts recovered shall belong to Tenant.

B. If any part of the Property shall be so taken and this Lease shall not be terminated, then this Lease shall continue in full force and effect, except that the Rent shall be reduced in the same proportion that the rentable area of the Property taken bears to the original rentable area of the Property. Landlord, upon receipt of the award, shall make all necessary repairs and alterations (exclusive of Tenant's trade fixtures, furniture, furnishings, personal property, decorations, signs and contents) to restore the portion of the Property remaining to as near its former condition as the circumstances will permit and to restore the Building to the extent necessary to constitute the portion of the Building not so taken a complete architectural unit. Landlord, in any event, shall not be required to spend for such repairs and alterations an amount in excess of the amount received by Landlord as damages for the taking of such part of the Property and/or Building; and Tenant, at its sole cost and expense, shall make all necessary repairs and alterations to Tenant's trade and lighting fixtures, furniture, furnishings, personal property, decorations, signs and contents.

C. As used herein, the "amount received by Landlord" shall mean that portion of the award received by Landlord as damages from the condemning authority which is free and clear of all prior claims or collections by Landlord and less reasonable attorneys' and appraisers' fees and expenses.

## **22. SUBORDINATION**

A. This Lease shall be subject and subordinated to (i) all ground or underlying leases which have been or may hereafter be executed affecting the Property, (ii) any Declaration of Covenants, Conditions and Restrictions now or hereafter recorded affecting Berkeley Waterfront, all without the necessity of having further instruments executed on behalf of Tenant to effectuate such subordination.

B. Tenant agrees to execute and deliver upon demand such further instruments or documents as may reasonably be required by Landlord to evidence any such subordination of this Lease. Tenant hereby constitutes and appoints Landlord as Tenant's attorney-in-fact, coupled with an interest, to execute and deliver any such instrument(s) on behalf of Tenant.

## **23. NO MERGER**

The voluntary or other surrender of this Lease by Tenant, or a mutual cancellation thereof, shall not work a merger and shall, at the option of Landlord, terminate all or any existing subleases or sub-tenancies or operate as an assignment to it of any or all such subleases or sub-tenancies.

## **24. TRANSFER BY LANDLORD**

In the event the original Landlord or any successor owner of Berkeley Waterfront shall sell or convey the Property or the Building, or any portion thereof that includes the Property, all liabilities and obligations on the part of the original Landlord or such successor owner shall terminate. All such liabilities and obligations thereupon shall be binding only upon the new owner. Tenant agrees to attorn to such new owner.

## **25. ESTOPPEL CERTIFICATES**

From time to time, Tenant shall execute and deliver to Landlord promptly upon request a certificate certifying (i) that this Lease is unmodified and in full force and effect or, if there has been any modification, that this Lease is in full force and effect as modified, and stating the date and nature of each such modification; (ii) the date to which rent and other sums payable hereunder have been paid; (iii) that no notice has been received by Tenant of any default which has not been cured, except as to defaults specified in such certificate; (iv) that Landlord is not in default under this Lease and that Tenant has no claims, charges, offsets or defenses against Landlord, or specifying the nature of any such default or claim, charges, offsets or defense; and (v) such other matters as may be reasonably requested by Landlord. Any such certificate may be relied upon by any prospective purchaser, vendee or other party. If Tenant fails to execute and deliver any such certificate within ten (10) business days after Landlord's written request, such failure, at Landlord's election, shall be conclusive against Tenant that this Lease is in full force and effect, without modification (except as may be represented by Landlord), that there are no uncured defaults in Landlord's performance, and that not more than one month's rent has been paid in advance.

## **26. HOLDING OVER**

If, without objection by Landlord, Tenant holds possession of the Property after expiration of the Term of the Lease, Tenant shall become a tenant from month-to-month upon all provisions of this Lease applicable immediately prior to the expiration of such Term, or as otherwise fixed from time to time by Landlord, except that the Rent shall be 120% of that applicable immediately prior to the expiration of such Term, payable monthly, in advance. Each party shall give the other at least thirty (30) days' written notice of its intention to terminate such month-to-month tenancy.

## **27. CHANGES BY LANDLORD**

A. The description of the Property and the location of any Property utility system(s), including without limitation electrical, plumbing, shall be subject to such minor changes as Landlord determines to be necessary or desirable in the course of any construction performed by or under the authorization of Landlord. No such changes shall invalidate or affect this Lease. Landlord shall effect such changes using reasonable efforts not to disturb Tenant's business. Tenant shall have no claim against Landlord for abatement of rent or loss of business as a result of any such disturbance.

B. Landlord shall have the right in its sole discretion to, among other things, change permitted land uses, install, maintain and remove public improvements, change the arrangement, character, use or location of entrances or passageways, walkways, streets, sidewalks, parking

areas, stairs, landscaping, toilets, and other facilities and portions of Berkeley Waterfront, and to change the name, number or designation by which the Building is commonly known. None of the foregoing shall be deemed an actual or constructive eviction of Tenant, nor shall it entitle Tenant to any reduction of rent hereunder or result in any liability of Landlord to Tenant; provided, however, Landlord shall not unreasonably obstruct or interfere with access to or the lines of sight toward the Property.

**28. GOVERNING LAW**

This Lease shall be governed by the laws of the State of California.

**29. SIGNAGE**

The size, design, material and location of any sign, marquee, awning, decoration or other attachment, advertising material or lettering on the Property or on the exterior of the Building (collectively "signage") shall be subject to Landlord's prior written approval. All such signage shall comply with the criteria outlined in Landlord's General Design Requirements (if any) and shall be subject to the following provisions:

A. Tenant, at its sole expense, shall submit to Landlord a written description of all proposed signage, including dimensions, color, proposed location and other pertinent information ("Signage Proposal"). Landlord shall review the Signage Proposal and shall notify Tenant in writing of its approval, or reason(s) for its disapproval, within thirty (30) business days after Landlord's receipt of the Signage Proposal. If disapproved, Tenant shall make all required modifications to the Signage Proposal and shall resubmit the same to Landlord within seven (7) days after its receipt of Landlord's disapproval.

B. Within ten (10) days after Landlord's approval of the Signage Proposal, Tenant, at its sole expense, shall cause to be prepared and submitted to Landlord two (2) sets of plans ("Sign Plans") reflecting in detail the information contained in the approved Signage Proposal. Landlord shall review the Sign Plans within thirty (30) days after Landlord's receipt of the same. Upon Landlord's approval of the Sign Plans, Landlord shall issue a sign permit to Tenant authorizing installation of the sign(s) reflected on the Sign Plans.

C. Upon Tenant's receipt of its sign permit from Landlord, Tenant shall construct and/or install all signage shown on the Sign Plans; in any event, however, Tenant shall complete such construction and/or installation not later than thirty (30) days after the sign permit is issued, unless otherwise agreed in writing by Landlord.

D. Upon Landlord's request, Tenant immediately shall remove any signage that Tenant has placed or permitted to be placed in, on or about the Property or Building contrary to the terms of this Paragraph 30. If Tenant fails to do so, Landlord may enter upon the Property and remove the same at Tenant's expense. Tenant, at its sole expense, shall maintain and replace all approved signage and shall repair, at its sole expense, any damage to the Building caused by the erection, maintenance or removal of any signage, including any damage caused by Tenant's removal of its signage at the expiration or earlier termination of the Lease. Tenant also shall comply with such regulations as may from time to time be promulgated by Landlord governing the signage of all tenants at the Berkeley Waterfront.

**30. NO PARTNERSHIP**

It is expressly understood and agreed that Landlord shall not be deemed in any way or for any purpose a partner, agent or principal of Tenant, in the conduct of its business or otherwise, or a joint venture or member of a joint enterprise with Tenant.

**31. NOTICES**

All notices, demands, consents or approvals which may or are required to be given by either party shall be in writing and shall be deemed to have been received when delivered personally or on the earlier of the date of actual receipt or two (2) business days following deposit in the United States mail, registered or certified, postage prepaid, addressed as follows:

**To Tenant:** Qasemi Abdul Moqim  
3794 Castro Valley Blvd. Castro Valley, CA 94546  
Telephone: (510) 849-2727  
Email: monesaq@yahoo.com

**To Landlord:** Director, Department of Parks, Recreation & Waterfront  
City of Berkeley  
2180 Milvia Street, Third Floor  
Berkeley, CA 94704

**With copies to:** City Manager Waterfront Manager  
City of Berkeley City of Berkeley  
2180 Milvia Street, 5th Floor 201 University Avenue  
Berkeley, CA 94704 Berkeley, CA 94710

Notices to Landlord regarding Hazardous Substances required by Paragraph 19 hereof shall be sent both to the above addresses and to such other place as either party may from time to time designate in a written notice to the other party, or in the case of Tenant, delivered to the Property.

Tenant will appoint an agent to receive the service of all proceedings, demands and notices the agent will be in charge of or occupying the Property at the time. If no person shall be in charge of or occupying the same, then such service may be made by attaching the same on the main entrance of the Property.

**32. COMPLETE AGREEMENT**

This Lease is intended by the parties as the final expression of their agreement with respect to such terms as are included herein and may not be contradicted by evidence of any prior or contemporaneous agreement. The parties further intend that this Lease constitutes the complete and exclusive statement of its terms, and no extrinsic evidence whatsoever may be introduced in any judicial or other proceeding involving this Lease. The language and all parts of this Lease shall be construed as a whole and in accordance with its fair meaning and not

restricted for or against either party. This Lease may be modified or amended only by a written instrument signed by both parties.

**33. REQUESTS FOR CONSENT; WAIVER OF CLAIM**

Tenant hereby waives any claim for damages against Landlord that it may have based upon any assertion that Landlord unreasonably has withheld or has delayed any consent or approval, and Tenant's sole remedy shall be an action for specific performance of such provision, injunction or declaratory judgment. In the event of a final determination in Tenant's favor, the requested consent or approval shall be deemed to have been granted.

**34. INTERPRETATION**

The use of masculine, feminine, or neuter genders shall include the other genders, and the singular shall include the plural and vice-versa. Headings are intended for convenience only and shall not be referred to in construing any provision. If there be more than one party as Tenant, the obligations imposed upon Tenant shall be joint and several. If any provision(s) of this Lease shall be found, to any extent, to be invalid or unenforceable the remainder of the Lease shall not be affected thereby.

**35. SUCCESSORS AND ASSIGNS**

This Lease shall be binding upon and shall inure to the benefit of Landlord, its successors and assigns, and shall be binding upon and shall inure to the benefit of Tenant, its heirs, successors and (to the extent assignment may be permitted hereunder) assigns.

**36. AUTHORITY**

If Tenant is a corporation or partnership, each of the persons executing this Lease on behalf of Tenant covenants and warrants that Tenant is a duly authorized and existing corporation or partnership, that Tenant has and is qualified to do business in California, that Tenant has full right and authority to enter into this Lease and that each person signing on behalf of Tenant is authorized to do so.

**37. UNAVOIDABLE DELAYS**

A. In the event that Tenant or Landlord is delayed, directly or indirectly, from the performance of any act or thing required to be done or performed under the terms or conditions hereof by acts of the other party to this Lease, acts of God, fire, floods, inclement weather, unavoidable governmental action, strikes or labor difficulties of any and all kinds, shortages of or delay in the delivery of materials, acts of war, riot and civil commotion, or by any other cause beyond the reasonable control of Tenant or Landlord, as the case may be, such failure shall not be deemed to be a breach of this Lease or a violation of any such covenants or conditions and the time within which Tenant or Landlord must perform any such act shall be extended by a period of time equal to the period of delay arising from any of such causes.

B. Notwithstanding any provision of this Paragraph 39 or any other provision of this Lease to the contrary, it is understood and agreed that there shall be no abatement of, or delay in the commencement of, payment of any sum due to Landlord under this Lease.

**38. TIME OF THE ESSENCE**

Time is of the essence of each and every covenant and condition of this Lease.

**39. BROKERAGE**

Landlord and Tenant hereby represent and warrant, each to the other, that they have not disclosed this Lease or the subject matter hereof to, and have not otherwise dealt with, any broker, finder or any other person, firm, corporation or other legal entity so as to create any legal right or claim of whatsoever kind or nature for a commission or similar fee or compensation with respect to the Property or this Lease. Landlord and Tenant hereby indemnify each other against, and agree to hold each other harmless from, any liability or claim (and all expenses, including attorneys' fees, incurred in defending any such claim or in enforcing this indemnity) for a real estate brokerage commission or similar fee or compensation arising out of or in any way connected with any claimed dealings with the indemnitor and relating to the Property or this Lease.

**40. CITY NON-DISCRIMINATION ORDINANCE**

A. Tenant hereby agrees to comply with the provisions of the Berkeley Municipal Code ("B.M.C."), including without limitation Chapter 13.26, as amended from time to time. In the performance of its obligations under this Lease, Tenant agrees as follows:

1. Tenant 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.

2. Tenant shall permit Landlord access to records of employment, employment advertisements, application forms, EEO-1 forms, affirmative action plans and any other documents which, in the reasonable opinion of Landlord, are necessary to monitor compliance with this non-discrimination provision. In addition, Tenant shall fill out, in a timely fashion, forms supplied by Landlord to monitor this non-discrimination provision.

**41. NON-DISCRIMINATION AGAINST PERSONS WITH DISABILITIES.**

A. If Tenant provides any aid, service or benefit to others on the Landlord's behalf, Tenant shall, in the provision of such aid, service or benefit, observe and comply with all applicable provisions of Title II of the Americans with Disabilities Act of 1990 and any amendments thereto. Tenant shall further observe and comply with all applicable federal, state, municipal and local laws, ordinances, codes and regulations prohibiting discrimination against individuals with disabilities or ensuring that individuals with disabilities are not excluded from participating in or receiving benefits, services or activities of the Landlord.

B. If Tenant is or becomes a "public accommodation" as defined in Title III of the Americans with Disabilities Act of 1990, Tenant shall observe and comply with all applicable provisions of the Act and any amendments thereto, and all applicable federal, state, municipal and local laws, ordinances, codes and regulations prohibiting discrimination on the basis of disability in the full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations offered by the Tenant. All of Tenant's activities must be in accordance with these laws, ordinances, codes, and regulations, and Tenant shall be solely responsible for complying therewith.

**42. CONFLICT OF INTEREST PROHIBITED**

A. In accordance with California Government Code Section 1090, Berkeley City Charter Section 36 and B.M.C. Chapter 3.64, neither Tenant nor any employee, officer, director, partner or member of Tenant, or immediate family member of any of the preceding, shall have served as an elected officer, an employee, or a committee or commission member of Landlord, who has directly or indirectly influenced the making of this Lease.

B. In accordance with California 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 Tenant, or immediate family member of any of the preceding, shall make or participate in a decision made by Landlord or any of its boards, commissions or committees, if it is reasonable foreseeable that the decision will have a material effect on any source of income, investment or interest in real property of that person or Tenant, except to the extent permitted by 2 California Code of Regulations, Section 18700(c)(2).

C. Interpretation of this paragraph shall be governed by the definitions and provisions use 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, as amended from time to time.

**43. NUCLEAR FREE BERKELEY.**

Tenant agrees to comply with B.M.C. Chapter 12.90, the Nuclear Free Berkeley Act, as amended from time to time.

**44. REQUIRED ACCESSIBILITY DISCLOSURE**

Landlord hereby advises Tenant that the Project has not undergone an inspection by a certified access specialist, and except to the extent expressly set forth in this Lease, Landlord shall have no liability or responsibility to make any repairs or modifications to the Property or the Project in order to comply with accessibility standards. The following disclosure is hereby made pursuant to applicable California law:

“A Certified Access Specialist (CASp) can inspect the subject premises and determine whether the subject premises comply with all of the applicable construction-related accessibility standards under state law. Although state law does not require a CASp

inspection of the subject premises, the commercial property owner or lessor may not prohibit the lessee or tenant from obtaining a CASp inspection of the subject premises for the occupancy or potential occupancy of the lessee or tenant, if requested by the lessee or tenant. The parties shall mutually agree on the arrangements for the time and manner of the CASp inspection, the payment of the fee for the CASp inspection, and the cost of making any repairs necessary to correct violations of construction-related accessibility standards within the premises.” [Cal. Civ. Code Section 1938(e)]. Any CASp inspection shall be conducted in compliance with reasonable rules in effect at the Building with regard to such inspections and shall be subject to Landlord’s prior written consent.

**45. OPPRESSIVE STATES.**

A. In accordance with Resolution No. 59,853-N.S., Tenant certifies that it has no contractual relations with, and agrees during the term of this Lease 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 this Lease) 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 Lease, the Tibet Autonomous Region and the provinces of Abo, Kham, and U-Tsang shall be deemed oppressive states.

C. Tenant’s failure to comply with this paragraph shall constitute a default of this Lease and Landlord may terminate this Lease pursuant to Paragraph 18. In the event that Landlord terminates this Lease due to a default under this provision, Landlord may deem Tenant a non-responsible bidder for five (5) years from the date this Lease is terminated.

**46. BERKELEY LIVING WAGE ORDINANCE (LWO)**

A. Tenant agrees to comply with Berkeley Municipal Code Chapter 13.27, the Berkeley Living Wage Ordinance. If Tenant employs six (6) or more part-time or full-time employees, and generates \$350,000 or more in annual gross receipts, Tenant will be required to provide all eligible employees with City mandated minimum compensation during the term of this lease, as defined in B.M.C. Chapter 13.27, and well as comply with the terms enumerated herein.

B. Tenant shall be required to maintain all reasonable records and documents that would establish whether Tenant is subject to Berkeley’s Living Wage Ordinance (LWO). If



Tenant is subject to the LWO, as defined therein, Tenant shall be further required to maintain monthly records of those employees located on the leased Property. These records shall include the total number of hours worked, the number of hours spent providing service on the leased Property, the hourly rate paid, and the amount paid by Tenant for health benefits, if any, for each of its employees providing services under the lease. The records described in this Paragraph shall be made available upon the City's request. The failure to produce these records upon demand shall be considered a default, subject to the provisions contained in Paragraph 18 herein.

C. If Tenant is subject to the LWO, Tenant shall include the requirements of the ordinance, as defined in B.M.C. Chapter 13.27, in any and all subleases in which Tenant enters with regard to the subject premises. Subtenants shall be required to comply with this ordinance with regard to any employees who spend 25% or more of their compensated time on the leased Property.

D. If Tenant fails to comply with the requirements of this the LWO and this lease, the City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

Tenant's failure to comply with this Section shall constitute default of the lease, upon which City may terminate this lease pursuant to Paragraph 18.

In addition, at City's sole discretion, Tenant may be responsible for liquidated damages 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 Tenant'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 damages set forth herein is the nearest and most exact measure of damage for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty of forfeiture for Tenant's breach.

**47. BERKELEY EQUAL BENEFITS ORDINANCE (EBO)**

A. Tenant hereby agrees to comply with the provisions of the Berkeley Equal Benefits Ordinance, B.M.C. Chapter 13.29. If Tenant is currently subject to the Berkeley Equal Benefits Ordinance, Tenant will be required to provide all eligible employees with City mandated equal benefits during the term of this lease, as defined in B.M.C. Chapter 13.29, as well as comply with the terms enumerated herein.

B. If Tenant is currently or becomes subject to the Berkeley Equal Benefits Ordinance, Tenant agrees to supply the City with any records the City deems necessary to determine compliance with this provision. Failure to do so shall be a considered a default, subject to the provisions of Paragraph 17 of this lease.

C. If Tenant 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.

Tenant's failure to comply with this Paragraph shall constitute default of the lease, upon which City may terminate this lease pursuant to Paragraph 18.

In addition, at City's sole discretion, Tenant 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 Tenant'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 Tenant's breach.

**48. SANCTUARY CITY CONTRACTING**

Tenant hereby agrees to comply with the provisions of the Sanctuary City Contracting Ordinance, B.M.C. Chapter 13.105. In accordance with this Chapter, Tenant 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.

**49. AUDIT.**

In addition to Landlord's financial audit rights set forth in Paragraph 3B., the City Auditor's Office, or its designee, may conduct an audit of Tenant's financial and compliance records maintained in connection with the operations and services performed under this Lease, and with the payments made under this Lease. In the event of such audit, Tenant agrees to make all such financial and compliance records available to the Auditor's Office, or to its designee.

City agrees to provide Tenant an opportunity to discuss and respond to any findings before a final audit report is filed.

**50. CITY BUSINESS LEASE, PAYMENT OF TAXES, TAX I.D. NUMBER.**

Tenant has obtained a City business license as required by B.M.C. Chapter 9.04, and its license number is written below; or, Tenant 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. Tenant shall pay all state and federal income taxes and any other taxes due. Tenant certifies under penalty of perjury that the taxpayer identification number written below is correct.

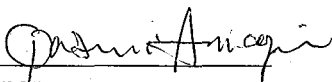
**51. SURVIVAL**

The provisions of Paragraphs 8, 9, 10, 12, 14, 19, and 40 and any other obligation of Tenant that, by its terms or nature, is to be performed after or is to survive termination of this Lease shall survive such termination.

**IN WITNESS WHEREOF**, the parties hereto have executed this Lease at Berkeley, California effective as of the Effective Date.

TENANT:

Qasemi Abdul Moqim  
dba Berkeley Sportsman Center.

By:   
Owner

Approved as to form:

\_\_\_\_\_  
City Attorney

Attest:

\_\_\_\_\_  
City Clerk

LANDLORD:

City of Berkeley  
a California municipal corporation

By: \_\_\_\_\_  
Dee Williams Ridley,  
City Manager

Registered by:

\_\_\_\_\_  
City Auditor

**TENANT INFORMATION**

Tax Identification No.  
Incorporated: Yes  No   
Certified Woman Business Enterprise: Yes \_\_\_\_\_ No

Certified Minority Business Enterprise: Yes \_\_\_ No

Certified Disadvantaged Business Enterprise: Yes \_\_\_ No

City Business License No. 005391, or Exempt pursuant to B.M.C. Section \_\_\_

**EXHIBIT A-1**

**PROPERTY DESCRIPTION**

The Property is located within the Berkeley Waterfront in the City of Berkeley, CA. The Property consists of the 1,800 square foot space known as the Bait Shop at 225 University Avenue, Berkeley, California, located on the southern side of the large building known as 235 University Avenue. This includes:

1. The name, Berkeley Sportsman Center
2. The primary phone number for Berkeley Sportsman Center, including (510)849-2727
3. A ground floor space of approximately 1,800 square feet located in the portion of the building known as 225 University Ave, Berkeley, California; and a basement floor space that contains laundry, bathroom, and storage space, bounded by a chain link fence on the north side. Also included is the outdoor plaza on the south side of the building, ending at the public sidewalk, and the hardscape area to the east of the building, ending at the curblin, containing the entryway to the shop and the picnic area, as shown in the depiction of the premises in Exhibit A-2.

EXHIBIT A-2

**DEPICTION OF PREMISES**

EXHIBIT A-2 – DEPICTION OF PROPERTY  
LEASE LINE – 225 UNIVERSITY AVE PROPERTY  
CITY OF BERKELEY

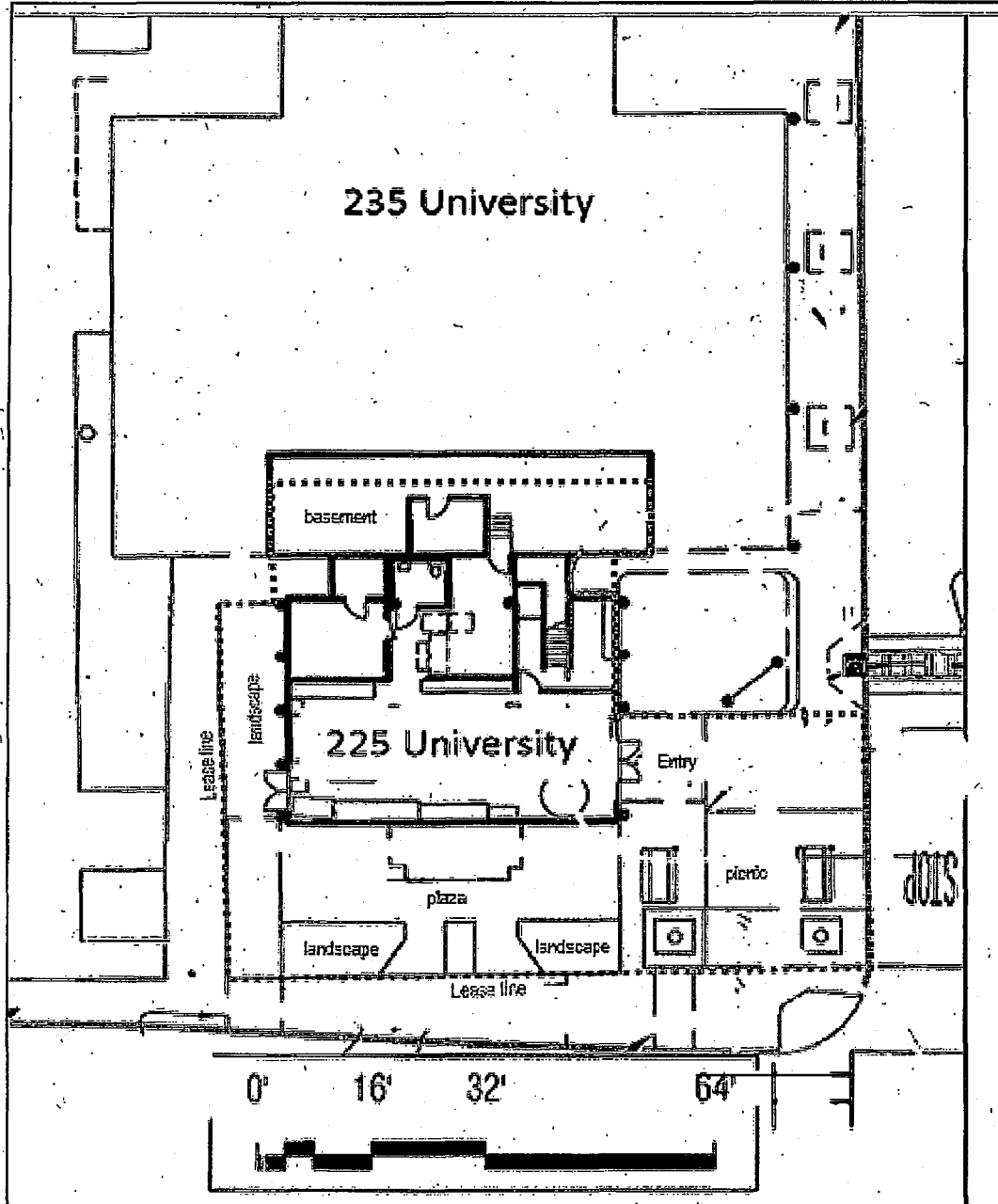


EXHIBIT A-2

## EXHIBIT B SCOPE OF SERVICES

- 1) Services: Lessee shall operate a retail establishment on the property that provides services to Marina visitors, employees and berthers. Specifically, Lessee shall operate a clean, commercially-appropriate retail space that at a minimum, provides a variety of convenience items and groceries; prepared foods; fishing licenses; as well as bait and tackle. Additionally, Lessee may and is encouraged to operate a pizza shop that sales pizza by the slice. They are also encouraged to build and sell custom fishing rods and/or other services defined below. Its design and décor would complement the Hana Japan Restaurant in the same building. In the operation of the retail establishment on the Property and the provision of those services, Lessee shall be permitted to engage in and conduct the following:
- a) Sale of groceries, convenience items, sundries, food and drink items. Lessee shall sell groceries, convenience items, sundries and food and drink items, including but not limited to, typical convenience store food and drink items (i.e., fresh, packaged, canned and frozen foods, packaged sandwiches, microwaveable packaged foods, candy, water, juice, energy drinks, chips etc.); sundries, including first aid, hygiene, cosmetic and other personal products; postcards, magazines, books and newspapers; cameras and film products; and similar items.
  - b) Sale of Prepared Foods: Lessee shall further be permitted to install and operate facilities to sell prepared foods, which would specifically include, but not be limited to typical coffee bar fare (i.e., espresso-style drinks, breakfast sandwiches and wraps, hot or cold cereal, pastries, bagels, etc.); typical lunch and light dinner fare (hot or cold sandwiches and wraps, hamburgers, pizza, hot dogs, soups, salads, etc.); and prepared fish or crab ready for consumption (steamed, boiled, raw, etc.).
  - c) Sale of Fishing Licenses, Bait, and Merchandise. Lessee shall sell State of California fishing licenses and bait and tackle. Lessee shall be permitted to sell all types of bait, whether live, fresh, or frozen.
  - d) Lessee shall be permitted to engage in retail and discount sales of fishing and related equipment. Including, but not limited to, fishing rods, fishing reels, fishing tackle, line winding, bait buckets, nets and other similar equipment together with marine apparel, sunglasses, sunscreen and other similar personal items. Further, Lessee shall be permitted to build and sell on the Premises custom fishing rods and other fishing equipment.
  - e) Lessee may use the Premises to sponsor events for children which involve the use of the Marina, after obtaining appropriate permits (if any are required), including but not limited to permits from the City which may be granted or denied in the City's sole discretion. The City will not, by granting or denying such permits, assume any responsibility for events sponsored by Lessee. Lessee agrees that the terms of this Agreement, including but not limited to Section 3 (Rent), Section 7(indemnification), and Section 6(insurance), and shall apply to such events, and that other conditions may be imposed before permits for particular events are granted.
  - f) Lessee may engage in other activities upon the Premises consistent with the foregoing, subject to the City Manager's prior written approval, which may be granted or denied at the City's sole discretion.
- 2) The hours of operation shall be as follows:
- a) Salmon/Crab Season: From 4:30 a.m. to 5:00 p.m., seven (7) days a week, weather permitting. If weather does not permit, then the hours of operation shall be from 8:00 a.m. to 5:00 p.m. The state of California, department of Fish and Game shall determine the dates of the Salmon Season.
  - b) Off Season (any dates outside of Salmon Season): From 8:00 a.m. to 5:00 p.m., seven (7) days a week.
  - c) Lessee may close its shop at 12:00 p.m. on Thanksgiving Day and maybe closed all day on Christmas Day.
  - d) Lessee, at its sole discretion, may increase the number of hours, days and months of operation to meet market

demand. Lessee may reduce its hour and days of operation below those specified above only with prior written approval of the Waterfront Manager.



Exhibit C

PAYMENT

- 1) The payments must be accompanied by an unaudited monthly statement of Gross Sales on Prepared Foods; Gross Sales on Fees and Licenses transacted during the preceding month.
- 2) Payments shall be made payable to the "City of Berkeley" and paid at the Finance Department at 1947 Center Street, Berkeley, CA 94704. Copies of all payments and statements of gross receipts shall be provided each month to the City's Waterfront manager at 201 University Avenue.





Office of the City Manager

CONSENT CALENDAR  
October 27, 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 September 15, 2020 (closed and regular), September 22, 2020 (closed and regular) and September 29, 2020 (closed and special).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. September 15, 2020 – Closed City Council Meeting
2. September 15, 2020 – Regular City Council Meeting
3. September 22, 2020 – Closed City Council Meeting
4. September 22, 2020 – Regular City Council Meeting
5. September 29, 2020 – Closed City Council Meeting
6. September 29, 2020 – Special City Council Meeting

**MINUTES  
BERKELEY CITY COUNCIL  
SPECIAL MEETING**

**TUESDAY, SEPTEMBER 15, 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.*

*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/85459223027>. 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** and enter Meeting ID: **854 5922 3027**. 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](mailto:clerk@cityofberkeley.info) with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.*

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

## Preliminary Matters

**Roll Call:** 4:34 p.m.

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

**Absent:** Kesarwani, Bartlett, Droste

Councilmember Kesarwani present at 4:38 p.m.

Councilmember Bartlett present at 4:40 p.m.

Councilmember Droste present at 4:58 p.m.

**Public Comment - Limited to items on this agenda only – 9 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 SECTION 54956.9(d)(1)

a. Joseph Sanchez vs. City Of Berkeley, WCAB Case Number: #ADJ12041487

b. David Bartalini vs. City Of Berkeley, WCAB Case Numbers: #ADJ11995734

**Action:** No reportable action taken

## OPEN SESSION:

No reportable action taken.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 6:54 p.m.

I hereby certify that the foregoing is a true and correct record of the closed meeting of the City Council held on September 15, 2020.

---

Mark Numainville  
City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

### **Item #1: Conference With Labor Negotiators; Government Code Section 54957.6**

1. Alene Pearson (2)
2. Jenny McNulty
3. Omar Calimbass
4. Taylor Lancelot
5. Katie Van Dyke

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, September 15, 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.*

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*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:** 7:05 p.m.

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

**Absent:** Kesarwani, Bartlett, Wengraf

Councilmember Kesarwani present at 7:09 p.m.

Councilmember Bartlett present at 7:10 p.m.

Councilmember Wengraf present at 7:12 p.m.

### Ceremonial Matters:

1. Pledge of Allegiance to the Flag
2. Express gratitude to first responders for their efforts to contain wildfires
3. Adjourn the meeting in memory of:
  - Dr. Elmer Grossman, Pediatrician and City Commissioner
  - Victims of the COVID-19 Pandemic
  - Victims of, and those affected by, the many wildfires in the Western States
  - Mike Lee, Homeless Advocate
  - William McClung, Founder, University Press Books
  - Marge Glicksman, Local Artist
  - David Munstock, Community Leader
  - Sitha Vemireddy, Berkeley Resident
  - Frankie Banali, Musician
  - Ronald Bell, Musician
  - Martin Birch, Music Producer
  - Indigenous peoples around the world who are dying disproportionately from COVID, and all those who have lost lives from the wildfires, hurricanes, tornadoes, and all those who have lost lives to police violence and white supremacy.
  - The 57th anniversary of the young ladies who were killed in the attack at the 16th Street Baptist Church in Birmingham, Alabama this day, September 15, 1963 - Addie Mae Collins; Carol Denise McNair; Carole Rosamond Robertson; and Cynthia Dionne Wesley

### City Auditor Comments:

The City Auditor presented a summary of the Library Tax Audit.

### City Manager Comments:

The City Manager provided an update on the City's efforts to assist the unhoused community at Gilman and University on the I-80 Corridor – 69 people have been moved to hotels; food and fresh water access provided. Further, due to BCDC jurisdiction, Hs Lordships parking lot is not a feasible location for an outdoor encampment, and the City will continue searching for a location.



**Public Comment on Non-Agenda Matters:** 10 speakers.

**Action:** M/S/Failed (Arreguin/Hahn) to adopt a temporary rule to allow the Chair the authority to reduce public comment time to one minute per speaker.

**Vote:** Ayes – Hahn, Robinson, Droste, Arreguin; Noes – Davila; Abstain – Harrison; Absent – Kesarwani, Bartlett, Wengraf.

**Action:** M/S/Carried (Harrison/Wengraf) to reconsider to procedural motion on public comment.

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

**Action:** M/S/C (Harrison/Wengraf) to adopt a temporary rule to limit public comment to one minute on all agenda items for the September 15, 2020 meeting.

**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila.

**Action:** M/S/C (Arreguin/Hahn) to declare that an emergency situation exists and accept an urgency item from Councilmember Wengraf pursuant to Government Code Section 54954.2(b)(1) entitled Urgent and Immediate Measures to Address Fire Safety and Fire Prevention at Grizzly Peak Blvd. Scenic Look-Out Areas.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Harrison) to accept revised materials from the City Manager on Item 12.

**Vote:** All Ayes.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 28 speakers.

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

**Vote:** All Ayes.

### **Urgent and Immediate Measures to Address Fire Safety and Fire Prevention at Grizzly Peak Blvd. Scenic Look-Out Areas**

**From: Councilmember Wengraf (Author), Mayor Arreguín (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Droste (Co-Sponsor)**

#### **Recommendation:**

1. Request that the City manager work collaboratively with neighboring jurisdictions, including the City of Oakland, UC Berkeley, Lawrence Berkeley National Laboratory, Lawrence Hall of Science, and East Bay Regional Parks to address the use of fireworks and end other illegal and dangerous activities at scenic lookouts on Grizzly Peak Blvd.
2. Send the request for immediate, urgent, and coordinated action to UC Regents, UC Berkeley Chancellor Carol Christ, Lawrence Berkeley National Laboratory Director

Michael Witherell, Lawrence Hall of Science Director, Rena Dorph, Mayor and City Council of Oakland, Oakland City Administrator Edward Reiskin, East Bay Regional Parks District Board of Directors, EBRP General Manager Robert Doyle, Alameda County Supervisor Keith Carson, Contra Costa County Supervisor John Gioia and to the East Bay Hills Forum.

3. Adopt a Resolution requesting that all responsible jurisdictions take immediate action to stop the use of fireworks and end other illegal and dangerous activities at Grizzly Peak Blvd. scenic lookouts and other similar gathering areas in the Berkeley and Oakland hills, to prevent fires, end illegal dumping and protect the health and safety of the residents of Berkeley and Oakland as well as the UC Berkeley Campus, Lawrence Berkeley National Laboratory, East Bay Regional Parks.

**Financial Implications:** See report

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

**Action:** Approved recommendation. Adopted Resolution No. 69,542-N.S.

## Recess Items

1. **Contract: Orsolya Kuti, DVM to Provide On-site Veterinary Services for Berkeley Animal Care Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract and any amendments with Orsolya Kuti, DVM for on-site veterinary services for Berkeley Animal Care Services (BACS) for FY2021-2023, which establishes a contract in an amount not to exceed \$180,000.  
**Financial Implications:** General Fund - \$180,000  
Contact: Erin Steffen, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 69,543–N.S.

## Recess Items

**2. Revenue Grants: California Office of Traffic Safety (OTS) for the 2021 “Selective Traffic Enforcement Program (STEP)” and “Traffic Records Improvement Project (TRIP) Grants**

**From: City Manager**

**Recommendation:** Ratify the action taken by the City Manager, or designee, during recess to accept both the “Selective Traffic Enforcement Program (STEP)” and “Traffic Records Improvement Project (TRIP) grants and enter into the resultant grant agreements and any amendments, with the California Office of Traffic Safety (OTS) to fund increased levels of impaired or distracted driving enforcement, nighttime seatbelt enforcement, motorcycle safety enforcement, and educational programs regarding bicycle and pedestrian safety along with traffic records improvement through automated collection and submission of collision data to the California Highway Patrol, Statewide Integrated Traffic Records System (SWITRS) database. These tentative OTS grants are for \$205,000 and \$40,000 respectively for the period of October 1, 2020 through September 30, 2021 which is Federal Fiscal Year 2021.

**Financial Implications:** See report

Contact: Andrew Greenwood, Police, (510) 981-5900

**Action:** Adopted Resolution No. 69,544–N.S. Council also requested a memo from the City Manager regarding equitable enforcement under the program that will not disproportionately affect people of color.

**3. Contract No. 31900031 Amendment: Downtown Streets Team**

**From: City Manager**

**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess amending Contract No. 31900031 with Downtown Streets Team to add additional scope of work to provide a low-barrier Volunteer Work Experience model in which unhoused participants beautify their community in exchange for case management, employment services and a non-cash basic needs support, increase the contract by \$225,000 for a new not to exceed amount of \$870,304 and extend the Contract term to June 30, 2022.

**Financial Implications:** Measure P Fund - \$225,000

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

**Action:** Adopted Resolution No. 69,545–N.S.

## Consent Calendar

**4. Authorization to Apply for CalRecycle Waste Reduction, Reuse, Recycling, and Composting Grants and Payment Programs**

**From: City Manager**

**Recommendation:** Adopt a Resolution ratifying the action of the City Manager to apply for Reuse Grant Program FY 2019-20, and authorizing the City Manager to submit grant applications, accept grant funds, and execute any resulting grant agreements, amendments and expenditure reports with the State of California Department of Resource Recycling and Recovery for any grant and payment programs related to waste reduction, reuse, recycling, and composting for which the City of Berkeley is eligible to apply.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,546–N.S.

## Consent Calendar

**5. Lease Agreement: 1001 University Avenue with The Berkeley Food Network**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,729-N.S. authorizing the City Manager to execute a retroactive lease agreement with The Berkeley Food Network (BFN) to use the City property at 1001 University Avenue for a three-year lease term with an option to extend for two additional one-year terms.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,729–N.S.

**6. Amendment of Urgency Ordinance for Outdoor Commerce on Private Property**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,730-N.S. amending the Urgency Ordinance (No. 7,725-N.S.) amending Berkeley's Zoning Ordinance, Chapter 23E.18 and Section 23B.20.045, to allow additional categories of commerce and establish additional operating criteria for outdoor activities on private property.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,730–N.S.

## Consent Calendar

- 7. General Plan Redesignation and Rezone of The Rose Garden Inn at 2740 Telegraph Avenue (APN 054-1716-002-00), 2744 Telegraph Avenue (APN 054-1716-003-00), and 2348 Ward Street (APN 054-1716-031-00)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,731-N.S. amending the Zoning Map for the portion of parcels that comprise the Rose Garden Inn from Restricted Two-Family Residential District (R-2) to General Commercial District (C-1).  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,731–N.S.
- 8. Measure T1 Loan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to loan \$600,000 from the Parks Tax Fund and \$600,000 from the Measure BB – Local Streets & Roads Fund to the Measure T1 Fund for a total of \$1.2 million in FY 2021 to complete Phase 1 projects.  
**Financial Implications:** See report  
Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000  
**Action:** Adopted Resolution No. 69,547–N.S.
- 9. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the council meetings of July 2, 2020 (closed), July 7, 2020 (special and special), July 14, 2020 (regular), July 21, 2020 (special and special), July 23, 2020 (closed, special and special), July 28, 2020 (closed and regular) and July 30, 2020 (special and special).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved the minutes as submitted.
- 10. Voting Delegates – League of California Cities Annual Conference**  
**From: City Manager**  
**Recommendation:** Designate, by motion, a voting delegate and alternate for the business meeting of the Annual League of California Cities meeting to be held virtually on Friday, October 7, 2020.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** To designate Councilmember Harrison as the City’s delegate and to designate Councilmember Robinson as the alternate.

## Consent Calendar

- 11. Renaming Shattuck Avenue ‘East’ to Kala Bagai Way** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution renaming the two block portion of Shattuck Avenue ‘East’ from Center Street to University Avenue, including the eastern facing block faces of Shattuck Square and Berkeley Square to Kala Bagai Way as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy (FITES) Committee and affirming the western segment of Shattuck Avenue, including the western facing block faces of Shattuck Square and Berkeley Square will be known as Shattuck Avenue.  
**Financial Implications:** See report  
Contact: Dave White, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 69,548–N.S.
- 12. Civil Enforcement of Face Covering Orders; Amending BMC Section 2.55.040**  
**From: City Manager**  
**Recommendation:** Adopt an urgency ordinance amending Berkeley Municipal Code Section 2.55.040 to authorize the City of Berkeley Public Health Officer or her designee to issue administrative citations for violation of a Health Officer order.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000  
**Action:** Adopted Ordinance No. 7,732–N.S. as revised in the material accepted at the meeting from City Manager to amend 2.50.040(B)(3).  
**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.
- 13. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 15, 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:** Sanitary Sewer Operations Fund - \$4,100,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.

## Consent Calendar

**14. Memorandum of Understanding with Alameda County Behavioral Health Care Services for Wellness Center operations**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to adopt a Memorandum of Understanding (MOU) between the City of Berkeley and Alameda County Behavioral Health Care Services (ACBHCS) for the term July 1, 2019 through June 30, 2021 for an expenditure of up to \$775,000 to fund the operational costs of a Mental Health Wellness Center (Wellness Center) located in the City of Berkeley.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,549–N.S.

**15. Revenue Contract: Community Services Block Grant (CSBG) Coronavirus Aid Relief and Economic Security (CARES) Act & Subsequent Community Agency Agreements for Calendar Years 2020-2022**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to: 1. Execute a revenue agreement, and any amendments that may increase the projected amount, with the State of California’s Department of Community Services and Development (CSD) for Community Services Block Grant (CSBG) Coronavirus Aid Relief and Economic Security (CARES) Act funds (CSBG Contract No. 20F-3640) in the amount of \$373,097 to provide services in response to COVID-19; and 2. Execute an amendment to the existing revenue agreement totaling \$304,355 with CSD for COB annual CSBG allocation, adding \$2,751, bringing the total existing 2020 CSBG award to \$307,106; and 3. Execute an amendment to an existing contract in the amount of \$30,000 with WeHOPE (Contract No. 32000206) to provide shower services from August 1, 2020 through May 31, 2022, adding \$185,408 for a total not to exceed \$215,408; and 4. Execute additional new or amended agreements, for up to \$142,917 plus any amended amounts resulting in an increased contract amount, with various service providers using CSBG CARES Act funding to address the short-term and long-term impacts of COVID-19, such as mobile showers, meals for the unhoused, hygiene services such as porta-potties and handwashing stations, or other services for low-income persons as allowed under CSBG funds; and 5. Allocate the allowable 12% (\$44,772) of CSBG CARES Act funds to support City staff administering the funds.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,550–N.S.

## Consent Calendar

- 16. Contract No. 32000201 Amendment: The Eikenberg Institute for Relationships for Cultural Humility Training Consultant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000201 with The Eikenberg Institute for Relationships through June 30, 2022, with a total contract NTE of \$90,000 to fund the Cultural Humility Training Consultant position with Dr. Kenneth Hardy. The contract term will not change.  
**Financial Implications:** Short Doyle Fund - \$15,000  
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,551–N.S.
- 17. Contract No. 122411-2 Amendment: Communication Strategies for Consulting Services for Voice over IP (VoIP) 911 Compliance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 122411-2 with Communication Strategies for Consulting Services for Voice over IP (VoIP) Support and Maintenance, increasing the contract amount by \$6,000 for a total not-to-exceed amount of \$82,811 from July 1, 2017 to June 30, 2021.  
**Financial Implications:** IT Cost Allocation Fund - \$6,000  
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 69,552–N.S.
- 18. Contract No. 114382-1 Amendment: MC Dean Inc. for Uninterrupted Power Supplies (UPS) Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9747 (ERMA Contract No. 114382-1) with MC Dean, Inc. for Uninterrupted Power Supplies (UPS) Maintenance, increasing the amount by \$51,698 for a total not to exceed \$146,906 from July 1, 2014 to June 30, 2023.  
**Financial Implications:** IT Cost Allocation Fund - \$51,698  
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 69,553–N.S.
- 19. Contract No. 32000082 Amendment: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000082 with Mar Con Builders, Inc. for the Live Oak Community Center Seismic Upgrade Project, increasing the contract amount by \$200,000 for a total amount not to exceed of \$5,905,668.  
**Financial Implications:** Parks Tax Fund - \$200,000  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,554–N.S.



## Consent Calendar

- 20. Memorandum of Agreement: Construction of Gilman Street Sanitary Sewer Line Extension as part of the I-80 Gilman Street Interchange Improvements Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a Memorandum of Agreement (MOA) with the Alameda County Transportation Commission (Alameda CTC) to provide an initial \$290,000 in Measure T1 Infrastructure Bond funding for the construction of a new sanitary sewer line extension on Gilman Street to serve the future fieldhouse restroom at the Tom Bates Regional Sports Complex (TBRSC).  
**Financial Implications:** Measure T1 Fund - \$290,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,555–N.S.
- 21. Purchase Order: TYMCO, Inc. For One (1) Model 435 Regenerative Air Sweeper**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in HGACBuy contract bid procedures, and authorizing the City Manager to execute a purchase order for one (1) TYMCO model 435 Regenerative Air Sweeper in an amount not to exceed \$165,000.  
**Financial Implications:** Zero Waste Fund - \$165,000  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,556–N.S.
- 22. 100% Sustainable Trips by 2040** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*  
**From: Community Environmental Advisory Commission**  
**Recommendation:** Adopt the attached Resolution, setting a goal of achieving 50% of trips taken by sustainable modes by 2030 and 100% by 2040, and refer to the Community Environmental Advisory Commission, the Energy Commission, and the Transportation Commission to develop relevant proposals and recommendations for accomplishing that goal.  
**Financial Implications:** See report  
Contact: Viviana Garcia, Commission Secretary, (510) 981-7460  
**Action:** Adopted Resolution No. 69,557–N.S. with an amended resolved clause to read "...ensuring a 50% increase of trips which begin or end within Berkeley use sustainable modes..."

## Council Consent Items

- 23. Amending Ordinance No. 7,692-N.S. extending the grace period for Fair Chance Housing Ordinance**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt an ordinance 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.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopt first reading of Ordinance No. 7,733–N.S. Second reading scheduled for October 13, 2020.
- 24. Letter to East Bay Regional Park District supporting renaming Vollmer Peak**  
**From: Councilmember Davila (Author)**  
**Recommendation:** Send the attached letter to the East Bay Regional Park District Board of Directors supporting renaming Vollmer Peak.  
**Financial Implications:** None  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 25. Centennial Proclamation Honoring the Passage of the United States 19th Amendment and the National Women's Suffrage Movement**  
**From: Councilmember Harrison (Author); Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a resolution honoring 2020 as the centennial of the winning of women's suffrage at the federal level in the United States.  
**Financial Implications:** None  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Councilmember Davila added as a co-sponsor. Adopted Resolution No. 69,558–N.S.
- 26. Resolution Congratulating Kamala D. Harris on her Nomination for Vice President of the United States**  
**From: Councilmember Hahn (Author), Councilmember Davila (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Mayor Arreguin (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution congratulating Kamala Harris on her nomination for Vice President of the United States.  
**Financial Implications:** None  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Adopted Resolution No. 69,559–N.S.

## Council Consent Items

**27. Outreach and Technical Assistance for Berkeley Small Businesses Eligible to Participate in the California Rebuilding Fund**

**From: Councilmember Hahn (Author)**

**Recommendation:** Refer to the City Manager to engage in robust outreach to small businesses and organizations in Berkeley that may be eligible to participate in the California Rebuilding Fund, a new public-private partnership based on the SOS Small Business Loan model Berkeley passed in April 2020, that will leverage government backed capital to support small enterprises in California. It is our understanding that loans will be made in part on a first come, first served basis, so time is of the essence for staff to do outreach.

The City Manager is requested to focus outreach in particular on underserved small businesses and nonprofits, entrepreneurs in historically disenfranchised communities, and enterprises serving children, including childcare providers, preschools, and camps.

The City Manager is further recommended to partner with the Berkeley Chamber, Downtown Berkeley Association, Visit Berkeley, and Business Improvement Districts (BIDs) to ensure that eligible small businesses and nonprofits are aware of this opportunity, and receive any technical assistance they need in order to apply and participate in a timely manner. The City Manager is also recommended to partner with the Haas Business School at UC Berkeley for additional guidance.

**Financial Implications:** Staff time

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

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

**28. Resolution: No Police Revolving Door** *(Reviewed by the Public Safety Committee)*

**From: Councilmember Robinson (Author), Councilmember Bartlett (Co-Sponsor)**

**Recommendation:** Adopt a resolution designating a history of serious misconduct and the act of previously resigning in the middle of a serious misconduct investigation as immediate disqualifiers in the Berkeley Police Department recruitment and selection process.

**Financial Implications:** None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

**Action:** Councilmembers Davila and Harrison added as co-sponsors. Adopted Resolution No. 69,560–N.S. to adopt the recommendation as approved by the Public Safety Committee amending Section 1000.6.1 by removing "...two unsustained complaints by different complainants..."

## Council Consent Items

**29. Resolution: Opposition to Proposition 20**

**From: Councilmember Robinson (Author), Councilmember Bartlett (Co-Sponsor)**

**Recommendation:** Adopt a Resolution opposing Proposition 20 on the November 2020 ballot, which would authorize felony charges for repeat or organized petty theft, require tougher penalties for noncriminal parole violations, expand DNA collection for people convicted of certain nonviolent crimes, and exclude those who have been convicted of domestic violence and certain nonviolent crimes from early parole consideration. Copies of the resolution are to be sent to Assemblymember Buffy Wicks and State Senator Nancy Skinner.

**Financial Implications:** See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

**Action:** Councilmembers Davila and Harrison added as co-sponsors. Adopted Resolution No. 69,561–N.S.

**30. Chancellor’s Community Partnership Fund Grant for Paid Internships**

**From: Councilmember Robinson (Author)**

**Recommendation:** Adopt a Resolution accepting a \$15,000 grant from the UC Berkeley Chancellor’s Community Partnership Fund (CCPF) to fund paid City internships for high school and college students, in partnership with the ASUC, the Public Service Center, and the Institute for Governmental Studies.

**Financial Implications:** See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

**Action:** Councilmembers Hahn and Harrison added as co-sponsors. Adopted Resolution No. 69,562–N.S.

## Action Calendar

### 31. Preserving Our Children's Recreation Areas

**From:** Councilmember Droste (Author), Mayor Arreguin (Author)

**Recommendation:** Request the City Manager to implement the following recommendations for Willard Park and utilize them for other parks where appropriate: 1. Increase nighttime enforcement and enable the police to enforce park rules and ordinances. 2. Consider the presence of needles and feces a Public Health threat and enable the Public Health Department to cordon off areas of encampment for the purpose of clearing the areas of contamination and ensuring the areas are safe for public use. 3. Determine where additional signage is needed to clarify rules regarding camping and park hours, as well as compliance with public health orders regarding COVID, included but not limited to facial coverings.

**Financial Implications:** Staff time

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

**Action:** Approved recommendation as revised in Supplemental Communications Packet #2 from Councilmember Droste.

*Request the City Manager implement the following recommendations for Willard Park and utilize them for other parks where appropriate:*

- 1. Increase nighttime enforcement and enable the enforcement of park rules and ordinances.*
- 2. Consider the presence of needles and feces a Public Health threat and enable the Public Health Department to cordon off areas of encampment for the purpose of clearing the areas of contamination and ensuring the areas are safe for public use.*
- 3. Determine where additional signage is needed to clarify rules regarding camping and park hours, as well as compliance with public health orders regarding COVID, included but not limited to facial coverings.*
- 4. Increase visitation from the Homeless Outreach Treatment Team to ensure that homeless residents get assistance and connections with health, mental health, substance abuse and related social services.*

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

Recess 9:23 p.m. – 9:33 p.m.

## Action Calendar – Public Hearings

### 32. **Substantial Amendment to the 2020-2025 Consolidated Plan including the PY20 (FY21) Annual Action Plan in Response to the Addition of Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds**

**From: City Manager**

**Recommendation:** Conduct a Public Hearing on the proposed Substantial Amendment to the 2020-2025 Consolidated Plan including the PY20 (FY21) Annual Action Plan in response to the addition of Coronavirus Aid, Relief, and Economic Security (CARES) Act funds, and upon conclusion adopt a Resolution authorizing the City Manager, or her designee, to:

1. Accept the CARES Act funding totaling the amount of \$8,259,408, including \$1,610,805 in Community Development Block Grant (CDBG-CV) and \$6,648,603 in Emergency Solutions Grant (ESG-CV) and reallocate \$535,998 of PY20 CDBG funds to provide support for the City of Berkeley's response to COVID-19; and
2. Allocate up to 10% of the PY20 HOME funds (not to exceed \$77,838) for Community Housing Development Organization (CHDO) operating funds, up to 25% for program administration, and the remaining to the to the Housing Trust Fund; and
3. Execute resultant agreements and amendments for the above-mentioned funds to implement proposed programs below; and
4. Submit the approved Substantial Amendment to the 2020-2025 Consolidated Plan and PY20 Annual Action Plan, to the U.S. Department of Housing and Urban Development (HUD) including public comments, and accept any resulting agreements with HUD; and
5. Adopt the revised Berkeley Citizen Participation Plan.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 4 speakers.

M/S/C (Wengraf/Davila) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/Failed (Davila/Bartlett) to suspend the rules and extend the meeting to 11:30 p.m.

**Vote:** Ayes – Davila, Bartlett, Harrison; Noes – Kesarwani, Hahn, Wengraf, Robinson, Droste, Arreguin.

**Action:** M/S/Carried (Arreguin/Wengraf) to adopt Resolution No. 69,563–N.S.

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

Councilmember Davila absent 10:55 p.m. – 11:00 p.m.

## Action Calendar – Old Business

33. **Annual Housing Pipeline Report** *(Continued from July 28, 2020)*  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** M/S/C (Harrison/Wengraf) to continue Item 33 including supplemental and revised materials to September 22, 2020.  
**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent - Davila.
34. **Contract 9274A Amendment: Ascentis Corporation 9274A for Biometric Time Card Services** *(Continued from July 28, 2020)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9730A with Ascentis Corporation for biometric time card services to extend the contract term by one year to June 30, 2022, and increase the contract amount by \$25,000 for a total contract amount not to exceed \$75,000.  
**Financial Implications:** Various Funds - \$25,000  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Item 34 removed from the agenda by the City Manager.

## Action Calendar – Old Business

- 35. Urgency Ordinance: Updates to the COVID-19 Emergency Response Ordinance; Resolution: Request UC Berkeley Voluntarily Comply with Local Ordinances Restricting Evictions, Delaying Rent Payments, and Empowering Tenants to Terminate their Leases Without Penalty** (*Continued from July 28, 2020*)  
**From: Councilmember Davila (Author), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:**
1. Adopt an urgency ordinance 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.
  2. Adopt a Resolution Requesting University of California at Berkeley voluntarily comply with local eviction moratoriums and rent suspension ordinances.
- Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

**Action:** Moved to Consent Calendar. Adopted revised recommendation in Supplemental Communications Packet #1 to:

1. Refer to the 4x4 Committee 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; and request the 4x4 Committee submit proposed amendments to the Council in time for a first reading by the December 1, 2020 City Council meeting; and
2. Adopt Resolution No. 69,564-N.S. as written in Supplemental #1 with additional wording changes in 7<sup>th</sup>, 8<sup>th</sup>, and 10<sup>th</sup> Whereas clauses, and to change “local laws” to “Berkeley laws” throughout the resolution.

## Council Action Items

- 36. Vote of No Confidence in the Police Chief**  
**From: Councilmember Davila (Author)**  
**Recommendation:** Adopt a resolution taking a Vote of No Confidence in the Police Chief.  
**Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120  
**Action:** Item referred to the Agenda & Rules Committee as unfinished business pursuant to the Rules of Procedure.



## Information Reports

37. **City Council Short Term Referral Process – Quarterly Update**  
**From: City Manager**  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Received and filed.
38. **FY 2021 Civic Arts Grant Awards**  
**From: City Manager**  
Contact: Dave White, City Manager's Office, (510) 981-7000  
**Action:** Received and filed.
39. **Berkeley Public Library Uses Tax Funds by the Book, But More Internal Controls Needed**  
**From: Auditor**  
Contact: Jenny Wong, Auditor, (510) 981-6750  
**Action:** Received and filed as written in Supplemental Communications Packet #2

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

## Adjournment

Adjourned at 11:00 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of the City Council held on September 15, 2020.

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Mark Numainville  
City Clerk

## Communications

### **Item #12: Civil Enforcement of Face Covering Order; Amending BMC Section 2.55.040**

1. David Lerman (3)
2. Alexandra Crisafulli
3. Steven Schuyler

### **Evictions – Residential and Commercial**

4. Kem Loong
5. Katrina Uy
6. Jane Lee

### **Redistricting**

7. Phil Allen

**Support of Transportation Network Companies (TNC) Tax**

8. Ben Paulos

**Residential Preferred Parking**

9. David Lerman

**Property Tax Disparity Based on Square Footage**

10. Bob Flasher

11. Roxanne Schwartz

**Climate Funding and Climate Change**

12. Sheila Jacobs

13. Vivian Warkentin

**Housing at 2650 Telegraph**

14. Kayle Barnes

**Sugar Sweetened Beverage Tax**

15. Schneider Consulting

**Unbound Mini-Fest**

16. Cherilyn Parsons on behalf of the Bay Area Book Festival

**Brown Act and Public Meeting Callers**

17. Katarine Vidt

18. Councilmember Kesarwani

19. Thomas Lord

**Electric Mobility Roadmap**

20. Donna Graves

**Distance Learning**

21. George Torgun (2)

22. Nathan Francis

**Fund Housing Project at 1367 University Avenue**

23. Diana Bohn

**AC Transit**

24. Kevin Burke

**In Memory of John Lewis**

25. Melissa Weaver

**Board of Immigration Appeals Overturned**

26. Diana Bohn

**Satellite Affordable Housing Associates (SAHA)**

27. TLM

**Arson at The Way Church**

28. Betsy Strode

**Mental Health**

29. Boona Cheema

30. Margaret Fine

31. Elisa Mikiten

32. Andrea Prichett

**Wild Fires and Smoke**

33. Moni Law

34. Phoebe Anne Sorgen

**North Berkeley and Ashby BART**

35. Laura Klein

36. Walter Wood

37. Alisa Foster

38. David Brandon

39. Liz Horowitz (2)

40. Janice Schroeder

41. Steve Gilmartin

42. Melissa Riley

43. Wanda Warkentin

44. Toni Casal

45. Eileen Hughes

46. Deborah Gouailhardou

47. Lynda Caesara

48. Andrea Altschuler

49. Kathy Labriola

50. Sheila Goldmacher

51. Donald Goldmacher

52. Linda Franklin

**Adeline Corridor**

53. 29 form-letters

54. Matthew Lewis

55. Brian Troutwine

56. Watson Ladd

57. Matt Nichols

58. Peter Waller

59. Eric Smillie

60. David Soffa

61. Ariella Granett

- 62. Caleb Jones
- 63. Jeremy and Shelly Kaller
- 64. Claire Norris
- 65. Laura Stevens
- 66. Betsy Thagard

**5G and Telecom**

- 67. KO
- 68. Aria Cahir
- 69. Shirley Shelagnoski
- 70. Jeff Strahl
- 71. Rosemary Bensko
- 72. Vivian Warkentin (2)
- 73. Jennifer LaPorta
- 74. Carla Sienna
- 75. Blair Beekman
- 76. Alfred Twu
- 77. Tommaso Sciortino
- 78. Steve Jackson and Kori Kody
- 79. Diana Bohn
- 80. Max Ventura
- 81. Lloyd Morgan
- 82. Sandy N.
- 83. Phoebe Anne Sorgen

**Encampments and Homelessness**

- 84. Thomas Lord
- 85. Chris Denny-Brown
- 86. Liz Wiener
- 87. Peter Wen
- 88. Max Ventura
- 89. Remi Omodele
- 90. Russbumper

**Black Lives Matter**

- 91. Monica Jones
- 92. Avram Gur Arye
- 93. James Wood

**COVID-19 Related Communications**

- 94. David Lerman (4)
- 95. Alice Lee
- 96. Sharon Donovan
- 97. Blair Beekman
- 98. Ryan Bradley
- 99. Thomas Lord (2)

100. Camille Watts-Zagha
101. Evan Hamilton DeSerio
102. Will Schieber
103. Ruben Lizardo, on behalf of Cal
104. Vivian Warkentin
105. Anne Herrick
106. Hilary Pinkston
107. City of Berkeley and Rainbow Rubin
108. Bryce Nesbitt
109. George Torgun

**Police Funding, Matters, Etc.**

110. Jane Dulay
111. Richard Martin
112. Randy Parker
113. Gene Hendrix
114. Steven Schuyler
115. Tony Corman
116. Mimi Mougovan
117. Jeru Fend
118. June Greenawalt
119. Barbara Boyka
120. Julia Beers
121. Fran Haselsteiner
122. Florence Kragen
123. Barbara Fisher
124. Juli Dickey
125. Catherine Epstein
126. Tree Fitzpatrick
127. Rabi'a Keeble
128. Sally Hendrickson
129. Christine Garibian
130. Alina Fryer
131. Ellen Widess
132. Steve Block
133. Mark Etzbach
134. Charles Smith
135. Margo Tolins-Mejia
136. Jonathan Simon
137. Ellen Zucker
138. Irving Zucker
139. Barbara Fisher
140. Carol Denney
141. Three Stone Hearth
142. Lola Aruda
143. Shauna Wright

- 144. Josn Buswell-Charkow
- 145. Maris Arnold
- 146. 21 similarly worded form letters (I demand)

**ADU/Golden Duplexes**

- 147. Judi Sui
- 148. Alisa Foster
- 149. Bella Feldman
- 150. Tiffany Cotter

**Ashby Flea Market**

- 151. Enythe Green

**Addison Street Bike Blvd**

- 152. Bill Kristy
- 153. Beth Thomas, City of Berkeley Transportation

**Illegal Removal of Five Coast Live Oak at 1915 Berryman Street**

- 154. Deborah Kropp

**Supplemental Communications and Reports 1**

**Item #12: Civil Enforcement of Face Covering Orders; Amending BMC Section 2.55.040**

- 155. Revised material, submitted by the City Manager's Office

**Item #33: Annual Housing Pipeline Report**

- 156. Revised material, submitted by Planning and Development

**Item #35: Urgency Ordinance: Updates to the COVID-19 Emergency Response Ordinance; Resolution: Request UC Berkeley Voluntarily Comply with Local Ordinances Restricting Evictions, Delaying Rent Payments, and Empowering Tenants to Terminate their Leases Without Penalty**

- 157. Revised material, submitted by Councilmember Davila

**Item #36: Vote of No Confidence in Police Chief**

- 158. Elisa Mikiten

**Supplemental Communications and Reports 2**

**Item #12: Civil Enforcement of Face Covering Orders; Amending BMC Section 2.55.040**

- 159. Jack Litewka
- 160. Thomas Lord
- 161. Huldai Nystrom (2)
- 162. Glen Kohler
- 163. Nigel Guest
- 164. Max Ventura
- 165. Jane Ellis
- 166. Gale Garcia

- 167. Wanda Warkentin
- 168. Vivian Warkentin

**Item #31: Preserving Our Children’s Recreation Areas**

- 169. Supplemental material, submitted by Councilmember Droste
- 170. Friends of Ohlone Park

**Item #33: Annual Housing Pipeline Report**

- 171. Supplemental material, submitted by Councilmember Droste

**Item #39: Berkeley Public Library Uses Tax Funds by the Book, But More Internal Controls Needed**

- 172. Supplemental material, submitted the City Auditor

**Urgent and Immediate Measures to Address Fire Safety and Fire Prevention at Grizzly Peak Blvd. Scenic Look-Out Areas**

- 173. Urgent item, submitted by Councilmember Wengraf

**Supplemental Communications and Reports 3**

**Item #2: Revenue Grants: California Office of Traffic Safety (OTS) for the 2021 “Selective Traffic Enforcement Program (STEP)” and “Traffic Records Improvement Project (TRIP) Grants**

- 174. Chimey Lee

**Item #12: Civil Enforcement of Face Covering Orders; Amending BMC Section 2.55.040**

- 175. Revised material, submitted by the City Manager
- 176. Chris Cullader
- 177. Diana (2)
- 178. Chimey Lee
- 179. Anne McClintock
- 180. Isis Feral
- 181. Linda Franklin

**Item #22: 100% Sustainable Trips by 2040**

- 182. Tom Lent and Liza Lutzker for Walk Bike Berkeley

**Item #24: Letter to East Bay Regional Park District supporting renaming Vollmer Peak**

- 183. Russbumper
- 184. Chimey Lee

**Item #29: Resolution: Opposition to Proposition 20**

- 185. Joel Gerwein
- 186. Mary Ann Leff
- 187. George Kich
- 188. Joel Siegel

189. Igor Tregub

**Item #31: Preserving Our Children’s Recreation Areas**

190. Chelsea Hirshton

**Action Calendar – Public Hearings**

**Item #32: Substantial Amendment to the 2020-2025 Consolidated Plan including the PY20 (FY21) Annual Action Plan in Response to the Addition of Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds**

191. Presentation, submitted by HHCS

**Council Action Items**

**Item #36: Vote of No Confidence in the Police Chief**

- 192. Elana Auerbach (2)
- 193. Jeremy Lent
- 194. Robert De Goff – In support of the Police Chief
- 195. Kathleen Lopes – in support of the Police Chief
- 196. Hillary Brooks
- 197. Philip le roux – In support of the Police Chief
- 198. Mark Bell – In support of the Police Chief
- 199. Wini Williams
- 200. Lars Arney – in support of the Police Chief
- 201. MJ Baumann
- 202. Josh Buswell-Charkow – in support of the Police Chief
- 203. Julia Sen
- 204. Marcel Hawiger – in support of the Police Chief
- 205. Maxina Ventura (2)
- 206. Phyllis Kamrin – in support of the Police Chief
- 207. Catherin Huchting, on behalf of Friends of Adeline
- 208. Jeff Shaddock – in support of the Police Chief

**Urgent Item**

**Urgent and Immediate Measures to Address Fire Safety and Fire Prevention at Grizzly Peak Blvd. Scenic Look-Out Areas**

- 209. Revised material, submitted by Councilmember Wengraf
- 210. Franziska Raedeker
- 211. Joan Lester
- 212. Zachary Epstein
- 213. Cindy and Jim Rosenthal
- 214. Sue von Baeyer
- 215. Alison Ascher Webber
- 216. David Johnson
- 217. Thomas Courtade
- 218. Matt Van Dalsem



219. Susan Kwong
220. Rebecca Mills
221. Melinda and Andrea diSessa
222. Kevin Hurley
223. Nanelie and Brad Bunnin
224. Maura Ghizzoni and Danny Rand
225. Mark Ferrari
226. Rocky Offner
227. Margaret Booth
228. Dan Romik
229. Melissa Foley
230. Ruth Langridge
231. Shirley Issel
232. Francesca Saveri
233. Ellen Hill
234. Ellen Archilla and Jacques Watteyne
235. Linda Twilling
236. Thom and Betty Seaton
237. Bruce D'Ambrosio and Jane Jorgensen
238. Barbara Freeman
239. Lisa Richards
240. Sarah Baughn
241. Janis Kahn and Jeff Greve
242. Roya Arasteh
243. Nancy Turak
244. John Blaustein
245. Gina Rieger
246. Ron Dion
247. Lota and Mac Rygiel
248. Simone Miller
249. Helene Vilett
250. Maksim and Thuy Liffe
251. Marvin Snow
252. Sharon Pincus
253. William Hurley
254. Jane Molnar
255. Cora Stryker
256. Emily Rader
257. Lynn Glaser
258. Bill Fleig and Ramsey Silberberg
259. Irene Storch
260. Rebecca Weiner
261. Paul Kevin Anderson
262. Olga Shalygin Orloff
263. Beth Newman
264. Dennis Mulqueeney

265. Jerry Skrainar
266. David Eisenbud
267. Tom Hertenstein
268. J. Pearce Hurley (2)
269. Silvia Bunge
270. Robert Holloway
271. Mary Harte
272. Bryan Graham
273. Michael Goldhaber
274. Leah Rosenthal
275. Ellen Goldblatt
276. Lezlie Kinyon
277. Antony and Judy Lepire
278. Kathleen Weaver
279. Jill Geller
280. Penny Barron
281. Henry DeNero
282. Rob and Alex Katzenstein
283. Kathy Skrainar
284. Paul Winsberg
285. Beth Feingold
286. Jennifer Payne
287. Cynthia Moore
288. Susan Frankel
289. Ramona Meyer-Piagentini and Owen Roberts
290. Catalina Ruiz-Healy
291. Greta Vollmer
292. Ellen Feigenbaum and Peter Schwab
293. Phyllis Steiber
294. Jessica Stiles
295. Linda Tran
296. Joe Van Steen
297. Matty Nemantollahi
298. Gail Feldman
299. Stephen F.
300. Barbara Vaughan
301. Caitlin Evans
302. Dan McDunn
303. Erin Meadows
304. Peter and Anne Esmonde
305. Stuart Hellman
306. Jeff Frey
307. Arinna Hollander
308. Patty Johnston
309. Janis Dairiki
310. David Lindberg

- 311. Joshua Bloom
- 312. Ken Krich
- 313. Sue Wild-Kirn
- 314. Rachel Sing
- 315. Barryett Enge
- 316. Kuniko Weltin-Wu (2)
- 317. Ellen Jones
- 318. Carla Shapreau
- 319. John Joisce
- 320. Cheryl Ann Fulton
- 321. Jaida Samudra
- 322. Sarah Bowles
- 323. Carolyn Stern
- 324. Elizabeth Powell
- 325. Dana Kilian
- 326. Molly Fraker
- 327. Andrea Cassidy
- 328. Doris Sloan
- 329. Laura X
- 330. Mary Beth Bykowsky
- 331. Susie Bailey
- 332. Andrea Cassidy
- 333. Michael Cassidy
- 334. Celia Damon
- 335. Tami Rowen
- 336. Kaela Kory
- 337. Sarah Liu
- 338. Rhonda Anthony Gruska
- 339. Eric Allman
- 340. Martine Kraus
- 341. Cynthia Leslie-Bole
- 342. Bob Jarman
- 343. Megan Holmes
- 344. Barbara Brunetti
- 345. Joshua Bloom
- 346. Emily Weinstein

## **Miscellaneous Communications**

### **Aquatic Park**

- 347. Narendra Dev

### **AB 3088**

- 348. Carole Marasovic

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, SEPTEMBER 22, 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**

*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.*

*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/81891250764>. 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 and enter Meeting ID: 818 9125 0764. 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](mailto:clerk@cityofberkeley.info) with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.*

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## Preliminary Matters

**Roll Call:** 4:04 p.m.

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

**Absent:** Bartlett

Councilmember Bartlett present at 4:12 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 LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) AND 54956.9(d)(1):

City of Berkeley v. Regents of the University of California, Alameda Superior Court Case No. RG19023058

**Action:** No reportable action taken.

### 2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(4):

Initiation of litigation – one case The City Council will consider whether to initiate or intervene in a lawsuit against the Regents of the University of California.

**Action:** M/S/C (Arreguin/Davila) to provide direction to the City Attorney to intervene in the lawsuit, Save Berkeley's Neighborhoods v. Regents of the University of California, concerning UC Berkeley's development on the Clark Kerr Campus.

**Vote:** Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Droste, Arreguin; Abstain – Bartlett, Robinson.

## OPEN SESSION:

The City Council has directed the City Attorney to intervene in the lawsuit, Save Berkeley's Neighborhoods v. Regents of the University of California, concerning UC Berkeley's development on the Clark Kerr Campus.

## Adjournment

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

**Vote:** Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Absent – Droste.

Adjourned at 6:20 p.m.

I hereby that the foregoing is a true and correct record of the closed session meeting held on September 22, 2020.

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Mark Numainville  
City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, September 22, 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

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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:** 6:36 p.m.

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

**Absent:** None

### Ceremonial Matters:

1. Recognition of the 50<sup>th</sup> year of the Ecology Center
2. Adjourn in memory for Supreme Court Justice Ruth Bader Ginsberg
3. Adjourn in memory of the 200,000 victims of COVID-19 in the United States and all victims worldwide.

### City Auditor Comments:

The City Auditor noted that September is Suicide Prevention Month. The City Auditor noted the revisions in Item 8 regarding Measure FF. The City Auditor noted the importance of receiving data and documentation from departments in a timely manner and that recent meetings with the Police Department and the City Manager indicate that requested information from BPD should be available soon. The City Auditor also noted the addition of needed staff and the gradual resumption of regular audit activities.

### City Manager Comments:

The City Manager noted the request of the Auditor and the City's commitment to work collaboratively. The City Manager announced that due to health and safety reasons the prohibition on overnight camping in City parks will be enforced citywide.

**Public Comment on Non-Agenda Matters:** 10 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 13 speakers.

**Action:** M/S/C (Arreguin/Harrison) to accept revised materials from Mayor Arreguin regarding Item 8.

**Vote:** All Ayes.

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

**Vote:** All Ayes.



## Consent Calendar

- 1. Resolution Reviewing and Ratifying the Proclamation of Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused 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 and July 28, 2020.  
**Financial Implications:** See report  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 69,565–N.S.
- 2. Contract No. 32000282 Amendment: AG Witt, LLC for COVID-19 Emergency Operations Cost Recovery Consultant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000282 with AG Witt, LLC for COVID-19 Emergency Operations Cost Recovery Consulting increasing the amount by \$100,000 to a not to exceed amount of \$150,000.  
**Financial Implications:** General Fund - \$100,000  
Contact: Dave White, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 69,566–N.S.
- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 22, 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 - \$5,510,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.

## Consent Calendar

- 4. Revenue Grant Agreement: Federal COVID19 Funding Support from Centers for Disease Control and Prevention – Epidemiology and Laboratory Capacity Enhancing Detection Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to California Department of Public Health to accept this COVID19 response grant, and to execute any resultant revenue agreements and amendments; which enables us to conduct and implement mitigation strategies in response to COVID19 for the following revenue agreement: HHCS Health Officer Unit's Communicable Disease Prevention and Control Program (CDPCP) COVID-19 Crisis Response's projected allocation of \$2,159,041 for FY 2021-2022.  
**Financial Implications:** See report  
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,567–N.S.
- 5. Revenue Contracts: FY 2021 Aging Services Programs**  
**From: City Manager**  
**Recommendation:** Adopt five Resolutions authorizing the City Manager or her designee to execute any resultant revenue agreements and amendments with Alameda County to provide congregate and home-delivered meals, family caregiver support, senior center activities and information and assistance services to seniors for the following programs for Fiscal Year 2021: 1) Congregate Meals in the amount of \$43,695; 2) Home Delivered Meals in the amount of \$50,954; 3) Family Caregiver Support Program in the amount of \$39,499; 4) Senior Center Activities in the amount of \$22,840; and 5) Information and Assistance Services in the amount of \$49,548.  
**Financial Implications:** See report  
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,568–N.S. (Congregate Meals); Resolution No. 69,569–N.S. (Home Delivered Meals); Resolution No. 69,570–N.S. (Family Caregiver); Resolution No. 69,571–N.S. (Senior Center); and Resolution No. 69,572–N.S. (Information and Assistance).
- 6. Contract No. 31900042 Amendment: CivicPlus, Inc. for Software Maintenance and Professional for the CivicRec Application**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900042 with CivicPlus, Inc. for software maintenance and professional services for the Recreation Division's online registration and reservation system, to increase the contract amount by \$73,756, for a total not to exceed amount of \$116,756, and to extend the contract for three (3) years until November 30, 2025.  
**Financial Implications:** See report  
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 69,573–N.S. amended to correct the contract term to five (5) years.

## Consent Calendar

7. **Contract Amendment: for Marken Mechanical Services Contract 10142 now MSR Mechanical LLC for on-call heating, air conditioning, and ventilation services for the City**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an Amendment to Contract No. 10142, with Marken Mechanical Services to; document the company's ownership and name change to MSR Mechanical LLC; to increase the contract in an amount not to exceed \$30,000 for a total contract amount not to exceed \$80,000; and to extend the term through June 30, 2022.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,574–N.S.

## Council Consent Items

8. **Designating the Disaster and Fire Safety Commission as the Citizens' Oversight Committee for Expenditure of the Proceeds of the Fire, Emergency Services and Wildfire Prevention Tax (Measure FF)**  
**From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Robinson (Co-Sponsor)**  
**Recommendation:** Adopt a resolution designating the Disaster and Fire Safety Commission as the citizens' oversight committee for the expenditure of proceeds from the Fire, Emergency Services and Wildfire Prevention Tax (Measure FF). Should Measure FF pass on the November 3 ballot, the Disaster and Fire Safety Commission shall function as the citizens' oversight committee for expenditure of the proceeds of the Fire, Emergency Services and Wildfire Prevention Tax (Measure FF). For this purpose, in addition to its other powers, the Commission may: 1) request detailed expenditure plans for tax proceeds annually, which shall be provided to it as early in the budget process as feasible; 2) make recommendations to the City Manager and the City Council as to the rate at which the tax should be set and how any tax proceeds should be spent; and 3) obtain a report on actual expenditures. The City Manager shall cooperate with the Disaster and Fire Safety Commission in providing the information it requests. All expenditures also will be subject to an annual independent financial audit to confirm that expenditures are consistent with the intent of the measure.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 69,575–N.S. as revised in the materials accepted at the meeting from Mayor Arreguin with the further revision to remove the final resolved in the revised materials related to independent audits.

## Council Consent Items

**9. Providing our Unhoused Communities in the City of Berkeley with Potable Water and addressing Water Insecurity**

**From: Councilmember Davila (Author)**

**Recommendation:**

1. Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$500 from Councilmember Cheryl Davila, to help pay for the procurement of water bottles to be given to our unhoused residents and communities, using funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila, the Mayor and any other Councilmembers who would like to contribute.
2. 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.

**Financial Implications:** None

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

**Action:** Added Councilmember Harrison as a co-sponsor. 1. Adopted Resolution No. 69,576–N.S. revised to state the not to exceed amount as \$500 for all councilmembers and to include contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - \$500; Councilmember Harrison - \$500; Councilmember Bartlett - \$200; Councilmember Kesarwani - \$200; Councilmember Robinson - \$250; Mayor Arreguin - \$250; Councilmember Hahn - \$250; Councilmember Wengraf - \$250. 2. Approved recommendation.

**10. Resolution to Incorporate the Practice of 1 Minute and 46 seconds of Mindfulness into City Council Meetings** *(Reviewed by the Agenda & Rules Committee)*

**From: Councilmember Davila (Author)**

**Recommendation:** Adopt a resolution to amend the City Council Meeting Agendas and Council Rules of Procedures to include one minute and forty-six seconds of silence to adopt mindfulness into Council meetings to remember the loss of lives due to police violence.

*(On August 31, 2020, the Agenda and Rules Committee made a Qualified Positive Recommendation to the City Council to observe one minute and forty-six seconds of silence at the September 22, 2020 regular meeting to remember the loss of lives due to police violence; and further remind Councilmembers that moments of reflection, recognition, or celebration are requested through the Mayor's office for inclusion on the ceremonial calendar.)*

**Financial Implications:** None

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

**Action:** Approved recommendation of the Agenda and Rules Committee.

## Council Consent Items

11. **Resolution in Support of California Proposition 17, Restores Right to Vote After Completion of Prison Term, Legislative Constitutional Amendment**  
**From: Councilmember Hahn (Author), Councilmember Robinson (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of California Proposition 17, Restores Right to Vote After Completion of Prison Term, Legislative Constitutional Amendment, on the November 3, 2020 ballot, to amend the State Constitution to eliminate disenfranchisement for people on parole, restoring voting rights upon release from prison.  
**Financial Implications:** None  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Adopted Resolution No. 69,577–N.S.
12. **Support for SB-1079 Residential Property: Foreclosure**  
**From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Robinson (Co-Sponsor)**  
**Recommendation:** Send a resolution in support of SB-1079 Residential Property: Foreclosure (Skinner) to Senator Skinner, Assemblymember Wicks, and Governor Gavin Newsom. This bill proposes a trio of provisions intended to mitigate against blight, vacancy, and the transfer of residential property ownership from owner occupants to corporate landlords in the event that California experiences a wave of foreclosures.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 69,578–N.S.

Observed 1 minute and 46 seconds of mindfulness in honor of the victims of police violence.

Recess 8:16 p.m. – 8:26 p.m.

## Action Calendar – Continued Business

- A. **Annual Housing Pipeline Report** (*Item contains revised and supplemental materials. Continued from September 15, 2020*)  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** 7 speakers. Report presented and discussion held. No action taken.

**Action:** M/S/C (Arreguin/Harrison) to continue Items 13, 15, 17, and 18 to October 13, 2020.

**Vote:** All Ayes.

## Action Calendar – Old Business

13. **Proposed Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley** (*Continued from March 10, 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:** Item 13 continued to October 13, 2020.

## Action Calendar – New Business

14. **Adoption - Civic Center Vision and Implementation Plan**  
**From:** City Manager  
**Recommendation:** Adopt a Resolution approving Berkeley’s Civic Center Vision and Implementation Plan, and declaring Council’s intention to support the vision and preferred design concepts articulated in the plan  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:00 a.m.  
**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – Davila; Abstain – None; Absent - Wengraf.
- Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:15 a.m.  
**Vote:** Ayes – Kesarwani, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – Davila, Bartlett; Abstain – None; Absent - Wengraf.
- Councilmember Wengraf absent 11:00 p.m. – 12:15 a.m.
- Action:** 8 speakers. M/S/C (Robinson/Droste) to adopt Resolution No. 69,579–N.S. amended to strike the reference to the “preferred design concept.”  
**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Davila, Wengraf.
- Councilmember Davila absent 11:57 p.m. – 12:15 a.m.

## Action Calendar – Old Business

### 15. 2019 Crime Report and Five Year Use of Force Report

**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:** Item 15 continued to October 13, 2020 including supplemental material from Councilmember Hahn.

## Council Action Items

### 16. Healthy Checkout Ordinance *(Reviewed by the Health, Life Enrichment, Equity & Community Committee. Item contains revised materials)*

**From:** Councilmember Harrison (Author), Councilmember Hahn (Author)

**Recommendation:**

1. Adopt an ordinance requiring stores over 2,500 square feet in size to sell more nutritious food and beverage options in their checkout areas.
2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program.
3. 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.

**Financial Implications:** See report

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

**Action:** 15 speakers. Councilmembers Kesarwani and Davila added as co-sponsors. M/S/C (Hahn/Harrison) to:

1. Adopt first reading of Ordinance No. 7,734-N.S. with amendments in Section 9.82.060 to change the effective date to March 1, 2021 and the enforcement date to January 1, 2022. Second reading scheduled for October 13, 2020.
2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program.
3. 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.

**Vote:** All Ayes.

**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, Robinson, Droste, Arreguin; Noes – Davila; Abstain - Wengraf.

## Council Action Items

### 17. Support Community Refrigerators

**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 17 continued to October 13, 2020.

### 18. Request the United States House of Representatives and/or Senate to introduce “The Breathe Act”

**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:** Item 18 continued to October 13, 2020.

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

## Adjournment

Adjourned at 12:15 a.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of the City Council held on September 22, 2020.

---

Mark Numainville  
City Clerk

## Communications

### Item #16: Healthy Checkout Ordinance

1. Holly Scheider (3)

### Item #17: Support Community Refrigerators

2. Gargi Nigam



3. Vishaal Kuna
4. Kavin Kumaravel
5. Vivian Kuang

**Berkeley Marina Drugs/Homelessness/Defecation**

6. Daniel Hernandez

**COVID-19 Related**

7. Isaac Pastor-Chermak
8. Mark Gottlieb
9. Vivian Warkentin

**BART Stations**

10. Rick Lewis

**Fossil Fuels**

11. Leah Redwood

**Water Insecurity**

12. 23 form letters

**Large-Scale Development at 600 Addison - Aquatic Park**

13. Charlene Woodcock

**Climate Emergency**

14. Thomas Lord

**Fire Prevention**

15. Jeanette Franzone

**Homelessness and Trash**

16. Rachel Gorham

**Berkeley Mutual Aid – Memorandum to the City of Berkeley**

17. David Peattie, on behalf of the Berkeley Disaster Prep Neighborhood Network

**Supplemental Communications and Reports 1**

**Item #11: Resolution in Support of California Proposition 17, Restores Right to Vote After Completion of Prison Term, Legislative Constitutional Amendment**

18. Daisy Chavez, on behalf of Initiate Justice

**Item #14: Adoption – Civic Center Vision and Implementation Plan**

19. Carrie Olson, on behalf of the Berkeley Architectural Heritage Association
20. John Caner, on behalf of the Downtown Berkeley Association
21. Michael Fullerton

**Item #16: Healthy Checkout Ordinance**

22. David Vliet, on behalf of LifeLong Medical Care

23. Nefer Kelley and HOPS Advocates
24. Joseph Friedman
25. Antoinette Marie Rossi
26. Pauline Bondonno
27. Laura Miller

## **Supplemental Communications and Reports 2**

### **Item #14: Adoption – Civic Center Vision and Implementation Plan**

28. John Caner

### **Item #15: 2019 Crime Report and Five Year Use of Force Report**

29. Supplemental material, submitted by Councilmember Hahn

### **Item #16: Healthy Checkout Ordinance**

30. Virginia Turner, on behalf of the Berkeley Youth Alternatives
31. Nefer Kelley Farias, on behalf of the Bay Area Community Resource
32. Matt Weimar
33. Pauline Bondonno, on behalf of the Community Health Education Institute
34. Laura Miller
35. Simone

## **Supplemental Communications and Reports 3**

### **Item #9: Providing our Unhoused Communities in the City of Berkeley with Potable Water and Addressing Water Insecurity**

36. 25 similarly worded form letters

### **Item #11: Resolution in Support of California Proposition 17, Restores Right to Vote After Completion of Prison Term, Legislative Constitutional Amendment**

37. Brittany Stonesifer, on behalf of the ACLU

### **Item #A: Annual Housing Pipeline Report**

38. Presentation, submitted by Planning

### **Item #14: Adoption – Civic Center Vision and Implementation Plan**

39. Presentation, submitted by the Office of Economic Development
40. Kelly Hammargren
41. Berkeley Neighborhood Council Executive Committee
42. Steven Finacom
43. Shirley Dean
44. Councilmember Harrison
45. John Caner
46. George Petty

### **Item #16: Healthy Checkout Ordinance**

47. Dan Colegrove
48. Nefer Kelley
49. Laura Miller
50. Sukhmony Brar
51. Blythe Young, on behalf of the American Heart Association (2)

- 52. Glomax@
- 53. Emily Pham
- 54. Sonia H
- 55. Monique Blodgett
- 56. John Caner, on behalf of the Downtown Berkeley Association

## **Miscellaneous Communications**

### **Three-Way Pandemic**

- 57. Negeene Mosaed

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**TUESDAY, SEPTEMBER 29, 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**

*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.*

*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/84573644176>. 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 **1-888-475-4499 (toll free)** and enter Meeting ID: **845 7364 4176**. 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](mailto:clerk@cityofberkeley.info) with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.*

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

## Preliminary Matters

**Roll Call:** 4:05 p.m.

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

**Absent:** Kesarwani, Bartlett

Councilmember Kesarwani present at 4:23 p.m.

Councilmember Bartlett present at 4:26 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 LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) AND 54956.9(d)(1):**

a. CTIA v. City of Berkeley, Case No. 15-cv-02529-EMC

**Action:** No reportable action taken.

b. Stahlschmidt v. City of Berkeley, Case No. RG 20069713

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

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

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

Adjourned at 5:19 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council closed meeting held on September 29, 2020.

---

Mark Numainville  
City Clerk

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

**Tuesday, September 29, 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**

*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/89084364433>. 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** and enter Meeting ID: **890 8436 4433**. 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](mailto:clerk@cityofberkeley.info) with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.*

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

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

## Preliminary Matters

**Roll Call:** 6:06 p.m.

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

**Absent:** None

**Public Comment - Limited to items on this agenda only - 6 speakers.**

## Action Calendar

### 1. Vision 2050 Task Force Recommendations

**From:** Vision 2050 Task Force

**Recommendation:**

1. Accept the Vision 2050 Initiative Report and adopt the recommended City Council Actions.

2. Refer to the City Manager the recommended City Manager Actions as well as the principles, strategies and actions outlined in the report.

**Financial Implications:** See report

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

**Action:** 6 speakers. M/S/C (Arreguin/Wengraf) to accept the Vision 2050 Initiative Report and adopt the recommended city council actions, with the following amendments: add language to Principle 2 throughout the report so it reads: "Have efficient, inspired, and well-maintained infrastructure," and also, in developing the 2050 legislative package, prioritize the projects which address the greatest risks first; and to refer to the City Manager the recommended City Manager actions as well as the principles, strategies and actions outlined in the report.

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

Councilmember Davila absent 8:17 p.m. – 8:21 p.m.

## Adjournment

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

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

Adjourned at 8:21 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting of the City Council held on September 29, 2020.

---

April Richardson  
Assistant City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

- None





Office of the City Manager

CONSENT CALENDAR  
October 27, 2020

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Mark Numainville, City Clerk  
 Subject: Annual Commission Attendance and Meeting Frequency Report

RECOMMENDATION

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

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Each of the City's 38 commissions that were active during the reporting period submitted an annual attendance report covering the period of September 1, 2019 through August 31, 2020. The reports provide meeting-level information on number and frequency of meetings, meeting cancellations, commissioners in attendance, length of meetings, number of speakers, and members of the public present. The reports also reflect the number of vacant positions on the commission as of August 31, 2020.

Due to the Shelter-in-Place order necessitated by the COVID-19 pandemic, most commissions ceased or greatly scaled back their activities in March, meeting only if they had time-sensitive, legally-mandated business to complete, and all meetings subsequent to the March health order have been held virtually.

On March 17, 2020 the City Council adopted Resolution No. 69,331-N.S. ratifying the City Manager's policy limiting the meetings of city legislative bodies in order to maintain staff resources to address the pandemic. The provisions of that resolution are still in effect. On October 13, 2020, the Agenda & Rules Committee took action to endorse the City Manager's policy to allow commissions to meet up to two times only for the purpose of developing their 2021 work plan and to address any COVID-related referrals from the City Council. Due to these actions, the ongoing meeting frequency for commissions will be adjusted as the pandemic conditions allow. For this reason, staff is not presenting a fixed 2021 meeting frequency schedule to Council for approval at this time.

Commissions are divided into four categories (A, B, C, and D) depending on the permitted frequency of meetings. Based on the information provided in the 2020 annual attendance reports, the majority of commissions were meeting on a regular and frequent basis up

until the COVID-19 restrictions. The meeting activity for the reporting period of September 2019 through August 2020 has been broken down by category and is described below.

### Category A

Contains eleven commissions that meet on their own schedule. Most of these commissions resumed meeting virtually after the initial Shelter-in-Place in order to meet their legal obligations.

| <b>Commission</b>                                               | <b>Cancellations due to COVID-19</b> | <b>Cancellations due to other reasons</b> |
|-----------------------------------------------------------------|--------------------------------------|-------------------------------------------|
| Board of Library Trustees                                       | 1                                    |                                           |
| Design Review Committee                                         | 2                                    | 1 - no agenda items                       |
| Fair Campaign Practices Commission                              | 1                                    | 1 - by order of the chair                 |
| Housing Advisory Commission                                     | 4                                    |                                           |
| Joint Subcommittee for the Implementation of State Housing Laws | 1                                    |                                           |
| Landmarks Preservation Commission                               | 2                                    |                                           |
| Open Government Commission                                      | 1                                    | 1 - by order of the chair                 |
| Personnel Board                                                 | 3                                    |                                           |
| Planning Commission                                             | 4                                    | 1 - technical issues                      |
| Police Review Commission                                        | 2                                    | 1 - public safety power shutoff           |
| Zoning Adjustments Board                                        | 4                                    | 1 - no agenda items                       |

### Category B

Contains twenty-one commissions that hold a maximum of ten meetings each per year. Prior to the March Shelter-in-Place order, these twenty-one commissions were meeting regularly during the reporting period.

| <b>Commission</b>                          | <b>Cancellations due to COVID-19</b> | <b>Cancellations due to other reasons</b> |
|--------------------------------------------|--------------------------------------|-------------------------------------------|
| Cannabis Commission                        | 4                                    |                                           |
| Children, Youth, and Recreation Commission | 5                                    |                                           |
| Civic Arts Commission                      | 5                                    |                                           |
| Commission on Aging                        | 5                                    |                                           |

| <b>Commission</b>                                 | <b>Cancellations due to COVID-19</b> | <b>Cancellations due to other reasons</b> |
|---------------------------------------------------|--------------------------------------|-------------------------------------------|
| Commission on Disability                          | 4                                    |                                           |
| Commission on Labor                               | 3                                    |                                           |
| Commission on the Status of Women                 | 5                                    | 1 - no quorum                             |
| Community Environmental Advisory Commission       | 1                                    |                                           |
| Community Health Commission                       | 5                                    |                                           |
| Disaster and Fire Safety Commission               | 3                                    |                                           |
| Energy Commission                                 | 5                                    |                                           |
| Homeless Commission                               | 4                                    |                                           |
| Homeless Services Panel of Experts                | 2                                    |                                           |
| Human Welfare and Community Action Commission     | 5                                    |                                           |
| Measure O Bond Oversight Committee                | 3                                    |                                           |
| Mental Health Commission                          | 5                                    |                                           |
| Parks and Waterfront Commission                   | 3                                    |                                           |
| Peace and Justice Commission                      | 4                                    |                                           |
| Public Works Commission                           | 3                                    |                                           |
| Sugar-Sweetened Beverage Product Panel of Experts | 5                                    |                                           |
| Transportation Commission                         | 5                                    |                                           |
| Youth Commission                                  | 3                                    | 1 - no quorum                             |
| Zero Waste Commission                             | 5                                    |                                           |

Category C

Contains three commissions. These commissions may meet as necessary to fulfill their legal obligations. Of the commissions in this category, none cancelled any scheduled meetings during this period.

Category D

Currently contains one commission that meets up to six times per year. The Animal Care Commission cancelled three meetings due to COVID-19.

BACKGROUND

On June 14, 2005, the City Council discussed the reduction of commission meetings as a cost-savings measure. Council adopted a proposal which created three categories of commission meeting schedules, a process for requesting Council approval of any extra meetings, direction to commission secretaries to submit an information report whenever a commission cancels two consecutive meetings for lack of quorum, and an annual attendance report. Council adopted Resolution No. 63,949–N.S. on January 15, 2008, which updated the commission meeting frequency schedule to include a fourth category of meeting frequency. On December 11, 2018, Council adopted Resolution No. 68,705–N.S., which changed the reporting period from November through October to September through August to allow commissions sufficient time to set their schedules for the following year. Most recently, on October 15, 2019, Council adopted Resolution No. 69,127–N.S., which set the 2020 commission meeting frequency schedule.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

The annual commission attendance report informs the Council of commission activity and allows for comparison with the meeting frequency schedule. The annual attendance report documents increased demand on, or under-utilization of commissions which may inform Council decisions related to the meeting frequency of commissions.

CONTACT PERSON

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

Attachments:

- 1: 2020 Annual Commission Attendance Reports
- 2: 2020 Approved Leaves of Absence by Commission Report

# Page 5 of 43 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

Vacant seats:   4    
(as of August 31, 2020)

**Commission:**     Animal Care Commission    

**Commission Secretary:**     Amelia Funghi    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | <i>Yes – no quorum</i>               |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/18/19                | <i>no</i>                            | 5                     | 3              | 2               | 2 hrs          |
| 11/20/19               | <i>no</i>                            | 5                     | 2              | 2               | 1 ¾ hrs        |
| 1/15/20                | <i>no</i>                            | 5                     | 3              | 3               | 1 ¾ hrs        |
| 3/18/20                | <i>Yes-COVID</i>                     |                       |                |                 |                |
| 5/20/20                | <i>Yes-COVID</i>                     |                       |                |                 |                |
| 6/17/20                | <i>Yes-COVID</i>                     |                       |                |                 |                |
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# Page 6 of 43 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    0    </u><br>(as of August 31, 2020) |
|-----------------------------------------------------------|

**Commission:**     Board of Library Trustees    

**Commission Secretary:**     Elliot Warren    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason  | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|---------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/4/2019               |                                       | 5 of 5                | 4              | 2               | 1 hr. 18 min.  |
| 10/2/2019              |                                       | 3 of 5                | 6              | 0               | 1 hr. 13 min.  |
| 11/13/2019             |                                       | 5 of 5                | 6              | 1               | 2 hrs. 7 min.  |
| 12/4/2019              |                                       | 5 of 5                | 10             | 2               | 1 hr. 39 min.  |
| 1/15/2020              |                                       | 5 of 5                | 6              | 1               | 2 hrs. 7 min.  |
| 2/5/2020               |                                       | 4 of 5                | 6              | 2               | 1 hr. 18 min.  |
| 3/4/2020               |                                       | 5 of 5                | 3              | 0               | 1 hr. 39 min.  |
| 3/14/2020              |                                       | 5 of 5                | 3              | 1               | 44 min.        |
| 4/1/2020               | Cancelled – COVID-19 Shelter in Place |                       |                |                 |                |
| 5/6/2020               |                                       | 5 of 5                | Unknown        | 0               | 1 hr. 38 min.  |
| 6/3/2020               |                                       | 5 of 5                | Unknown        | 0               | 1 hr. 55 min.  |
| 6/4/2020               |                                       | 5 of 5                | 1              | 1               | 3 hrs. 10 min. |
| 6/24/2020              |                                       | 5 of 5                | 0              | 0               | 1 hr. 30 min.  |
| 7/1/2020               |                                       | 5 of 5                | 2              | 1               | 1 hr. 40 min.  |
| 7/21/2020              |                                       | 5 of 5                | 3              | 0               | 3 hrs.         |
| 7/30/2020              |                                       | 5 of 5                | 0              | 0               | 5 hrs. 55 min. |
| 8/5/2020               |                                       | 5 of 5                | 3              | 1               | 2 hrs.         |
| 8/12/2020              |                                       | 5 of 5                | 8              | 2               | 36 min.        |
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Page 7 of 43  
**2020 Annual Commission Attendance Report**

Reporting Period: September 1, 2019 through August 31, 2020

Vacant seats: 3  
(as of August 31, 2020)

**Commission:** Cannabis Commission

**Commission Secretary:** Elizabeth Greene

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/12/19                |                                      | 6 of 7                | 6              | 8               | 2 hrs          |
| 10/10/19               |                                      | 5 of 7                | 3              | 3               | 2 hrs          |
| 1/9/20                 |                                      | 5 of 7                | 27             | 16              | 1.5 hrs        |
| 2/6/20                 |                                      | 5 of 7                | 10             | 7               | 1.5 hrs        |
| 3/5/20                 |                                      | 4 of 7                | 7              | 5               | 1 hour         |
| 4/2/20                 | Shelter in Place Order               |                       |                |                 |                |
| 5/7/20                 | Shelter in Place Order               |                       |                |                 |                |
| 6/4/20                 | Shelter in Place Order               |                       |                |                 |                |
| 7/9/20                 | Shelter in Place Order               |                       |                |                 |                |
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~~Page 8 of 43~~  
**2020 Annual Commission Attendance Report**

Reporting Period: September 1, 2019 through August 31, 2020

|                                                       |
|-------------------------------------------------------|
| Vacant seats: <u>  2  </u><br>(as of August 31, 2020) |
|-------------------------------------------------------|

**Commission:** Community Environmental Advisory Commission (CEAC)

**Commission Secretary:** Viviana Garcia

*Example:*

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/12/19                | No                                   | 7 of 8                | 3              | 0               | 1.83 hrs       |
| 10/10/19               | No                                   | 7 of 8                | 2              | 0               | 1.83 hrs       |
| 11/14/19               | No                                   | 7 of 8                | 3              | 0               | 2.5 hrs        |
| 12/12/19               | No                                   | 6 of 8                | 0              | 0               | 2 hrs          |
| 2/13/20                | No                                   | 6 of 8                | 3              | 0               | 1.75 hrs       |
| 3/12/20                | Yes                                  |                       |                |                 |                |
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Page 9 of 43  
**2020 Annual Commission Attendance Report**

Reporting Period: September 1, 2019 through August 31, 2020

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>0</u><br>(as of August 31, 2020) |
|---------------------------------------------------|

**Commission:** Civic Arts Commission

**Commission Secretary:** Jennifer Lovvorn

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date  | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|-------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/25/19                 | No                                   | 9 of 9                | 5              | 2               | 2 hours        |
| 10/23/19                | No                                   | 7 of 9                | 1              | 0               | 2 hours        |
| 11/20/19                | No                                   | 7 of 9                | 0              | 0               | 2 hours        |
| 1/22/20                 | No                                   | 8 of 9                | 2              | 2               | 2 hours 6 mins |
| 2/26/20                 | No                                   | 8 of 9                | 5              | 1               | 2 hours 7 mins |
| 3/25/20                 | Yes-COVID-19                         |                       |                |                 |                |
| 4/22/20                 | Yes-COVID-19                         |                       |                |                 |                |
| 5/27/20                 | Yes-COVID-19                         |                       |                |                 |                |
| 6/24/20                 | Yes-COVID-19                         |                       |                |                 |                |
| 7/15/20 Special Meeting | No                                   | 9 of 9                | 16             | 1               | 1 hour 47 Mins |
| 7/24/20                 | Yes-COVID-19                         |                       |                |                 |                |
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# Page 18 of 43 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

Vacant seats: 1  
 (as of August 31, 2020)

**Commission:** Commission on Aging

**Commission Secretary:** Richard Castrillon

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason                        | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|-------------------------------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/18/19                |                                                             | 4 of 7                | 6              | 2               | 2 hrs          |
| 10/16/19               |                                                             | 3 of 7                | 8              | 0               | 2 hrs          |
| 11/20/19               |                                                             | 5 of 7                | 3              | 0               | 2 hrs          |
| 1/15/20                |                                                             | 5 of 6                | 0              | 0               | 2 hrs          |
| 2/19/20                |                                                             | 5 of 6                | 1              | 0               | 2 hrs          |
| 3/18/20                | Yes- Covid-19 until further notice from City Clerk's office |                       |                |                 |                |
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# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

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|---------------------------------------------------|
| Vacant seats: <u>6</u><br>(as of August 31, 2020) |
|---------------------------------------------------|

**Commission:** Community Health Commission

**Commission Secretary:** Roberto Terrones

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/26/19                |                                      | 13 of 15              | 2              | 2               | 3.32           |
| 10/24/19               |                                      | 10 of 14              | 0              | 0               | 1.98           |
| 11/21/19               |                                      | 13 of 14              | 21             | 3               | 2.38           |
| 1/23/20                |                                      | 11 of 13              | 0              | 0               | 2.27           |
| 2/27/20                |                                      | 10 of 12              | 1              | 1               | 2.37           |
| 3/26/20                | Yes—COVID                            |                       |                |                 |                |
| 4/23/20                | Yes—COVID                            |                       |                |                 |                |
| 5/28/20                | Yes—COVID                            |                       |                |                 |                |
| 6/25/20                | Yes—COVID                            |                       |                |                 |                |
| 7/23/20                | Yes—COVID                            |                       |                |                 |                |
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# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                                               |
|---------------------------------------------------------------|
| Vacant seats: <u>      2      </u><br>(as of August 31, 2020) |
|---------------------------------------------------------------|

**Commission:**       Commission on the Status of Women      

**Commission Secretary:**       Shallon Allen      

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/25/19                |                                      | 7 of 8                |                |                 | 1 hr 24 min    |
| 10/28/19               |                                      | 7 of 8                |                |                 | 1 hr 47 min    |
| 11/20/19               |                                      | 4 of 7                | 1              | 1               | 1hr 3 min      |
| 1/15/20                | Yes, no quorum                       |                       |                |                 |                |
| 2/19/20                |                                      | NA                    | NA             | NA              | NA             |
| 3/18/20                | Yes – COVID-19                       |                       |                |                 |                |
| 4/15/20                | Yes – COVID-19                       |                       |                |                 |                |
| 5/20/20                | Yes – COVID-19                       |                       |                |                 |                |
| 6/17/20                | Yes – COVID-19                       |                       |                |                 |                |
| 8/19/20                | Yes – COVID-19                       |                       |                |                 |                |
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# Page 13 of 13 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

Vacant seats: 4  
(as of August 31, 2020)

**Commission:** Children, Youth and Recreation Commission

**Commission Secretary:** Stephanie Chu

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/16/19                |                                      | 6 of 7                | NA             | NA              | NA             |
| 10/28/19               |                                      | 6 of 7                | NA             | NA              | 1 hr 3 min     |
| 11/018/19              |                                      | 5 of 6                |                |                 | 1 hr 40 min    |
| 1/27/20                |                                      | 4 of 5                | NA             | NA              | NA             |
| 2/24/20                |                                      | NA                    | NA             | NA              | NA             |
| 3/23/20                | Yes, COVID                           |                       |                |                 |                |
| 4/24/20                | Yes, COVID                           |                       |                |                 |                |
| 5/11/20                | Yes, COVID                           |                       |                |                 |                |
| 6/22/20                | Yes, COVID                           |                       |                |                 |                |
| 8/24/20                | Yes, COVID                           |                       |                |                 |                |
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# Page 14 of 13 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                                       |
|-------------------------------------------------------|
| Vacant seats: <u>  1  </u><br>(as of August 31, 2020) |
|-------------------------------------------------------|

**Commission:**          Design Review Committee  

**Commission Secretary:**      Anne Burns  

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/19/19                |                                      | 6 of 7                | 19             | 8               | 2.75 hrs       |
| 10/17/19               |                                      | 5 of 7                | 18             | 6               | 2.7 hrs        |
| 11/21/19               |                                      | 7 of 7                | 12             | 6               | 3.5 hrs        |
| 12/19/19               |                                      | 7 of 7                | 16             | 7               | 2.75 hrs       |
| 1/16/20                | Yes. No agenda items.                | -                     | -              | -               | -              |
| 2/20/20                |                                      | 6 of 6                | 17             | 12              | 4.25 hrs       |
| 3/19/20                | Yes. COVID-19.                       | -                     | -              | -               | -              |
| 4/16/20                | Yes. COVID-19.                       | -                     | -              | -               | -              |
| 5/21/20                |                                      | 6 of 6                | 18             | 10              | 3.5 hrs        |
| 6/18/20                |                                      | 5 of 6                | 19             | 12              | 3.75 hrs       |
| 7/16/20                |                                      | 6 of 6                | 13             | 9               | 2.75 hrs       |
| 8/20/20                |                                      | 6 of 6                | 28             | 10              | 3.75 hrs       |
|                        |                                      |                       |                |                 |                |
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**Commission:** *Disability Commission*

**Commission Secretary:** Dominika Bednarska

Vacant seats: 2  
(as of August 31, 2020)

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9<br>2/1/20            | Yes – no quorum                      | 8 of 9                | 5              | 3               | 2.5 hrs        |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 09/04/2019             |                                      | 7 of 7                | 0              | 0               | 3 hours        |
| 10/02/2019             |                                      | 5 of 6                | 1              | 1               | 3 hours        |
| 11/06/2019             |                                      | 6 of 6                | 0              | 0               | 3 hours        |
| No Dec Meeting         |                                      |                       |                |                 |                |
| 1/08/2020              |                                      | 4 of 6                | 1              | 1               | 3 hours        |
| 02/05/2020             |                                      | 5 of 6                | 1              | 1               | 3 hours        |
| 03/04/2020             |                                      | 4 of 6                | 0              | 0               | 3 hours        |
| 04/01/20               | Yes – COVID-19                       |                       |                |                 |                |
| 05/06/20               | Yes – COVID-19                       |                       |                |                 |                |
| 06/03/20               | Yes – COVID-19                       |                       |                |                 |                |
| 07/01/20               | Yes – COVID-19                       |                       |                |                 |                |
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# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>0</u><br>(as of August 31, 2020) |
|---------------------------------------------------|

**Commission:** Disaster and Fire Safety Commission

**Commission Secretary:** Keith May

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/25/19                |                                      | 9 of 9                | 4              | 1               | 2.25 hrs       |
| 10/23/19               |                                      | 8 of 9                | 4              | 2               | 2.75 hrs       |
| 12/04/19               |                                      | 5 of 9                | 5              | 2               | 2.25 hrs       |
| 1/22/20                |                                      | 8 of 9                | 9              | 6               | 2.25 hrs       |
| 2/26/20                |                                      | 9 of 9                | 8              | 3               | 2.0 hrs        |
| 4/22/20                | Cancelled due to Covid19             |                       |                |                 |                |
| 5/27/20                | Cancelled due to Covid19             |                       |                |                 |                |
| 6/11/20                |                                      | 9 of 9                | 0              | 0               | 1.0 hrs        |
| 6/24/20                | Cancelled due to Covid19             |                       |                |                 |                |
| 7/6/20                 |                                      | 6 of 9                | 0              | 0               | 1.75 hrs       |
| 7/13/20                |                                      | 7 of 9                | 0              | 0               | 2.25 hrs       |
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# Page 13 of 13 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

Vacant seats:     0      
(as of August 31, 2020)

**Commission:**     Elmwood Business Improvement District Advisory Board    

**Commission Secretary:**     Kieron Slaughter    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 2/21/20                |                                      | 4 of 6                | 0              | 0               | 0.75 hrs       |
| 7/21/20                |                                      | 3 of 4                | 0              | 0               | 0.75 hrs       |
|                        |                                      |                       |                |                 |                |
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**2020 Annual Commission Attendance Report**

Reporting Period: September 1, 2019 through August 31, 2020

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>1</u><br>(as of August 31, 2020) |
|---------------------------------------------------|

**Commission:** Energy Commission

**Commission Secretary:** Billi Romain

**Example:**

| Scheduled Meeting Date | Cancelled? If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|-----------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                   | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                   |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled? If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|-----------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/25/19                |                                   | 7 of 9                |                |                 | 2 hrs 5 min    |
| 10/23/19               |                                   | 5 of 9                | 2              | 3               | 1 hr 57 min    |
| 12/4/19                |                                   | 8 of 9                | 3              | 6               | 2 hrs 25 min   |
| 1/22/20                |                                   | 6 of 9                | 4              | 1               | 2 hrs 30 min   |
| 2/26/20                |                                   | 6 of 9                |                |                 | 1 hr 50 min    |
| 3/26/20                | Yes, COVID                        |                       |                |                 | 2 hrs 5 min    |
| 4/22/20                | Yes, COVID                        |                       |                |                 |                |
| 5/27/20                | Yes, COVID                        |                       |                |                 |                |
| 6/24/20                | Yes, COVID                        |                       |                |                 |                |
| 7/22/20                | Yes, COVID                        |                       |                |                 |                |
|                        |                                   |                       |                |                 |                |
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# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    1    </u><br>(as of August 31, 2020) |
|-----------------------------------------------------------|

**Commission:**     Fair Campaign Practices Commission    

**Commission Secretary:**     Samuel Harvey    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/19/19                |                                      | 6 of 8                | 2              | 2               | 2.9 hrs        |
| 10/17/19               | Yes – by order of Chair              |                       |                |                 |                |
| 11/21/19               |                                      | 7 of 8                | 0              | 0               | 2.9 hrs        |
| 1/16/20                |                                      | 7 of 8                | 1              | 1               | 0.7 hrs        |
| 2/6/20                 |                                      | 5 of 8                | 0              | 0               | 0.1 hrs        |
| 2/20/20                |                                      | 8 of 8                | 1              | 1               | 1.6 hrs        |
| 3/19/20                | Yes – COVID order                    |                       |                |                 |                |
| 3/24/20                |                                      | 8 of 8                | 0              | 0               | 0.4 hrs        |
| 4/23/20                |                                      | 8 of 8                | 0              | 0               | 3.8 hrs        |
| 5/21/20                |                                      | 8 of 8                | 0              | 0               | 2.8 hrs        |
| 6/18/20                |                                      | 6 of 8                | 0              | 0               | 2.1 hrs        |
| 7/16/20                |                                      | 8 of 8                | 0              | 0               | 2.3 hrs        |
| 7/23/20                |                                      | 5 of 8                | 0              | 0               | 0.1 hrs        |
| 8/31/20                |                                      | 6 of 8                | 0              | 0               | 0.2 hrs        |

# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                                                   |
|-------------------------------------------------------------------|
| Vacant seats: <u>        0        </u><br>(as of August 31, 2020) |
|-------------------------------------------------------------------|

**Commission:**         Housing Advisory Commission        

**Commission Secretary:**         Mike Uberti        

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 09/05/2019             | No                                   | 8 of 8                | 16             | 18              | 2.75 hrs       |
| 10/03/2019             | No                                   | 9 of 9                | 19             | 13              | 2.75 hrs       |
| 11/07/2019             | No                                   | 9 of 9                | 5              | 1               | 2.5 hrs        |
| 01/09/2020             | No                                   | 8 of 8                | 9              | 6               | 1.75 hrs       |
| 02/06/2020             | No                                   | 8 of 9                | 7              | 5               | 2 hrs          |
| 03/05/2020             | No                                   | 7 of 8                | 6              | 5               | 2.25 hrs       |
| 04/02/2020             | Yes – COVID-19                       |                       |                |                 |                |
| 05/07/2020             | Yes – COVID-19                       |                       |                |                 |                |
| 06/04/2020             | Yes – COVID-19                       |                       |                |                 |                |
| 07/09/2020             | Yes – COVID-19                       |                       |                |                 |                |
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# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    2    </u><br>(as of August 31, 2020) |
|-----------------------------------------------------------|

**Commission:**     Homeless Commission    

**Commission Secretary:**     Brittany Carnegie    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length      |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|---------------------|
| 9/11/19                |                                      | 7 of 7                | 3              | 3               | 2 hours             |
| 10/9/19                |                                      | 6 of 7                | 5              | 3               | 2 hours             |
| 11/13/19               |                                      | 7 of 7                | 4              | 2               | 2 hours             |
| 1/8/20                 |                                      | 6 of 7                | 4              | 2               | 2 hours and 15 mins |
| 2/10/20                |                                      | 7 of 7                | 5              | 0               | 2 hours             |
| 3/11/20                |                                      | 6 of 7                | 3              | 2               | 2 hours and 15 mins |
| 4/8/20                 | Yes – COVID-19                       |                       |                |                 |                     |
| 5/13/20                | Yes – COVID-19                       |                       |                |                 |                     |
| 6/10/20                | Yes – COVID-19                       |                       |                |                 |                     |
| 7/8/20                 | Yes – COVID-19                       |                       |                |                 |                     |
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# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>2</u><br>(as of August 31, 2020) |
|---------------------------------------------------|

**Commission:** Homeless Services Panel of Experts

**Commission Secretary:** Brittany Carnegie

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length     |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|--------------------|
| 9/4/19                 |                                      | 9 of 9                | 14             | 12              | 2.5 hours          |
| 10/2/19                |                                      | 8 of 9                | 16             | 7               | 2 hours            |
| 11/6/19                |                                      | 7 of 9                | 11             | 2               | 2 hours            |
| 1/7/20                 |                                      | 9 of 9                | 9              | 0               | 2 hours            |
| 2/5/20                 |                                      | 6 of 8                | 4              | 0               | 2 hours            |
| 3/4/20                 |                                      | 7 of 8                | 4              | 0               | 2 hours            |
| 4/1/20                 | Yes-COVID-19                         |                       |                |                 |                    |
| 5/6/20                 | Yes-COVID-19                         |                       |                |                 |                    |
| 5/28/20                |                                      | 5 of 9                | 8              | 2               | 1 hour             |
| 6/10/20                |                                      | 8 of 9                | 8              | 1               | 1 hour and 45 mins |
| 7/1/20                 |                                      | 7 of 9                | 6              | 0               | 2 hours            |
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# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    3    </u><br>(as of August 31, 2020) |
|-----------------------------------------------------------|

**Commission:**     Human Welfare and Community Action Commission    

**Commission Secretary:**     Mary-Claire Katz    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/18/19                |                                      | 8 of 10               | 1              | 0               | 2 hrs          |
| 10/16/19               |                                      | 10 of 11              | 1              | 1               | 2 hrs          |
| 11/20/19               |                                      | 10 of 10              | 1              | 1               | 2.25 hrs       |
| 1/15/20                |                                      | 10 of 10              | 1              | 1               | 2.25 hrs       |
| 2/19/20                |                                      | 9 of 10               | 3              | 3               | 2.50 hrs       |
| 3/18/20                | Yes – Covid-19                       |                       |                |                 |                |
| 4/15/20                | Yes – Covid-19                       |                       |                |                 |                |
| 5/20/20                | Yes – Covid-19                       |                       |                |                 |                |
| 6/17/20                | Yes – Covid-19                       |                       |                |                 |                |
| 7/15/20                | Yes – Covid-19                       |                       |                |                 |                |
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# Page 24 of 43 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    0    </u><br>(as of August 31, 2020) |
|-----------------------------------------------------------|

**Commission:**     Joint Subcommittee for the Implementation of State Housing    

**Commission Secretary:**     Alene Pearson    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length   |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|------------------|
| 9/25/2019              |                                      | 8 of 9                | 6              | 2               | 2 hrs 44 min     |
| 10/23/2019             |                                      | 8 of 9                | 8              | 10              | 2 hrs and 55 min |
| 12/11/2019             |                                      | 8 of 9                | 3              | 6               | 2 hrs and 8 min  |
| 2/26/20                |                                      | 8 of 9                | 13             | 16              | 3 hrs and 20 min |
| 4/22/20                | Yes, covid                           |                       |                |                 |                  |
| 7/22/20                |                                      | 9 of 9                | 7              | 7               | 2 hrs 59 minutes |
|                        |                                      |                       |                |                 |                  |
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# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

Vacant seats: 1  
(as of August 31, 2020)

**Commission:** On Labor

**Commission Secretary:** Delfina Geiken/Nathan Dahl

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/18/19                |                                      | 7 of 7                | 5              | 0               | 1.75           |
| 11/20/19               |                                      | 7 of 7                | 3              | 0               | 1.75           |
| 1/15/20                |                                      | 6 of 8                | 2              | 0               | .75            |
| 2/19/20                |                                      | 5 of 8                | 1              | 0               | 1.5            |
| 3/18/20                | Yes-Shelter In Place                 |                       |                |                 |                |
| 5/20/20                | Yes-Shelter In Place                 |                       |                |                 |                |
| 7/15/20                | Yes-Shelter In Place                 |                       |                |                 |                |
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# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>0</u><br>(as of August 31, 2020) |
|---------------------------------------------------|

**Commission:** Landmarks Preservation Commission

**Commission Secretary:** Fatema Crane

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/05/19                |                                      | 7 of 8                | 15             | 12              | 3 hrs 57 mins  |
| 10/03/19               |                                      | 8 of 9                | 10             | 7               | 1 hr 35 min    |
| 11/07/19               |                                      | 9 of 9                | 3              | 0               | 2 hrs 46 min   |
| 12/05/19               |                                      | 9 of 9                | 35             | 7               | 4 hrs 13 mins  |
| 2/06/20                |                                      | 8 of 9                | 10             | 6               | 2 hrs 56 mins  |
| 3/05/20                |                                      | 9 of 9                | 12             | 12              | 3 hrs 11 mins  |
| 4/02/20                | Yes, COVID                           |                       |                |                 |                |
| 5/7/20                 | Yes, COVID                           |                       |                |                 |                |
| 6/04/20                |                                      | 9 of 9                | 16             | 0               | 2 hrs 23 min   |
| 7/02/20                |                                      | 9 of 9                | 7              | 6               | 1 hr 59 min    |
| 8/06/20                |                                      | 9 of 9                | 147            | 84              | 2 hrs 28 min   |
| 9/03/20                |                                      | 8 of 9                | 10             | 2               | 2 hrs 44 min   |
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# 2020 Annual Commission Attendance Report

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Reporting Period: September 1, 2019 through August 31, 2020

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    0    </u><br>(as of August 31, 2020) |
|-----------------------------------------------------------|

**Commission:**     Loan Administration Board    

**Commission Secretary:**     Kieron Slaughter    

*Example:*

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| <i>9/15/19</i>         |                                      | <i>8 of 9</i>         | <i>5</i>       | <i>3</i>        | <i>2.5 hrs</i> |
| <i>2/1/20</i>          | <i>Yes – no quorum</i>               |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| <i>11/5/19</i>         |                                      | <i>4 of 5</i>         | <i>3</i>       | <i>0</i>        | <i>1 hrs</i>   |
| <i>1/23/20</i>         |                                      | <i>4 of 6</i>         | <i>6</i>       | <i>0</i>        | <i>0.5 hrs</i> |
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# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

Vacant seats: 1  
(as of August 31, 2020)

**Commission:** Measure O Bond Oversight Committee

**Commission Secretary:** Amy Davidson

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/16/19                |                                      | 7 of 9                | 34             | 27              | 1.54 hrs       |
| 10/21/19               |                                      | 9 of 9                | 28             | 25              | 2.41 hrs       |
| 11/18/19               |                                      | 7 of 9                | 2              | 1               | 1.28 hrs       |
| 1/27/20                |                                      | 7 of 9                | 2              | 1               | 1.23 hrs       |
| 3/16/20                | Yes- due to Covid-19                 |                       |                |                 |                |
| 5/11/20                | Yes- due to Covid-19                 |                       |                |                 |                |
| 7/20/20                | Yes- due to Covid-19                 |                       |                |                 |                |
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**2020 Annual Commission Attendance Report**

Reporting Period: September 1, 2019 through August 31, 2020

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    7    </u><br>(as of August 31, 2020) |
|-----------------------------------------------------------|

**Commission:**     Mental Health Commission    

**Commission Secretary:**     Jamie Works-Wright    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length  |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|-----------------|
| 9/26/19                |                                      | 7                     | 6              | 0               | 2 hrs. 14 mins. |
| 10/24/19               |                                      | 6 of 7                | 10             | 5               | 2 hrs. 7 mins.  |
| 12/12/19               |                                      | 4 of 7                | 2              | 0               | 2 hrs.          |
| 1/23/20                |                                      | 8 of 9                | 4              | 4               | 2 hrs. 16 mins  |
| 2/27/20                |                                      | 8 of 8                | 2              | 0               | 2 hrs. 11mins.  |
| 3/26/20                | Yes- Covid-19                        |                       |                |                 |                 |
| 4/30/20                | Yes- Covid-19                        |                       |                |                 |                 |
| 5/28/20                | Yes – Covid-19                       |                       |                |                 |                 |
| 6/25/20                | Yes – Covid-19                       |                       |                |                 |                 |
| 7/23/20                | Yes – Covid-19                       |                       |                |                 |                 |
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# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>1</u><br>(as of August 31, 2020) |
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**Commission:** Open Government Commission

**Commission Secretary:** Samuel Harvey

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/19/19                |                                      | 6 of 8                | 2              | 2               | 2.9 hrs        |
| 10/17/19               | Yes – by order of Chair              |                       |                |                 |                |
| 11/21/19               |                                      | 7 of 8                | 0              | 0               | 2.9 hrs        |
| 1/16/20                |                                      | 7 of 8                | 1              | 1               | 0.7 hrs        |
| 2/20/20                |                                      | 8 of 8                | 1              | 1               | 1.6 hrs        |
| 3/19/20                | Yes – COVID order                    |                       |                |                 |                |
| 4/23/20                |                                      | 8 of 8                | 0              | 0               | 3.8 hrs        |
| 5/21/20                |                                      | 8 of 8                | 0              | 0               | 2.8 hrs        |
| 6/18/20                |                                      | 6 of 8                | 0              | 0               | 2.1 hrs        |
| 7/16/20                |                                      | 8 of 8                | 0              | 0               | 2.3 hrs        |

# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                            |
|--------------------------------------------|
| Vacant seats: 1<br>(as of August 31, 2020) |
|--------------------------------------------|

**Commission:** Parks and Waterfront Commission

**Commission Secretary:** Roger Miller

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 09/11/19               |                                      | 9 of 9                | 10             | 6               | 2.00 hrs       |
| 10/09/19               |                                      | 9 of 9                | 20             | 10              | 2.00 hrs       |
| 11/13/19               |                                      | 9 of 9                | 22             | 8               | 2.50 hrs       |
| 01/08/20               |                                      | 6 of 8                | 6              | 6               | 3.00 hrs       |
| 02/12/20               |                                      | 8 of 8                | 8              | 5               | 2.50 hrs       |
| 03/11/20               |                                      | 7 of 9                | 0              | 0               | 2.45 hrs       |
| April                  | Cancelled - Covid                    |                       |                |                 |                |
| May                    | Cancelled - Covid                    |                       |                |                 |                |
| June                   | Cancelled - Covid                    |                       |                |                 |                |
| 07/08/20               |                                      | 7 of 9                | 16             | 11              | 2.75 hrs       |
| 8/12/20                |                                      | 9 of 9                | 4              | 3               | 2.00 hrs       |
|                        |                                      |                       |                |                 |                |
|                        |                                      |                       |                |                 |                |
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# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>2</u><br>(as of August 31, 2020) |
|---------------------------------------------------|

**Commission:** Peace and Justice Commission

**Commission Secretary:** Nina Goldman

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/9/19                 |                                      | 12 of 13              | 37             | 6               | 2 hrs 45 min   |
| 10/7/19                |                                      | 11 of 12              | 7              | 5               | 1 hr 25 min    |
| 11/04/19               |                                      | 9 of 12               | 2              | 2               | 2 hrs 50 min   |
| 1/06/20                |                                      | 8 of 12               | 3              | 2               | 2 hrs 43 min   |
| 2/03/20                |                                      | 8 of 12               | 1              | 0               | 1 hr 19 min    |
| 3/02/20                |                                      | 14 of 14              | 1              | 1               | 2 hrs 34 min   |
| 4/06/20                | Yes, COVID                           |                       |                |                 |                |
| 5/4/20                 | Yes, COVID                           |                       |                |                 |                |
| 6/01/20                | Yes, COVID                           |                       |                |                 |                |
| 7/06/20                | Yes, COVID                           |                       |                |                 |                |
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# Page 33 of 43 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>2</u><br>(as of August 31, 2020) |
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**Commission:** Personnel Board

**Commission Secretary:** LaTanya Bellow

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/3/19                 |                                      | 6 of 7                | 1              | 1               | .73 hrs        |
| 10/7/19                |                                      | 7 of 7                | 0              | 0               | 1.43 hrs       |
| 11/4/19                |                                      | 6 of 7                | 1              | 0               | 1.28 hrs       |
| 12/2/19                |                                      | 7 of 7                | 3              | 0               | 1.62 hrs       |
| 1/6/20                 |                                      | 6 of 7                | 2              | 1               | 1.08 hrs       |
| 2/3/20                 |                                      | 5 of 7                | 1              | 0               | 1.23 hrs       |
| 3/2/20                 |                                      | 7 of 7                | 0              | 0               | 1.25 hrs       |
| 4/6/20                 | Yes - COVID                          |                       |                |                 |                |
| 5/4/20                 | Yes – COVID                          |                       |                |                 |                |
| 6/1/20                 | Yes – COVID                          |                       |                |                 |                |
| 7/6/20                 | Recessed                             |                       |                |                 |                |
| 8/3/20                 | Recessed                             |                       |                |                 |                |
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# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                                   |
|---------------------------------------------------|
| Vacant seats: <b>0</b><br>(as of August 31, 2020) |
|---------------------------------------------------|

**Commission:** Planning Commission

**Commission Secretary:** Alene Pearson

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason               | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|----------------------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/4/19                 |                                                    | 7 of 9                | 6              | 6               | 3 hrs 59 mins  |
| 10/2/19                |                                                    | 8 of 6                | 6              | 5               | 2 hrs 12 mins  |
| 11/6/19                |                                                    | 9 of 9                | 10             | 5               | 3 hrs 5 mins   |
| 12/4/19                |                                                    | 8 of 9                | 9              | 6               | 2 hrs 40 mins  |
| 1/15/20                |                                                    | 9                     | 14             | 7               | 3 hrs 9 mins   |
| 2/5/20                 |                                                    | 8                     | 33             | 23              | 3 hrs 11 mins  |
| 2/19/20                | Cancelled- Date reserved for subcommittee meeting  |                       |                |                 |                |
| 3/4/20                 |                                                    | 9                     | 13             | 8               | 3 hrs 31 mins  |
| 3/18/20                | Cancelled- COVID                                   |                       |                |                 |                |
| 4/1/20                 | Cancelled- COVID                                   |                       |                |                 |                |
| 5/6/20                 | Cancelled- COVID                                   |                       |                |                 |                |
| 6/3/20                 | Cancelled- COVID                                   |                       |                |                 |                |
| 7/1/20                 |                                                    | 8                     | 7              | 1               | 2 hrs 29 mins  |
| 8/5/20                 | Cancelled – Technical Issues                       |                       |                |                 |                |
| 8/19/20                | Cancelled – Date reserved for subcommittee meeting |                       |                |                 |                |

# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                                  |
|--------------------------------------------------|
| Vacant seats: 1 _____<br>(as of August 31, 2020) |
|--------------------------------------------------|

**Commission:** Police Review Commission

**Commission Secretary:** Katherine J. Lee

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9-4-19                 |                                      | 9 of 9                | 7              | 4               | 3.0 hrs        |
| 9-18-19                |                                      | 6 of 9                | 2              | 1               | 1.9 hrs        |
| 10-9-19                | Yes – public safety power shutoff    |                       |                |                 |                |
| 10-23-19               |                                      | 8 of 9                | 10             | 3               | 3.2 hrs        |
| 11-13-19               |                                      | 7 of 9                | 11             | 7               | 2.7 hrs        |
| 12-11-19               |                                      | 7 of 9                | 10             | 9               | 3.2 hrs        |
| 1-8-20                 |                                      | 6 of 8                | 7              | 2               | 2.3 hrs        |
| 1-22-20                |                                      | 6 of 8                | 7              | 2               | 1.4 hrs        |
| 2-5-20                 |                                      | 7 of 8                | 11             | 4               | 3.0 hrs        |
| 2-26-20                |                                      | 7 of 8                | 8              | 1               | 1.4 hrs        |
| 3-11-20                |                                      | 7 of 8                | 3              | 0               | 1.8 hrs        |
| 3-25-20                | Yes – COVID 19                       |                       |                |                 |                |
| 4-8-20                 |                                      | 7 of 8                | 9              | 5               | 2.7 hrs        |
| 4-22-20                | Yes – COVID 19                       |                       |                |                 |                |
| 5-13-20                |                                      | 8 of 8                | 3              | 0               | 1.5 hrs        |
| 5-27-20                |                                      | 7 of 8                | 4              | 4               | 1.6 hrs        |
| 6-10-20                |                                      | 8 of 8                | 34             | 19              | 2.0 hrs        |
| 6-24-20                |                                      | 7 of 8                | 15             | 2               | 3.4 hrs        |
| 7-8-20                 |                                      | 7 of 8                | 16             | 8               | 3.3 hrs        |
| 7-22-20                |                                      | 8 of 8                | 13             | 6               | 1.9 hrs        |
|                        |                                      |                       |                |                 |                |

# Page 36 of 43 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                            |
|--------------------------------------------|
| Vacant seats: 0<br>(as of August 31, 2020) |
|--------------------------------------------|

**Commission:** Public Works Commission

**Commission Secretary:** Nisha Patel/Joe Enke

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
|                        |                                      |                       |                |                 |                |
|                        |                                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/05/19                |                                      | 8 of 9                | 3              | 3               | 2.75 hrs       |
| 10/03/19               |                                      | 7 of 8                | 4              | 2               | 2.75 hrs       |
| 11/07/19               |                                      | 6 of 8                | 4              | 2               | 2.50 hrs       |
| 1/09/20                |                                      | 9 of 9                | 7              | 2               | 3.00 hrs       |
| 1/29/20                |                                      | 6 of 9                | 8              | 8               | 2.75 hrs       |
| 2/06/20                |                                      | 8 of 9                | 20             | 0               | 4.0 hrs        |
| 3/05/20                |                                      | 7 of 9                | 2              | 0               | 2.75 hrs       |
| 4/02/20                | Yes - Covid-19                       |                       |                |                 |                |
| 5/07/20                | Yes - Covid-19                       |                       |                |                 |                |
| 6/04/20                | Yes - Covid-19                       |                       |                |                 |                |
| 7/09/20                |                                      | 9 of 9                | 0              | 0               | 3.25 hrs       |
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**2020 Annual Commission Attendance Report**

Reporting Period: September 1, 2019 through August 31, 2020

Vacant seats: 0  
(as of August 31, 2020)

**Commission:** Solano Business Improvement District Advisory Board

**Commission Secretary:** Eleanor Hollander

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 6/25/20                |                                      | 3 of 3                | 1              | 1               | 1.5 hrs        |
| 9/15/20                |                                      | 3 of 3                | 2              | 2               | 1.5 hrs        |
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# Page 38 of 43 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

|                                            |
|--------------------------------------------|
| Vacant seats: 2<br>(as of August 31, 2020) |
|--------------------------------------------|

**Commission:** Sugar-Sweetened Beverage Product Panel of Experts Commission

**Commission Secretary:** Dechen Tsering

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/19/19                |                                      | 6 of 8                | 0              | 0               | 2.62 hrs       |
| 10/17/19               |                                      | 4 of 7                | 0              | 0               | 1.84 hrs       |
| 11/21/19               |                                      | 3 of 7                | 0              | 0               | 1.96 hrs       |
| 1/16/20                |                                      | 6 of 7                | 5              | 3               | 2.90 hrs       |
| 2/26/20                |                                      | 6 of 7                | 6              | 3               | 2.62 hrs       |
| 3/19/20                | Cancelled - COVID                    |                       |                |                 |                |
| 4/16/20                | Cancelled - COVID                    |                       |                |                 |                |
| 5/21/20                | Cancelled - COVID                    |                       |                |                 |                |
| 6/18/20                | Cancelled - COVID                    |                       |                |                 |                |
| 7/16/20                | Cancelled - COVID                    |                       |                |                 |                |
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# Page 38 of 43 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

Vacant seats: 0  
(as of August 31, 2020)

**Commission:** Transportation Commission

**Commission Secretary:** Farid Javandel

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/19/19                |                                      | 7 of 8                | 6              | 2               | 2.5 hours      |
| 10/17/19               |                                      | 7 of 8                | 4              | 2               | 2.75 hours     |
| 11/21/19               |                                      | 8 of 9                | 4              | 2               | 4.0 hours      |
| 1/16/20                |                                      | 7 of 9                | 1              | 1               | 3.0 hours      |
| 2/20/20                |                                      | 7 of 9                | 4              | 3               | 1.75 hours     |
| 3/19/20                | Yes – COVID19                        |                       |                |                 |                |
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# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

Vacant seats: 5  
(as of August 31, 2020)

**Commission:**     Youth Commission    

**Commission Secretary:**     Ginsi Bryant    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/9/19                 |                                      | 11 of 13              | 2              | 0               | 1.03 hrs       |
| 10/15/19               |                                      | 8 of 10               | 0              | 0               | 1.25 hrs       |
| 11/12/19               | Yes- no quorum                       |                       |                |                 |                |
| 12/09/19               |                                      | 8 of 10               | 4              | 2               | 1.45 hrs       |
| 1/13/20                |                                      | 7 of 8                | 2              | 0               | .75            |
| 2/10/20                |                                      | 6 of 8                | 0              | 0               | .50            |
| 3/3/20                 |                                      | 9 of 10               | 0              | 0               | 1.25 hrs       |
| 4/13/20                | Cancelled-Covid-19                   |                       |                |                 |                |
| 5/11/20                | Cancelled-Covid-19                   |                       |                |                 |                |
| 6/1/20                 | Cancelled-Covid-19                   |                       |                |                 |                |
| July                   | Break                                |                       |                |                 |                |
| August                 | Break                                |                       |                |                 |                |
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# 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

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|--------------------------------------------|
| Vacant seats: 0<br>(as of August 31, 2020) |
|--------------------------------------------|

**Commission:** Zoning Adjustments Board

**Commission Secretaries:** Shannon Allen and Steven Buckley

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/26/19                |                                      | 9 of 9                | 10             | 6               | 3 hrs          |
| 10/10/19               |                                      | 7 of 9                | 17             | 10              | 3 hrs 53 mins  |
| 10/24/19               |                                      | 9 of 9                | 60             | 49              | 5 hrs 37 min   |
| 11/14/19               |                                      | 9 of 9                | 34             | 16              | 3 hrs 49 min   |
| 12/12/19               |                                      | 9 of 9                | 60             | 41              | 5.75 hrs       |
| 1/9/20                 |                                      | 7 of 9                | 8              | 9               | 1.75 hrs       |
| 1/23/20                |                                      | 8 of 9                | 40             | 15              | 3 hrs 51 mins  |
| 2/13/20                |                                      | 8 of 9                | 21             | 10              | 3 hrs 17 mins  |
| 2/27/20                | Canceled – not enough agenda items   |                       |                |                 |                |
| 3/12/20                |                                      | 8 of 9                | 24             | 16              | 3 hrs 10 mins  |
| 3/26/20                | Canceled due to COVID                |                       |                |                 |                |
| 4/9/20                 | Canceled due to COVID                |                       |                |                 |                |
| 4/23/20                | Canceled due to COVID                |                       |                |                 |                |
| 5/14/20                | Canceled due to COVID                |                       |                |                 |                |
| 5/28/20                |                                      | 9 of 9                | 29             | 7               | 1.25 hrs       |
| 6/11/20                |                                      | 7 of 9                | 14             | 5               | 2 hrs          |
| 6/25/20                |                                      | 9 of 9                | 57             | 37              | 6.75 hrs       |
| 7/9/20                 |                                      | 9 of 9                | 23             | 11              | 3.5 hrs        |
| 7/23/20                |                                      | 9 of 9                | 23             | 6               | 2.5 hrs        |
| 8/13/20                |                                      | 8 of 9                | 30             | 20              | 3.5 hrs        |
| 8/27/20                |                                      | 7 of 9                | 65             | 24              | 3 hrs 41 mins  |

# Page 43 of 43 2020 Annual Commission Attendance Report

Reporting Period: September 1, 2019 through August 31, 2020

Vacant seats: 2  
(as of August 31, 2020)

**Commission:** Zero Waste Commission

**Commission Secretary:** Heidi Obermeit

**Example:**

| Scheduled Meeting Date | Cancelled? If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|-----------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/15/19                |                                   | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 2/1/20                 | Yes – no quorum                   |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled? If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|-----------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/23/19                |                                   | 6 of 8                | 7              | 3               | 2 hrs          |
| 10/28/19               |                                   | 8 of 9                | 13             | 5               | 2 hrs          |
| 11/25/19               |                                   | 7 of 9                | 5              | 5               | 2 hrs          |
| 1/27/20                |                                   | 8 of 9                | 4              | 1               | 2 hrs          |
| 2/26/20                |                                   | 7 of 8                | 7              | 3               | 2 hrs          |
| 3/23/20                | Yes, COVID                        |                       |                |                 |                |
| 4/27/20                | Yes, COVID                        |                       |                |                 |                |
| 5/26/20                | Yes, COVID                        |                       |                |                 |                |
| 6/22/20                | Yes, COVID                        |                       |                |                 |                |
| 7/27/20                | Yes, COVID                        |                       |                |                 |                |
|                        |                                   |                       |                |                 |                |
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| <b>Approved Leaves of Absence Granted During the Period<br/>September 2019 - August 2020</b> |                            |
|----------------------------------------------------------------------------------------------|----------------------------|
| <b>Commission</b>                                                                            | <b># Leaves of Absence</b> |
| Animal Care Commission                                                                       | 1                          |
| Board of Library Trustees                                                                    | 0                          |
| Cannabis Commission                                                                          | 2                          |
| Children, Youth, and Recreation Commission                                                   | 3                          |
| Civic Arts Commission                                                                        | 4                          |
| Commission on Aging                                                                          | 6                          |
| Commission on Disability                                                                     | 4                          |
| Commission on Labor                                                                          | 2                          |
| Commission on the Status of Women                                                            | 7                          |
| Community Environmental Advisory Commission                                                  | 5                          |
| Community Health Commission                                                                  | 6                          |
| Design Review Committee                                                                      | 0                          |
| Disaster and Fire Safety Commission                                                          | 5                          |
| Elmwood BID Advisory Board                                                                   | 0                          |
| Energy Commission                                                                            | 6                          |
| Fair Campaign Practices Commission                                                           | 10                         |
| Homeless Commission                                                                          | 4                          |
| Homeless Services Panel of Experts                                                           | 6                          |
| Housing Advisory Commission                                                                  | 5                          |
| Human Welfare and Community Action Commission                                                | 1                          |
| Joint Subcommittee for the Implementation of State Housing                                   | 5                          |
| Landmarks Preservation Commission                                                            | 9                          |
| Loan Administration Board                                                                    | 0                          |
| Measure O Bond Oversight Committee                                                           | 6                          |
| Mental Health Commission                                                                     | 0                          |
| Open Government Commission                                                                   | 10                         |
| Parks and Waterfront Commission                                                              | 4                          |
| Peace and Justice Commission                                                                 | 3                          |
| Personnel Board                                                                              | 3                          |
| Planning Commission                                                                          | 4                          |
| Police Review Commission                                                                     | 10                         |
| Public Works Commission                                                                      | 3                          |
| Solano Avenue BID Advisory Board                                                             | 0                          |
| Sugar-Sweetened Beverage Product Panel of Experts                                            | 7                          |
| Transportation Commission                                                                    | 2                          |
| Youth Commission                                                                             | 5                          |
| Zero Waste Commission                                                                        | 7                          |
| Zoning Adjustments Board                                                                     | 29                         |





Office of the City Manager

CONSENT CALENDAR  
October 27, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David White, Deputy City Manager

Subject: Addendum to the Berkeley Revolving Loan Fund (RLF) Administrative Plan to augment the RLF with a COVID-19 Resiliency Loan Program

#### 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.

#### FISCAL IMPACTS OF RECOMMENDATION

There is no immediate fiscal impact in approving the revised RLF Administrative Plan. Staff anticipates that the modification of the RLF Administrative Plan will result in the origination of significantly more loans from the City's RLF program and an increased economic benefit to the City as a whole due to the potential creation of new businesses and business licenses.

#### CURRENT SITUATION AND ITS EFFECTS

With the outbreak of COVID-19 across the nation, many businesses are currently and potentially facing revenue shortfalls that compromise their ability to cover operating expenses like payroll, rent, loan payments, and utilities. The Office of Economic Development (OED) has been contacted by several local businesses from the City's existing RLF loan portfolio and potential RLF program applicants seeking additional funding, loan term modifications, and requests for immediate financial assistance.

To respond, the City of Berkeley submitted an application for a CARES Act Recovery Assistance Grant to further capitalize the City's existing RLF program. On July 29, 2020 the U.S. Department's Economic Development Administration (EDA) awarded \$15 million in CARES Act Recovery Assistance grants to capitalize and administer Revolving Loan Funds (RLFs) and to provide critical gap financing to small businesses and entrepreneurs adversely affected by the coronavirus pandemic across Northern California<sup>1</sup>. Of this award, the City of Berkeley was granted \$814,000 EDA CARES Act

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<sup>1</sup> Economic Development Administration, *U.S. Department of Commerce invests \$15 Million in CARES Act funding to capitalize Revolving Loan Funds to help Small Businesses across Northern California to*

funding to further capitalize and administer the RLF to provide small business loans to coronavirus-impacted businesses in Berkeley (Attachment 2: Award Letter).

In order to accept this award of \$814,000 to the City's loan fund, the RLF's Administrative Plan must be amended. Members of the Loan Administration Board (LAB) reviewed the proposed addendum to the RLF Administrative Plan and the LAB Chair Laneena Joiner approved the proposed changes. Per EDA regulations, a full vote of the LAB wasn't required, however City Council action is required in order to finalize the changes to the RLF Administrative Plan, and accept the additional capital for the City's RLF.

*Requested Addendum to the City's RLF Administrative Plan*

Due to the COVID-19 pandemic and its impacts on local Berkeley businesses, the City of Berkeley is requesting the following changes be made to the RLF Administrative Plan. The full text of the revised current RLF Administrative Plan is provided as Exhibit A. Proposed changes to the document are printed in part 3 on page 25, and are as follows:

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**COVID-19 Resiliency Loan Program Amendment to the City of Berkeley's RLF Administrative Plan (Full Text)**

*COVID-19 Resiliency Loan Program Borrower Description:*

Small businesses, non-profits, cooperatives, and other business firms located in Berkeley, CA that are suffering substantial economic injury as a result of the COVID-19 pandemic are now eligible for low-interest "COVID-19 Resiliency Loans" for working capital. Berkeley businesses, including current RLF borrowers that have been financially impacted as a direct result of the COVID-19 pandemic may qualify for a *COVID-19 Resiliency Loan* to help meet financial obligations and operating expenses which could have otherwise been met by the enterprise had the disaster not occurred.

The COVID-19 Resiliency Loan Program will supplement the existing RLF Program subject to the following guidelines, criteria, and terms:

*COVID-19 Resiliency Loan Program Guidelines:*

- Allocate \$814,000 of available EDA funds to the COVID-19 Resiliency Loan Program which will be part of the City of Berkeley's existing RLF program.
- The maximum loan amount from COVID-19 Resiliency Loan Program seed funds will be set at 25% of the RLF capital base.

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Respond to Coronavirus, July 29, 2020. Online: <https://www.eda.gov/news/press-releases/2020/07/29/ca.html>

- The City Manager and/or his/her designee is empowered to administratively approve loans of \$25,000 and below (*i.e. A loan of this size or under would not require a full Loan Administration Board (LAB) approval*).
- The requirement for loan applicants to leverage additional capital is removed for loans funded with COVID-19 Resiliency Loan Program dollars. (Currently, loans in the traditional RLF portfolio are required to leverage a minimum of two private dollars for every RLF dollar loaned).

*COVID-19 Resiliency Loan Program Criteria:*

- Loan Applicants are to demonstrate that the applying entity (business or nonprofit) has been in operation in Berkeley, in good standing for at least two years.
- Loan Applicants are to have 50 or fewer full time employees (or full-time equivalents).
- Loan Applicants are to provide a completed CA 2019 Tax Return and/or Certified Public Accountant prepared financials and/or an IRS Form 990 showing positive earnings (Profit).
- Loan Applicants are to demonstrate that receipt of a City of Berkeley COVID-19 Resiliency Loan has the potential to create or save existing jobs.
- For City of Berkeley COVID-19 Resiliency Loan applicants, the existing RLF requirement to demonstrate a declination from a traditional lender is waived.

*COVID-19 Resiliency Loan Program Terms:*

- Payments and interest accruals are deferred for six (6) months from the date the loan is issued.
- The loan interest rate for COVID-19 Resiliency Loans shall be between 0 and 1% depending on loan amount and risk level as determined by a third party loan reviewer (*the current rate for "standard" RLF loans is the [prime interest rate](#) + 2 points*).
  - *Existing standard RLF loan recipients may submit a request to the Loan Administration Board for review and approval of a rate reduction or a pause in payments.*
- Five (5) Year Repayment Period.
- Additional deferrals and payment term modifications may be granted by approval on a loan by loan basis, subject to the approval of the LAB.

The EDA requires that the City of Berkeley adopt the above *COVID-19 Resiliency Loan Program Administrative Plan Amendment* to govern the origination and servicing of these loans. Consequently, any changes to the City's RLF Administrative Plan require a revision and adoption of a new Plan by the City Council, included herein as Exhibit A.

## BACKGROUND

In 1980, the City of Berkeley received a \$500,000 grant from the Economic Development Administration (EDA), a federal agency operating underneath the auspices of the Department of Commerce. The grant was issued to administer a commercial Revolving Loan Fund (RLF) to all eligible small businesses in the fund's Target Area, which at the time of the award was a small geographic area of approximately 35 blocks in South Berkeley. Since then, the program has expanded twice geographically, including the most recent 2010 expansion to the City's borders, making the loan program available to all business (including non-profits) located in Berkeley.

The City of Berkeley RLF program offers loans to businesses with interest rates and terms that are below market. Loans are available for use in funding business expansion, fixed assets, equipment, working capital, and real estate. As loan recipients make payments on an issued loan, these funds are used to provide additional loans to new loan recipients; in that way, the fund 'revolves' over time. The principal goals of the RLF are to support the creation and retention of permanent full-time jobs, facilitate investment and commercial growth, and direct economic development efforts at revitalizing commercial corridors and businesses throughout the City of Berkeley.

The Loan Administration Board (LAB), a City of Berkeley Commission appointed by the Mayor and City Council, provides oversight for the RLF program. Office of Economic Development (OED) staff serves as the secretary to the LAB commission, and the LAB meetings are open to the public and subject to the Brown Act. There are special criteria for the LAB members; of the nine seated commissioners, two must have demonstrated business expertise, three must have credit and banking experience, and one must be a lawyer. The LAB outlines policy, guidelines and lending criteria articulated in the Berkeley RLF Administrative Plan based on EDA's Terms and Conditions. Final approval for all loans, including determination of the loan amount, rests with the LAB, informed by recommendations issued from a contracted third-party underwriter. The maximum allowable size of any one loan can only be 25% of the RLF's capital base at the time of the loan.

The loan fund is designed as a tool for equitable economic development; ideal borrowers are businesses that provide services or jobs for people in low-income communities, and women- and minority-owned businesses. The fund is primarily intended to provide financing for businesses that are unable to secure traditional private financing. On February 9, 2016, Council referred to the City Manager the development of policies and programs to support worker cooperatives, including increasing access to capital.<sup>2</sup> OED and the City's Finance Department have undertaken a variety of activities in response to this referral, as outlined in an information report submitted to Council in

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<sup>2</sup> [Supporting Worker Cooperatives and Referral to City Manager to Develop a Worker Cooperative Ordinance](#), Item 27, Berkeley City Council Meeting, February 9, 2016.



2019.<sup>3</sup> On September 19, 2019, the City Council approved the most recent addendum to the RLF Administrative Plan. These changes made the RLF more accessible to worker owned cooperatives seeking to obtain financing, and made the City of Berkeley one of the first cities in the country to offer loan funding tailored to the needs of worker owned cooperatives.

Under the RLF's Administrative Plan, up to 50% of interest payments on outstanding loans can be used to pay for program marketing or administrative costs including retaining the services of a professional underwriter. The City of Berkeley performs the loan servicing in house (in collaboration with the departments of Health Housing and Community Services, Finance, and the Office of Economic Development) using software licensed from Grants Management System (GMS). The RLF Program is subject to the single audit review of the City's federally funded programs performed by outside auditors.

#### ENVIRONMENTAL SUSTAINABILITY

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

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

David White, Deputy City Manager, 510-981-7012

Kieron Slaughter, Community Development Project Coordinator, 510-981-2490

#### Attachments:

1. Resolution  
Exhibit A: Berkeley RLF Administrative Plan with COVID-19 Resiliency Loan Program Addendum
2. U.S. Department of Commerce EDA Award Cover Letter, July 23, 2020

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<sup>3</sup> [Referral Response: Supporting Worker Cooperatives](#), Item 22, Berkeley City Council Meeting, February 19, 2019

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

APPROVING AN AMENDMENT TO THE RLF ADMINISTRATIVE PLAN FOR THE BERKELEY REVOLVING LOAN FUND (RLF) TO SUPPORT EXISTING BERKELEY SMALL BUSINESSES IMPACTED BY THE COVID-19 PANDEMIC

WHEREAS, the City of Berkeley received a \$500,000 grant from the federal Economic Development Administration (EDA) in 1980 to administer a commercial Revolving Loan Fund (RLF) for eligible businesses in the South Berkeley Target Area; and

WHEREAS, the City approved revisions to the RLF Administrative Plan in 2005 and 2010, which included two expansions of the original target lending area to the entire City; and

WHEREAS, the City approved a revision to the administrative plan in 2019, which included additional support for worker owned cooperatives to provide jobs that give their worker/owners democratic control over their workplaces, provide equity-building opportunities as business owners, and pay and benefits that can exceed industry standards; and

WHEREAS, the outbreak of COVID-19 across the nation has impacted many small businesses locally, and many enterprises are currently and potentially facing revenue shortfalls that compromise their ability to cover operating expenses like payroll, rent, loan payments, utilities, etc; and

WHEREAS, Berkeley businesses that have been financially impacted as a direct result of the COVID-19 pandemic may qualify for a COVID-19 resiliency loan to help meet financial obligations and operating expenses which could have otherwise been met by the business had the disaster not occurred; and

WHEREAS, on July 15, 2020, the Loan Administration Board Chair approved the recommended amendments to the Administrative Plan to administer a COVID-19 resiliency loan program; and

WHEREAS, the City of Berkeley would like to offer low-interest COVID-19 pandemic disaster loans for working capital to small businesses located in Berkeley, CA suffering substantial economic injury as a result of the global pandemic.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council hereby approves the revised Administrative Plan for the Berkeley Revolving Loan Fund to encompass the COVID-19 resiliency loan program (Exhibit A), as required by the Economic Development Administration (EDA). A copy of said Plan shall be placed on file with the City Clerk.

Exhibits

A: Berkeley RLF Administrative Plan, COVID-19 Resiliency Loan Program Addendum

# City of Berkeley Revolving Loan Fund Administrative Plan

OFFICE OF ECONOMIC DEVELOPMENT  
CITY OF BERKELEY, CA

10/27/2020

**CITY OF BERKELEY REVOLVING LOAN FUND  
ADMINISTRATIVE PLAN**

**EDA #07-39-02523**

**Approved by the Loan Administration Board,**

**Adopted by Berkeley City Council Resolution No. \_\_\_\_\_-N.S.,**

**Approved by the Economic Development Administration**

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## PART 1: THE REVOLVING LOAN FUND (RLF) STRATEGY

The RLF is designed to address areas of economic distress in the City of Berkeley and help implement the City's economic development strategy for the Target Area as summarized below.

Small businesses and start-ups often are unable to access private capital for financing business expansion and improvements. Those who can meet private capital procurement requirements may do so at higher prices. In order to lessen this burden to local businesses, the RLF is designed to supplement private financing for tenant improvements and fixed assets such as equipment for businesses. Use of RLF funds in tandem with private financing can reduce the cost of private financing, thereby increasing the availability of private capital to businesses that are located in Berkeley.

### A. TARGET AREA OVERVIEW

#### 1. The Changing Economic Climate in Berkeley

At the inception of the RLF in 1980, the Target (lending) Area was exclusively in South Berkeley, where many of the City's lowest income and minority residents were clustered. Though South Berkeley continues to be one of the economically depressed areas in the City, poverty and unemployment are somewhat less geographically concentrated in South Berkeley than they were in the 80s, 90s, and the aughts (00s).

Expansion of the Target Area in 2011 to the full City of Berkeley did not mean that the RLF ceased lending in South Berkeley, or ceased lending to retail businesses. In fact, the opposite occurred. Once the program had a larger target area, it netted more applicants to the loan program, and increased visibility of this viable business assistance resource. In order to promote small business growth and add jobs to the Berkeley employment base, the RLF continues to need the flexibility to consider loan requests from businesses throughout all of Berkeley that have the potential to create more and better-quality jobs.

This RLF Administrative Plan update stems from a regional strategy document, Building on Our Assets<sup>1</sup> that has been reviewed by the Economic Development Administration (EDA) and certified as a Comprehensive Economic Development Strategy (CEDS) and is currently in the process of being updated into a region-wide (Bay Area) CEDS.<sup>2</sup>

There are also several area plans that dictate the direction of economic development activity in the City of Berkeley. Within the boundaries of the Target Area there are specific area plans in place, including:

- Adeline Corridor Plan\* (\*anticipated adoption in 2018)
- Southside Plan (2011)
- Berkeley General Plan (2003)
- South Shattuck Strategic Plan (1997)
- University Avenue Strategic Plan (1996)
- West Berkeley Plan (1993)
- Downtown Plan (1990)
- South Berkeley Area Plan (1990)
- Waterfront Master Plan (1986)

<sup>1</sup>East Bay Economic Development Alliance, *Building on Our Assets, Economic Development & Job Creation in the East Bay*, A regional economic assessment, October 2011. See: [http://www.eastbayeda.org/ebeda-assets/reports/2013/Econ%20Report\\_Building\\_on\\_Our\\_Assets\\_Report\\_2011.pdf](http://www.eastbayeda.org/ebeda-assets/reports/2013/Econ%20Report_Building_on_Our_Assets_Report_2011.pdf)

<sup>2</sup>For more on the region-wide CEDS update, see: <http://abag.ca.gov/planning/economic.html>, anticipated fall 2017.

All other areas that do not fall within the area plans specified fall within the jurisdiction of the City of Berkeley's General Plan's Economic Development and Employment Element.

## 2. Target Area Resources and Assets

The commercial areas within the Target Area are primarily developed with a mix of residential and business clusters/corridors. The South Berkeley area can be characterized as neighborhood commercial districts on arterial streets: Adeline Avenue, Shattuck Avenue, Sacramento Street/San Pablo Avenue have a mix of smaller retail and service-sector businesses. Additionally, some light industrial and food processing establishments also exist along San Pablo Avenue. Research and Development (R&D) firms are highly concentrated in, but not limited to, the West Berkeley area. In the past decade, West Berkeley has experienced continued growth in biotechnology, pharmaceuticals, environmental services and food processing. While there was a vested effort to attract growth in the previous (pre-2011) Target Area (South Berkeley), there was very little success in doing so. The 2011 Target Area Expansion provided an opportunity to assist these growing sectors in their development, while continuing to assist traditional retail businesses along the south Berkeley commercial corridors.

The expansion of the Target Area continues to possess a number of resources and potential opportunities for synergistic economic development and growth, including:

- Availability of commercial zoned vacant or underutilized parcels along major traffic corridors,
- Numerous commercial districts with unique tenant mixes;
- Organized merchant associations in many districts of the city;
- Recent and planned public improvements along major corridors and BART stations;
- A high degree of community involvement and support for economic development and revitalization efforts;
- Commitment of a significant amount of City and federal resources, including the recent development projects and public improvements around the Downtown Berkeley and Ashby BART stations, transportation enhancements along San Pablo Avenue and University Avenue; and
- Availability of high quality educational and job-training resources through the neighboring University of California, the Berkeley Community College (Peralta District), and the City's First Source employment program and other local employment training programs.
- Unique to the City of Berkeley, the neighboring University of California, Berkeley and the Lawrence Berkeley National Laboratories are major draws for high tech businesses, many of which have ongoing business relationships with both the City and the University.

## 3. Implementation Programs and Activities

The City is implementing the following supportive programs in the Target Area:

- a) Business retention and attraction programs specific to unique commercial districts the Target Area

- b) Proactively engaging with financial institutions to access private capital for business expansion and attraction
- c) Encouraging participating businesses to utilize the RLF in tandem with private financing
- d) Providing a list of additional resources to assist borrowers in applying for financing
- e) Distributing information on local employment and business assistance programs
- f) Informing business owners on upcoming development of key properties, relevant capital improvement programs specific to the commercial area.

## **B. THE BUSINESS DEVELOPMENT STRATEGY**

### **1. Objectives of the Business Development Strategy**

The RLF is designed to assist in achieving the following economic development objectives and benefits for the Target Area:

- Provide financing mechanisms through which public investment will stimulate simultaneous private investment in the revitalization of commercial districts within the Target Area that otherwise would not have occurred;
- Provide a programmatic framework for the effective rehabilitation and conservation of commercial or industrial facilities;
- Provide incentives for the retention, expansion, and location of firms that will promote increased employment opportunities for residents, present a stronger non-residential tax base, and provide more opportunity for local participation in economic activities;
- Increase minority enterprise development;
- Increase women-owned business development;
- Link RLF borrowers with the City's First Source Employment program to increase local hires;
- Increase the growth potential of local businesses;
- Establish linkages with the surrounding commercial area's existing economy to ensure the RLF Funds are not used as a substitute but instead as a supplement for private investment;
- Generate additional tax revenues (from increased sales etc.) for the City of Berkeley;
- Assist firms in meeting local environmental standards; and
- Encourage the development of vacant land and the rehabilitation of dilapidated or vacant buildings for commercial purposes.

### **2. Targeted Sectors**

The City has targeted the following industry clusters in the Target Area for business assistance:

- Healthcare, including pharmaceuticals, medical devices, biotechnology and healthcare services;
- Environmental, including environmental technology and environmental services;
- Business services, including locally serving professional services, business related services, technical services, finance, and real estate services;
- Light manufacturing, including food processing; and
- Retail Trade.



### 3. Types of Business Assistance

The Office of Economic Development (OED) assists businesses in the Target Area with a full range of local economic development activities, including:

- Attracting new businesses to the City of Berkeley in the targeted sectors by identifying and marketing vacant sites and buildings in close collaboration with the commercial real estate community.
- Assisting new businesses in obtaining permits and financing. Assistance is provided to existing businesses to expand, including assistance with financing through the RLF and other available financing.
- Referral of new and existing businesses interested in business planning to community business counseling resources such as SCORE Easy Bay and the Alameda County Small Business Development Center (SBDC).
- Providing assistance in obtaining qualified employees that are also local residents through the City's First Source Employment Program.
- Providing technical assistance to businesses interested in the worker cooperative model as a succession plan.

### C. FINANCING POLICIES

RLF loans may be made to qualifying businesses for tenant improvements, fixed assets such as equipment and machinery, working capital, and real estate transactions. Loan funds may also be used to finance the conversion of a qualifying business to worker ownership if the applicant can demonstrate that (1) the business would close, downsize, or be significantly harmed if the business does not convert to a cooperative, and (2) jobs would be retained or gained through the conversion.

1. Loan Size – The standard loan size is \$35,000. The LAB may approve loan amounts larger than the standard maximum on an exception basis. The maximum individual loan size, per Economic Development Administration (EDA) program-wide policy, is to be no more than 25% of the RLF program's capital base at the time of the loan application.

2. Interest Rates - Interest rates on loans will be fixed. The standard RLF interest rate on RLF loans will be equivalent to the prime interest rate quoted in the *Wall Street Journal* plus 2% at the time of loan approval by the LAB. The RLF operator will follow the state's usury law, which determines the maximum legal interest rate. The minimum or floor interest rate for RLF loans is five percent (5 %) or seventy five (75%) of the prime interest rate listed in the *Wall Street Journal*. According to 13 CFR 307.15, the only exception for the above policy is if the prime interest rate listed in the *Wall Street Journal* exceeds fourteen (14%) percent, the minimum RLF interest rate is not required to be raised above ten (10%) if doing so compromises the ability of the RLF program to implement the financing policy.

3. Application Fee - There will be a \$250 fee for each loan application. The application fee will be credited towards the loan underwriting fee

4. Payment Terms - Payments will generally be made monthly; however, customized payment structures may be extended to borrowers depending upon their individual cash flow needs. In the case of multiple disbursement loans for equipment or tenant improvements, there may be an interest-only period until the loan is fully disbursed, generally not more than 180 days. Temporarily reduced or deferred payments may be considered as options in structuring a workout plan.

5. Loan Terms - The standard loan terms will be 5-10 years fully amortized, depending on loan amount. In general, loan terms will not exceed the average useful life of the assets being financed. The loan term will be the lesser of the average useful life of the asset being financed or the term based upon the borrower's ability to pay. Smaller loans will generally have shorter terms.
  
6. Private Leveraging/Participation - RLF recipients are highly encouraged to participate in other financing institutions' loans and/or lines of credit. To provide context for this goal, there is an Economic Development Administration (EDA) portfolio-wide requirement in which the full RLF (all participants collectively) will leverage a minimum of two private dollars for each RLF dollar loaned. That is, the leveraging requirement applies to the portfolio as a whole rather than to the individual loan. Private "leveraging/participation" is defined as capital invested to the business by the borrower, others (partners) or financing from private entities such as banks or crowd-sourced funding.
  
7. Equity/Borrower Injection General Requirement - The RLF will require all borrowers to inject owner equity as a percentage of the requested loan amount; this may be in form of owner equity and/or private financing. The borrower's equity injection should be as follows: at least 10% of requested loan amount for existing businesses and at least 20% of requested loan amount for startup businesses. In the case of a worker cooperative, the RLF will allow a group of principals to produce 10% of the equity for an existing cooperative or a business converting to a cooperative, or 20% for a startup cooperative. Additionally, start up business will be required to demonstrate significant industry experience or the equivalent. They will also be required to provide a secondary source of repayment and a complete business plan. Exceptions may be made on a case-by-case basis depending upon the particular project. In general, existing equity or existing cash injection into the business indicates a reasonable level of commitment to the business; therefore consideration will be given to existing equity in determining new equity required as a result of the project being financed.
  
8. Collateral- Collateral pledged and personal guarantees for each loan will depend upon the loan amount, the overall risk of the credit, and the availability of personal and business assets to be pledged as collateral. Loans will be secured by collateral to the maximum extent possible to ensure an adequate secondary source of repayment. Generally, collateral pledged through UCC-1 filings for RLF loans shall not be pledged to other lenders or for other obligations of a business.
  
9. Credit Memorandums - Each application will be reviewed for standard underwriting criteria. A credit memorandum summarizing the applicant's satisfaction of the criteria will be presented to the Loan Administration Board (LAB) prior to board consideration of loan approval. Generally, the credit memo will address the following qualities: location in the Target Area, management ability, market feasibility, primary source of repayment, secondary source of repayment, leverage, environmental issues, job creation, worker ownership opportunities, credit history, and the project or applicant's overall economic impact. Credit memorandums will also address other program requirements, such as the ratio of funds loaned to jobs created. Such memorandums may be prepared by consultants under contract to the City and supervised by the OED.

10. Financing Restrictions – RLF Capital may **not** be used to:

- a) Acquire an equity position in a private business;
- b) Subsidize interest payments on an existing loan;
- c) Provide the equity contribution required of borrowers under other Federal loan programs;
- d) Enable a borrower to acquire an interest in a business, either through the purchase of stock or through the acquisition of assets, unless the need for RLF financing is sufficiently justified and documented in the loan write-up/credit memo. Acceptable justification could include acquiring a business to substantially save it from imminent foreclosure, or acquiring it to facilitate a significant expansion or increased investment, or acquiring it by the workers to convert the business to a worker cooperative;
- e) Provide loans to a borrower for the purpose of investing in interest bearing accounts, certificates of deposit or other investment not related to the objectives of the RLF;
- f) Refinance debt unless:
  1. The loan application is determined “exempt” by EDA.
  2. It is sufficiently documented in the attendant credit memo that the RLF loan is not replacing private capital solely for the purpose of reducing the risk of loss to an existing lender(s), or
  3. An RLF loan is used to purchase the rights of a prior lien holder during an in-process foreclosure action in order to preclude a significant loss on an RLF loan. This action may be undertaken only if there is a high probability of receiving compensation within 18 months from the sale of assets sufficient to cover the RLF’s expenses plus a reasonable portion of the outstanding loan obligation
- g) Finance any activity that serves to relocate jobs from one commuting area to another. (A commuting area is that area defined by the distance people travel to work to and from the Berkeley area) unless:
  1. The applicant has moved or will move into the Target Area for reasons unrelated to RLF assistance;
  2. The applicant has relocated to the Target Area prior to the date of the applicant’s request for RLF assistance;
  3. The applicant will expand employment in the Target Area substantially beyond employment in the area where the business was originally located;
  4. The applicant is relocating from technologically obsolete facilities to remain competitive;
  5. The applicant is expanding into the new area by adding a branch affiliate of subsidiary while maintaining employment levels in the old area(s);

Additionally, all businesses that receive a RLF loan will sign First Source hiring agreements with the City as part of the standard loan contract procedure. The hiring agreement will ensure that businesses utilize the City of Berkeley’s First Source Program for the recruitment, referral, and consideration of Berkeley applicants for new and replacement employment.

## D. PORTFOLIO STANDARDS AND TARGETS

### 1. Lending Targets

The goal of the RLF is to target industry clusters to produce the following ranges for allocation of the portfolio:

- Healthcare, environmental services, business services: 50-65%
- Light industry: 10-35%
- Retail: 15-25%

An additional goal of the RLF is to allocate a minimum of 10% of the portfolio to worker cooperatives or businesses converting to democratic worker ownership.

A *maximum* of 25% of the portfolio shall be loaned to start-up businesses. Exceptions made to exceed this target shall be made only in situations where repayment is guaranteed through a very strong collateral position. Worker cooperatives shall not be considered start-ups for purposes of this section.

### 2. Private Investment Leveraging Ratio

As specified in the EDA Terms and Conditions, the portfolio shall maintain a private leverage ratio of 2:1, or \$2 of private dollars or funds to every \$1 in EDA funding.

### 3. Cost per Job

- a. Every project shall have a new job creation or jobs saved component.
- b. The portfolio shall target a cost per job ratio of \$20,000 or less.
- c. The maximum cost per job for any single loan will generally not exceed \$30,000.

## E. LOAN SELECTION CRITERIA

Priority in processing loan applications will be given to applications that further the targeting of RLF funds as outlined above. Loan applications will be considered for processing, if:

1. Staff can demonstrate credit worthiness based upon the financing policies of this plan;
2. The project is consistent with the business development strategy;
3. The loan will meet program goals to facilitate in the creation of higher paying, higher skilled, private sector jobs, diversify and strengthen the economy, and stimulate private investment. Priority will be given to those projects that provide the highest economic benefit, which may be evidenced by creation of worker-owned jobs; and
4. The loan is consistent with the goal of maintaining a diversified portfolio.

## F. PERFORMANCE ASSESSMENT PROCESS

The portfolio goals will be monitored at the time of the semi-annual report to EDA. If targets are out of line or a trend is noticed in this direction, these trends will be analyzed to determine if any modifications to the Plan and/or portfolio are required. This will be accomplished by utilizing the current database software that is utilized to generate the EDA report.

The EDA Administrative Plan will be reviewed annually as part of the annual certification. Changes will be made to the plan as deemed appropriate to ensure the plan is consistent with the area's current economic development strategy and that the RLF is being operated in accordance with policies and procedures contained in the approved plan. (13 CFR 308.14).

## PART 2: REVOLVING LOAN FUND ORGANIZATIONAL STRUCTURE AND OPERATIONAL PROCEDURES

### A. ORGANIZATIONAL STRUCTURE

#### 1. Overview

The City's Office of Economic Development Department (OED) is responsible for the implementation of the program and administration of the RLF. A RLF Program Manager, under the general direction of the Economic Development Manager, is responsible for developing, completing, coordinating, and servicing the loans generated by the RLF. OED staff works closely with private lenders to secure financing for businesses in coordination with City financing mechanisms. The City of Berkeley will provide referral assistance to RLF clients for services, including loan packaging and business counseling, and to coordinate technical assistance resources including assistance from banks, colleges, minority business development assistance centers, business development organizations and trade associations. The OED is responsible for receiving payments of all RLF loans using standard loan servicing software. The Program Manager provides monthly reports, upon request, on the status of all outstanding loans to OED Manager and the EDA for monitoring purposes.

#### 2. Loan Administration Board (LAB)

The Loan Administration Board will generally schedule meetings "as needed", and will agree to review transactions requiring quick action on an "as needed" basis. Organizational and operational matters, including loan decisions, will be made by a majority vote of the appointed members of the Board. A quorum will exist whenever at least half of appointed members are in attendance. However, at least one LAB member with financing experience (similar to the type of loans to be made) must be present for each loan decision. No loan will be committed, no major loan modification or waiver agreed to, no loan foreclosure action initiated without formal prior review and comment (in the form of LAB minutes) of the Loan Board. Staff will recommend on interest rates, terms and conditions for all loans. The LAB will make the final determination on the pricing and other terms of all loans from the RLF.

#### 3. Conflict of Interest

No officer, employee, or member of the City Council, LAB or other City board or commission that advises, approves, recommends or otherwise participates in decisions concerning loans or the use of RLF funds, or person related to the officer, another employee, or any member of the City Council, LAB or other City board or commission by immediate family, law, or business arrangement, may receive any benefits resulting from the use of RLF loan or grant funds.

In addition, the City may not lend RLF funds to an employee of the City or any member of the City Council, or the LAB. Former board members and members of his or her immediate family shall not receive a loan from the RLF for a period of two (2) years from the date that board member last served on the board. Immediate family is defined as domestic partner or significant other, parents, grandparents, siblings, children and

grandchildren, but does not include more distant relatives, including cousins, unless they live in the same household.

Exception: A benefit or loan may be conferred if the officer, employee, LAB member, City Council member or other board or commission member affected first discloses to the City on the public record the proposed or potential benefit and receives the City Attorney's written determination that the benefit involved is not so substantial as to reflect adversely upon or affect the integrity of the RLF's decision process or of the services of the officer, employee, or member of the City Council, LAB or other City board or commission. LAB members are responsible for disclosing any possible conflict of interest that may exist with respect to a particular action of the LAB, and recusing themselves from all relevant votes on said loan as appropriate.

An officer, employee, or member of the City Council, LAB or other board or commission shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment or any other thing of monetary value, for him or herself or for another person, from any person or organization seeking to obtain a loan or any portion of the RLF funds. Former LAB members and/or officers are ineligible to apply for or receive loan or grant funds for a period of one year from the date of termination of his/her services.

Loan board members that have other professional relationships (i.e., a banker with loan to borrower) with a prospective borrower cannot be present for deliberations, but may respond to questions from other members of the LAB, to avoid the appearance of a conflict of interest. All LAB members will be required to comply with local and state conflict of interest policies and filing requirements (see: 13 CFR 300.3).

## **B. LOAN PROCESSING PROCEDURES**

### **1. Standard Application Requirements**

Each potential borrower will be required to initially complete the City's standard loan application. Staff will review the application to determine if it meets the general intent and purpose of the RLF. In evaluation of applicants, staff will consider whether the project/loan:

- Meets the targeting criteria and is in one of the targeted clusters
- Demonstrates a reasonable assurance of repayment
- Is consistent with the portfolio job/cost ratio established for the RLF

*Potential borrowers are required to submit the following documents (as applicable) with their loan application:*

Financial Statement – Prior 3 years and current within 90 days, including:

- Balance Sheets
- Income/Expense Statement
- Articles of Incorporation/By Laws or Partnership Agreement (If Applicable)
- Resume(s) of Principal(s) (normally those with 20% ownership or more; worker cooperatives with no 20% or more owner shall submit resumes for all members)
- Certificate of Good Standing (corporations only)

Pro Forma Financial Projections - including:

- 1 year Income/Cash Flow Statement (Month to Month)
- Additional 2 years Cash Flow Projections



- Explanation of the underlying assumption supporting the cash flow projections
- Aging of Accounts Receivable and Payable- including:
- Accounts aging within 90 days and list of vendors and addresses and account numbers for any accounts over 30 days.
- Schedule of Business Debts- including:
- original amount of debt,
  - current balance outstanding,
  - payment amount(s),
  - interest rate,
  - collateral,
  - status (current/delinquent)
- Individual Federal Income Tax Return – (if proprietorship or partnership)  
Business Federal Income Tax Return – Prior year.  
IRS Form 4506 (Request for Copy of Tax Return)  
Verification of business space- including:
- (i.e. Deed of Trust, Lease/Rental Agreement, Purchase Agreement as applicable)
- Agreement of Landlord (for tenant improvement loans)  
Proof of Hazard and Liability Insurance  
Appraisals or independent evaluations on assets offered as collateral  
Evidence of Private Lender Commitment or Denial of funds letter(s)  
Proof of Berkeley Business License

Borrowers shall be approved based upon a reasonable assurance and determination of repayment ability and potential economic benefits to the community, i.e., number and quality of jobs they will create, worker ownership opportunities created, amount of taxes generated, extent to which they expand a targeted industry cluster and relation to other businesses and services.

## 2. Credit Reports

Standard commercial and personal credit reports on all principals owning 20% or more of a business under consideration for a loan and the business will be ordered and reviewed by the contracted underwriting party. In the case of a worker cooperative with no members owning more than 20%, a credit report on multiple designated members, whose interests together equal 50% or more, shall be ordered and reviewed. Adverse credit deficiencies that would cause the underwriter to question the ability and or willingness of the potential borrower to repay the loan will be deemed a valid reason for declining the request. A summary review of the results of the credit reports shall be a part of the loan write-up.

## 3. Uniform Commercial Code (UCC) Lien Search and/or Title Report

A UCC search may be completed to determine any existing liens, where personal property is being taken as security (i.e. equipment, or business assets). A real estate title report may be required in those instances where real property is being taken as collateral.

#### 4. Appraisal Reports

Appraisal reports or other valuation determinations may be obtained, where existing fixed assets and/or real properties are being used as primary collateral. If completed appraisals will utilize qualified appraisers having expertise appropriate to the assets being pledged.

#### 5. Environmental Reviews

The RLF Administrator with the assistance of appropriate staff, shall assess the significance of all environmental impacts of activities to be financed in compliance with the National Environmental Policy Act of 1969 and other Federal environmental mandates, as per the Assurances (SF 424D as revised) executed with the Economic Development Administration (EDA). No activity shall be financed which would result in a significant adverse environmental impact unless the impact is to be mitigated to the point of insignificance. When necessary to ensure compliance, any required mitigation shall be made part of the loan conditions.

No project shall be approved which would result in the alteration of or have an adverse impact on any wetland without prior consultation with the U.S. Department of the Interior, Fish and Wildlife Service, and, if applicable, obtaining a section 404 permit from the Army Corps of Engineers.

Consistent with E.O. 11988, no project shall be approved which would result in new above ground development in a 100 year flood plain. This determination will be made by reviewing the proposed development against FEMA Flood Insurance Rate Maps.

The State Historic Preservation Officer, (SHPO) shall be notified of each loan proposal that involves significant new construction or expansion and asked to submit comments on the effect of the proposed activity on historic and archaeological resources. The RLF Administrator shall work with the SHPO and EDA in cases where the SHPO has recommended actions or has been determined an adverse impact.

All loan applicants shall be requested to provide information indicating whether or not there was hazardous materials such as EPA listed (see 40 CFR 300), hazard substances, leaking underground storage tanks, asbestos, polychlorinated biphenyls (PCB), or other hazardous materials on site that have been improperly handled and have the potential of endangering public health. If deemed necessary, loan applicants may be required to perform or provide evidence of a Phase I site assessment to identify possible sources of contamination, a Phase II site assessment to test soil and/or groundwater samples, and a Phase III site remediation involving mitigation of applicable contaminants. In cases where there are unresolved site contamination issues, the RLF Administrator shall work with the loan applicant and the appropriate state environmental agency office to resolve these outstanding issues.

#### 6. Standard Collateral Requirements

Loans will be secured to the fullest extent possible to protect the interests of the RLF as a secondary source of repayment. Loans may be secured with the following types of assets:



- Real property
- Machinery & equipment
- Inventory
- Accounts Receivable
- Stock pledges
- Patents and other intellectual properties
- Securities
- Intangibles
- Personal and/or corporate guarantees

A personal guarantee will be required of any principal having a 20% or more ownership in the company being considered; it shall also be required of the principal(s) trust(s) deemed to be controlled by him or her. In the case of worker cooperatives in which no single member has a 20% or more ownership interest, the cooperative shall designate multiple members, whose interests together equal 50% or more, to provide a limited (several) personal guarantee. This ownership panel shall be submitted to the LAB as an Exhibit. The panel may be amended over time, allowing for release of liability if a member leaves the cooperative, so long as the cooperative substitutes the personal guarantee of another member. The cooperative shall update the LAB on any amendment to the ownership panel, but no amendment to the Loan Agreement will be required. Personal guarantees may be collateralized with liens or property. Appropriate hazard and liability insurance shall be required, and key man life insurance shall be considered depending on the size and nature of the transaction and the health and ages of the principals. The City of Berkeley shall be named as a Loss Payee on the appropriate insurance policies. Trust deeds may be obtained and supported by lenders title policies in those cases where real property is pledged as collateral. Liens on all personal property will be perfected by UCC-1 filings. UCC searches will be conducted to determine encumbrances and to ensure the RLF obtains desired lien position. All RLF program funding is subject to the Davis-Bacon Act and Related Acts, which establishes a requirement for paying the local prevailing wages on public works projects for laborers, unless the EDA determines that loan amounts are so de minimis that property cannot be purchased or renovated with the loan.

#### 7. Standard Equity Requirements

Existing businesses may be required to inject at least 20% of the requested loan amount; start-up businesses are required to inject at least 20% of the requested loan amount. Assets (e.g. equipment), which are added to a project from outside sources, may be considered part of the equity investment, provided they are lien free.

#### 8. Loan Write-Up/Credit Memos

Written loan presentations (“credit memos”) to the Loan Administration Board will contain at a minimum the following information:

1. Evidence that the Borrower is in the Target Area approved by EDA.
2. Recommendation: Support funding recommendation based on analysis of the business' industry, its place in that industry, financial analysis, and ability to repay.
3. Findings: Indicate if borrower is eligible, under criteria established in the RLF Plan and EDA Grant Agreement.
4. Description of Business

5. Background and History of Business Operation: Describe the history and background of the business, including a brief industry analysis.
6. Detailed description of the borrower; i.e., is it a corporation, partnership, sole proprietorship, list owners and their percentage of the business.
7. List of names and relationships of the guarantors to the owners of the business as appropriate.
8. Provide loan details:
  - (a) Loan Request: State the amount of the request and state the recommended monthly amortization and term.
  - (b) Interest: Indicate the rate, specifying a fixed rate.
  - (c) Use of Funds by category.
  - (d)
9. Purpose: Describe in detail the purpose of the loan by category, i.e., fixed asset financing, tenant improvements, etc. Be specific about sources and uses of proceeds to complete the project. Any proposed exceptions to loan policies need to be explained.
10. Credit Report: Indicate the results of the credit reports obtained on the principals, guarantors, and company.
11. Financial Analysis: Indicate the source of information for the analysis. Describe the company's financial performance as reflected by its financial statements, with special emphasis on revenues and operating income, leverage, cash flow, and debt capacity. Projection should be consistent with historical performance unless there is an extraordinary event such as a new contract. Any significant changes in financial positions or performance of the company must be explained.
12. Personal Financial Analysis: Write an analysis of the principal's and guarantor(s) personal financial statements. Any significant changes in financial position or performance must be explained.
13. Collateral: Describe the collateral pledged for this loan, and indicate the secured position of the RLF. If property is being pledged, show the present market value and the net equity available for all properties pledged. Date of appraisal, name of appraiser and loan to value must also be included.
14. Job/Cost Ratio: Divide the total loan amount by the number of jobs saved and/or created as a result of this loan. Recall, that the RLF program is subject to the Davis-Bacon Act and Related Acts, applying to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public work.
15. Public Benefit: Describe the benefit of this loan in terms of jobs retained and/or created. Indicate the value of this borrower to the community. Specify whether this loan would create or preserve worker-owned jobs. Jobs saved are defined as jobs that would be imminently lost without RLF assistance.
16. Environmental Problems: Discuss any environmental review in connection with the loan, including, any City environmental review and the results of any required Phase I or Phase II environmental study. Attach an environmental checklist or other review that is relevant to consideration of the loan. Indicate what actions the borrower must take to comply with any environmental findings or requirements.

9. Procedure for Loan Approvals

When a loan is approved, staff will draft a memo stipulating the terms of approval and obtain the signature of the chairperson of the Loan Administration Board. The minutes of the LAB meeting shall reflect this approval and be circulated to all members of the Loan Board. RLF staff shall be directed to prepare and send a commitment letter with a time expiration date signed by the Manager of Economic Development to the prospective borrower, stating the terms and conditions of the committed loan consistent with the written credit memo to the LAB, and any provisions or changes recommended by the LAB. It shall also state *"this commitment is based on the fact that there have been no material adverse changes in the credit condition of the borrower since statements and information has been submitted to the RLF. If any such material adverse changes have taken place, this commitment is void and not in effect."*

10. Loan Decline – Appeal Process

The LAB will act upon recommendations for loan approval with the knowledge that the due diligence and underwriting on each loan has been completed, and upon reliance that the financial exhibits provided in the application are correct. Where a loan is denied by the LAB, an applicant may request further review by the LAB if the applicant can provide additional information that addresses the concerns of the LAB about the proposed loan. However, LAB decisions on loans are final and binding and cannot be appealed to the City Council.

**C. LOAN CLOSING AND DISBURSEMENT PROCEDURES**

1. General Closing Requirements

- a. Proof of equity, such as current bank account statements showing the needed funds on deposit, will be required for all loans requiring an equity injection;
- b. If existing debt is being converted to equity, or subordinated, evidence such as a subordination agreement, the original note, the conversion agreement, corporate resolutions and copies of shares issued will be required.  
Where another lender is involved in the financing of a business an inter-creditor agreement setting forth the respective rights of the parties shall be required where appropriate for the protection for the RLF.

2. Loan Closing Documentation Requirements

- a. All loans will require a promissory note and a loan agreement.
- b. All loan documents will be reviewed and approved by the Office of the City Attorney prior to loan closing.
- c. Sole proprietorships using a “doing business as/dba” will be required to provide copies of fictitious name filings.
- d. Partnerships will be required to provide copies of the partnership agreements and buyout agreements if applicable.
- e. Corporations will normally be required to provide copies of the Articles of Incorporation, By Laws, certificates of good standing, and corporate resolution to borrow.
- f. All loans will require a security agreement where personal property secures a loan.

- g. Perfection of collateral will require UCC-1 filings on equipment and fixtures, inventory and receivables, recording deeds of trust on real property, and certificates of title or stock registration, as appropriate.
- h. UCC searches will be performed before loan board review to determine position. UCC searches may also be performed after loan closing and UCC filings to confirm that the desired lien position was actually obtained.
- i. Borrower will be advised if Lenders Title insurance will be required for all financed real property.
- j. Borrower will be advised if vehicle titles will be required to show the City of Berkeley as lien holder. If a third party owns the collateral, hypothecation and assignment agreements shall be required.
- k. All principals with 20% or more ownership (or multiple worker cooperative members who together own 50% or more) will normally be required to provide continuing guarantees, and subordination agreements, as appropriate.
- l. Inter-creditor Agreement, if necessary, to preclude prior lien holder from increasing debt, and/or to delineate collateral and responsibilities of lenders.
- m. Prior to closing, the borrower will present the required hazard and liability insurance policies, and any other insurance coverage such as key life insurance, as required
- n. Lease assignments will be taken as appropriate.

The Loan Agreement shall contain covenants that shall require the borrower to comply with Federal statutory and regulatory requirements that apply to activities carried out with RLF loans. The Loan Agreement shall contain a provision to protect and hold the Federal government harmless from and against all liabilities that the Government may incur as a result of providing an award to assist (directly or indirectly) in site preparation or construction as well as the renovation or repair of any facility or site. This applies to the extent that such liabilities are incurred because of ground water, surface, soil or other conditions caused by operations of the RLF Recipient or any of its predecessors on the property. The Loan Agreement shall also include a list of the Federal requirements that apply to RLF Borrowers as provided in the U.S. Department of Commerce Economic Development Administration Revolving Loan Fund Standard Terms and Conditions.

### 3. Loan Disbursement Requirements

- a. The borrower will certify in the loan agreement that the funds are to be used for the purposes intended as specified in the loan application. A positive covenant shall be included in the loan agreement stating the purpose of the loan. A breach of this covenant shall be deemed an event of default and the loan may be called.
- b. In instances where construction is in progress, a building control account may be established as necessary to avoid mechanics liens.

## **D. LOAN SERVICING PROCEDURES**

### 1. Loan Payment and Collection Procedures

The Office of Economic Development (OED) staff, including the RLF program manager, will provide borrowers with payment coupons annually and upon request, receive and deposit loan and interest payments into an interest bearing RLF bank account, and, upon

request, advise OED Department Manager when funds are received. Additionally, upon request, the RLF Program Manager will provide monthly reports of disbursements, receipts of interest and principal and any past due accounts. Timely notification of any payment due and not paid will be provided to borrowers.

Late fees (which will be incorporated in the body of the Promissory note) shall be 5% of the payment outstanding and begin accruing on the next calendar day after the payment is due. If the loan is past due more than 15 business days, late fees shall commence.

## 2. Loan Monitoring Procedures

- a. Annual financial statements (defined to include a balance sheet and profit and loss statement, compiled by an independent accountant or certified by the chief financial officer and president) may be required on all loans. RLF staff shall monitor these and other dated requirements such as insurance renewals, and UCC renewals. If documents are not received on a timely basis as stipulated by the Loan Agreement, designated staff will be responsible for correcting the deficiency. Provisions will be made in the Loan Agreement that audited statements may be required.
- b. OED staff may visit each borrower on an as needed basis to determine whether the business is in line with its stated business plan. Each visit will be documented by memorandum, and will contain a summary of the progress the business is making (or not making) from a marketing and financial perspective, as well as an assessment of the business' future. This report shall be provided to the LAB.
- c. As part of the required semi-annual reports, jobs saved/created data will be compiled by OED staff and supplied to the EDA. All jobs will be reported in full time equivalents.
- d. All other required loan documentation and special provisions will be monitored by OED staff.

## 3. Late Payment Follow-up Procedures

- a. Upon being advised that a payment due was not made, RLF staff will contact the borrower promptly to determine the problem, if any exists.
- b. The loan servicer will send a written notice of delinquent payment 5 working days after due date with notification of late penalty, and will notify the RLF staff in writing.
- c. RLF staff will send a second written notice 30 days after the due date.
- d. RLF staff will send a third written notice 60 days after the due date.
- e. RLF staff will send a fourth written notice 90 days after the due date.
- f. During the first 30 days of delinquency, written and oral communication, as well as site visits by RLF staff will be utilized to resolve the delinquency.
- g. If, after 90 days a delinquency still exists and the loan has not been renegotiated or brought current, the loan will generally be determined to be in default and recovery of the security will commence.
- h. Any renegotiation of loan terms to remedy a default must be approved the LAB.
- i. If at any time during this 90-day period, the Economic Development Manager believes that the borrower cannot or will not bring the loan current, with Loan Administrative Board approval, RLF staff can declare the loan in default and begin recovery against collateral, if deemed appropriate.

## 4. Collection Procedures

The RLF staff will work to exercise all rights and privileges of a lender in order to collect the proceeds on delinquent loans. To ensure that the delinquent loan is collected in an appropriate, efficient, and timely manner, staff will:

- a. Prepare a plan of action with guidance by the Loan Administrative Board for collecting the loan and taking action against the collateral.
- b. Make sure all required loan documentation is in order.



- c. Consult with the City Attorney on all default notices and collection efforts and to insure that no laws or regulations will be violated by the collection effort and that all legally required actions are taken.
- d. Contact all other co-lenders as appropriate.
- e. List defaulted or chronically delinquent loans with credit bureaus.
- f. Notify the guarantors of the default and put them on notice that they are expected to make payment, in full, upon demand.
- g. Begin collection procedures and/or asset liquidation process.

5. Write-off Policy and Procedures

Loans with an outstanding balance that have been placed in default and remain outstanding after 180 days will generally be written off. However, collection efforts will continue until determined not to be cost effective or prospects for recovery no longer exist. A reasonable loss through defaults will be considered without establishing a loan loss reserve. All write-offs must be directed to the City's Finance Department for approval by the City Council.

**E. ADMINISTRATIVE PROCEDURES**

1. Procedures for Loan Files and Record Retention

All original primary loan documents will be maintained in the Loan/Collateral file, which will be stored in a secure location by the City Clerk. This file will contain the original note(s), loan agreement, collateral perfection documents (UCC-1 filings, deeds of trust, etc.), and all other original legal documents. All files will be filed and recorded as specified by the EDA Terms and Conditions. Each individual borrower will have a loan file consisting of two items: i) a credit file and ii) an application file.

The Credit File will contain copies of the appropriate legal documents needed to monitor the loan, as well as the original credit memo to the LAB, financial statements and tax returns, credit reports, personal financial statements, a copy of the commitment letter, copies of proof of insurance, site visit memorandum, job reports, and any other correspondence relating to the relationship between the borrower and the RLF. A chronological record shall be maintained recording all significant events by date with a brief description.

The Application File shall be established to contain the original application, business plan, financials, business plan evaluation, and any other documentation provided to evaluate the application. Every effort will be made to maintain confidentiality of applicant records/applications. There will be a public file which will can be reviewed by the public with all personal information (eg. Social Security numbers, loan and credit card numbers redacted). A private file that will include all documentation including, but not limited to, application, credit memorandum, third party evaluations and non-confidential reports and UCC-1 filings.

Record Retention Loan files and related documents and records must be retained for the life of the loan and for a seven-year period from the date of final disposition of the loan. The City will maintain four different kinds of file records: 1) an application file, 2) a loan file, 3) a

decline file and 4) a closed loan file. This will ensure that we have records of all decisions made by the LAB for public review. The date of final disposition of the loan is defined as the date of: (a) Full payment of the principal, interest, fees, penalties, and other costs associated with the loan; or (b) Final settlement or write-off of any unpaid amounts associated with the loan

Administrative records The OED staff or loan servicer must maintain adequate accounting records and source documentation to substantiate the amount and percent of RLF income expended for eligible RLF administrative costs and retain records of administrative costs incurred for activities and equipment relating to the operation of the RLF for five years from the date the costs were claimed.

The loan servicers must also make any retained records, even those retained for longer than the period described, available for inspection. The record retention periods, described above, are minimum periods and such prescription is not intended to limit any other record retention requirement of law or agreement.

## 2. Procedures for Complying with EDA Reporting Requirements

The RLF program will follow the EDA guidelines articulated in the Revolving Loan Funds Capital Utilization Standard Program. During the 'revolving phase', the City of Berkeley must manage their repayment and lending schedules to provide that at all times at least seventy-five (75%) percent of their RLF capital is loaned or committed.

When the percentage of loaned RLF capital falls below the application capital utilization percentage, the dollar amount of the RLF funds equivalent to the difference between the actual percentage of RLF capital loaned and the applicable capital utilization percentage is referred to as "excess funds."

Sequestration of excess funds If the City of Berkeley fails to satisfy the applicable utilization percentage requirements for two (2) consecutive reporting periods, EDA may require the City to deposit excess funds in an interest-bearing account. The portion of interest earned on the account holding excess funds attributable to the Federal Share of the RLF Grant shall be remitted to the U.S. Treasury. The City must obtain EDA's written authorization to withdraw any sequestered funds.

Persistent non-compliance The City, as a long standing RLF program administrator, will generally be allowed a reasonable period of time (as determined by EDA) to lend excess funds and achieve the applicable capital utilization percentage. However, if the City fails to achieve the applicable capital utilization percentage after a reasonable period of time, as determined by EDA, it may be subject to sanctions such as suspension or termination.

Loan Default Rates The EDA shall monitor the City's loan default rate to ensure proper protection of the Federal Share of the RLF property, and request information from the City as necessary to determine whether it is collecting loan repayments and complying with the financial obligations under the RLF Grant.

Such information may include:



- A written analysis of the City's portfolio, which shall consider the Recipient's business plan, loan and collateral policies, loan services and collection policies and procedures, the rate of growth of the RLF Capital Base, and detailed information on any loan in default; and
- A corrective action plan subject to EDA's approval, which shall include specific actions the RLF recipient must take to reduce the loan default rate; and
- A quarterly status report indicating the City's progress on achieving the milestones outlined in the corrective action plan.

Failure to provide the information requested and to take steps to protect the Federal Share may subject the City to enforcement action under §307.21 and the terms and conditions of this grant. A collection account has been established and maintained in coordination with the City Attorney and the City's Finance Department in accordance with City regulations governing collections.

### 3. Grantee Control Procedures

RLF staff shall, periodically review the loan files to determine if they are consistent, complete and correct. All accounts, books, records and loan files shall be reviewed and audited in accordance with City Auditor standards, and Federal Administrative and Audit Standards.

### 4. Plan Amendment Procedures

Any changes to this Administrative Plan must be approved by the LAB and City Council and shall be submitted to the EDA in writing for approval consistent with requirements of the EDA.

### **PART 3: COVID-19 RESILIENCY LOAN PROGRAM ADDENDUM TO CURRENT ADMINISTRATIVE PLAN**

#### *COVID-19 Resiliency Loan Program Borrower Description:*

Small businesses, non-profits, cooperatives, and other business firms located in Berkeley, CA that are suffering substantial economic injury as a result of the COVID-19 pandemic are now eligible for low-interest “COVID-19 Resiliency Loans” for working capital. Berkeley business, including current RLF borrowers that have been financially impacted as a direct result of the COVID-19 pandemic may qualify for a *COVID-19 Resiliency Loan* to help meet financial obligations and operating expenses which could have otherwise been met by the enterprise had the disaster not occurred.

The COVID-19 Resiliency Loan Program will supplement the existing RLF Program subject to the following guidelines, criteria, and terms:

#### *COVID-19 Resiliency Loan Program Guidelines:*

- Allocate \$814,000 of available EDA funds to the COVID-19 Resiliency Loan Program which will be part of the City of Berkeley’s existing RLF program.
- The maximum loan amount from COVID-19 Resiliency Loan Program seed funds will be set at 25% of the RLF capital base.
- The City Manager and/or his/her designee is empowered to administratively approve loans of \$25,000 and below (*i.e. A loan of this size or under would not require a full Loan Administration Board (LAB) approval*).
- The requirement for loan applicants to leverage additional capital is removed for loans funded with COVID-19 Resiliency Loan Program dollars. (Currently, loans in the traditional RLF portfolio are required to leverage a minimum of two private dollars for every RLF dollar loaned).

#### *COVID-19 Resiliency Loan Program Criteria:*

- Loan Applicants are to demonstrate that the applying entity (business or nonprofit) has been in operation in Berkeley, in good standing for at least two years.
- Loan Applicants are to have 50 or fewer full time employees (or full-time equivalents).
- Loan Applicants are to provide a completed CA 2019 Tax Return and/or Certified Public Accountant prepared financials and/or an IRS Form 990 showing positive earnings (Profit).
- Loan Applicants are to demonstrate that receipt of a City of Berkeley COVID-19 Resiliency Loan has the potential to create or save existing jobs.
- For City of Berkeley COVID-19 Resiliency Loan applicants, the existing RLF requirement to demonstrate a declination from a traditional lender is waived.

#### *COVID-19 Resiliency Loan Program Terms:*

- Payments and interest accruals are deferred for six (6) months from the date the loan is issued.

- The loan interest rate for COVID-19 Resiliency Loans shall be between 0 and 1% depending on loan amount and risk level as determined by a third party loan reviewer (*the current rate for “standard” RLF loans is the prime interest rate + 2 points*).
  - *Existing standard RLF loan recipients may submit a request to the Loan Administration Board for review and approval of a rate reduction or a pause in payments.*
- Five (5) Year Repayment Period.
- Additional deferrals and payment term modifications may be granted by approval on a loan by loan basis, subject to the approval of the LAB.

**List of Exhibits:**

|            |                                                      |         |
|------------|------------------------------------------------------|---------|
| Exhibit A: | Organizational Chart                                 | Page 31 |
| Exhibit B: | Loan Application                                     | Page 32 |
| Exhibit C: | Credit Authorization                                 | Page 42 |
| Exhibit D: | Application Checklist                                | Page 44 |
| Exhibit E: | Sample Loan Administration Board (LAB)<br>Resolution | Page 45 |
| Exhibit F: | Sample Commitment Letter                             | Page 46 |
| Exhibit G: | Sample Closing Checklist                             | Page 51 |
| Exhibit H: | Sample Loan File Checklist                           | Page 54 |
| Exhibit I: | Sample Servicing Report                              | Page 56 |
| Exhibit J: | Sample Default Notification                          | Page 58 |
| Exhibit K: | Map of target Area                                   | Page 59 |

Exhibit A

### Organizational Chart

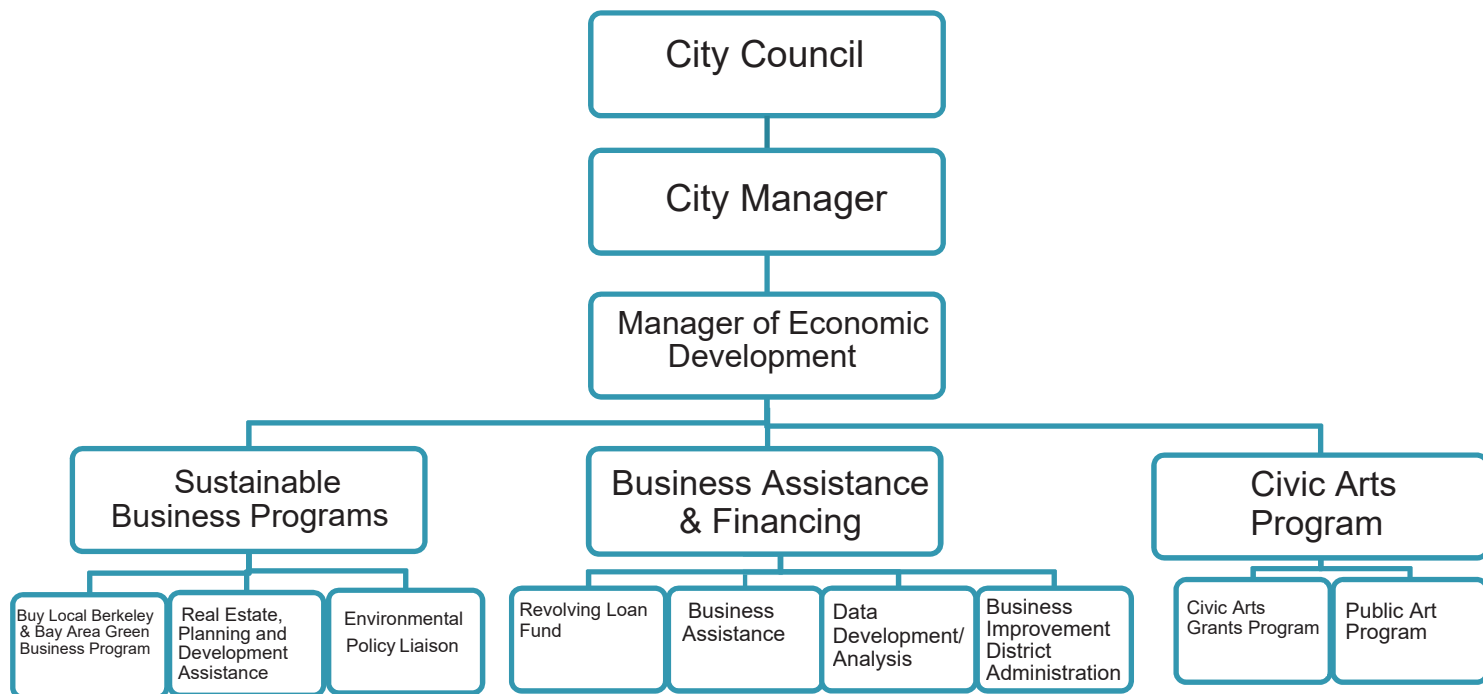


Exhibit B

City of Berkeley Revolving Loan Fund  
Loan Application

CITY OF BERKELEY REVOLVING LOAN FUND (RLF)  
1. RLF LOAN APPLICATION

Amount of City RLF loan request: \$ \_\_\_\_\_

I. APPLICANT INFORMATION

Applicant's Name: \_\_\_\_\_

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

Name of Business: \_\_\_\_\_

Ownership (Check one):  
Proprietorship \_\_\_\_\_ Partnership \_\_\_\_\_ Corporation \_\_\_\_\_ Non-Profit \_\_\_\_\_

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

Phone: \_\_\_\_\_ SS# \_\_\_\_\_

Co-applicant: \_\_\_\_\_ Phone: \_\_\_\_\_

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

- Business New to Berkeley  
OR
- Existing Berkeley Business - Date Established \_\_\_\_\_

Business License # \_\_\_\_\_ Federal Tax I.D. # \_\_\_\_\_

Landlord: \_\_\_\_\_ Phone: \_\_\_\_\_

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

Terms of Lease: \_\_\_\_\_

**II. PROJECT FINANCING:**

- A. Amount of City Loan Request: \$ \_\_\_\_\_
- B. Applicant Equity Contribution\*: \$ \_\_\_\_\_

Purpose of Loan:

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Source of Loan Repayment:

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\*Equity contribution: Value of money and other assets the Applicant invested in the business during the past 12 months or will invest in the business. Please submit evidence of all private funds (bank statements, letter of commitment, etc).

**III. USE OF FUNDS:**

|                        | Amount of City Loan Request (listed on line A above) | (Plus) | Applicant's Equity Contribution (listed on line "B" above)* | (Equals) | TOTAL PROJECT COST |
|------------------------|------------------------------------------------------|--------|-------------------------------------------------------------|----------|--------------------|
| Inventory              | \$                                                   | +      | \$                                                          | =        | \$                 |
| Equipment & Machinery  | \$                                                   | +      | \$                                                          | =        | \$                 |
| Leasehold Improvements | \$                                                   | +      | \$                                                          | =        | \$                 |
| Other                  | \$                                                   | +      | \$                                                          | =        | \$                 |
| <b>TOTAL</b>           | \$                                                   |        | \$                                                          | =        | \$                 |

\*Plus any additional Funds to be used for this project- including additional loans/ private funds.

**IV. BUSINESS INFORMATION:**

Briefly describe your business, the distinct function of your product / service, your intended customers, your marketing strategy, and how the RLF loan will assist your business development. Please submit a prepared business plan with this application. If no business plan available, please provide explanation

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**V. COLLATERAL OFFERED:**

| Collateral            | Name(s) of Owner(s) | Present Market Value |
|-----------------------|---------------------|----------------------|
| Real Estate           |                     | \$                   |
| Equipment & Machinery |                     | \$                   |
| Inventory             |                     | \$                   |
| Other Assets          |                     | \$                   |
| <b>TOTAL</b>          |                     | \$                   |

Other Collateral (Please Explain): \_\_\_\_\_

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**VI. BUSINESS DEBT SCHEDULE:** This list should contain all long term loans for contracts and notes payable for the business, including credit cards. Please list EVERYTHING the business owes. If you need more room, please attach a separate sheet.

| CREDITOR | Account Number |                 | Original Amount (\$) | Maturity Date        | Collateral Held |
|----------|----------------|-----------------|----------------------|----------------------|-----------------|
|          | Date of Loan   | Interest Rate % | Current Balance (\$) | Monthly Payment (\$) |                 |
| 1.       |                |                 | \$                   |                      |                 |
|          |                | %               | \$                   | \$                   |                 |
|          |                |                 |                      |                      |                 |
| 2.       |                |                 | \$                   |                      |                 |
|          |                | %               | \$                   | \$                   |                 |

|    |  |   |    |    |
|----|--|---|----|----|
|    |  |   |    |    |
| 3. |  |   | \$ |    |
|    |  | % | \$ | \$ |
|    |  |   |    |    |
| 4. |  |   | \$ |    |
|    |  | % | \$ | \$ |
|    |  |   |    |    |
| 5. |  |   | \$ |    |
|    |  | % | \$ | \$ |
|    |  |   |    |    |
| 6. |  |   | \$ |    |
|    |  | % | \$ | \$ |
|    |  |   |    |    |
| 7. |  |   | \$ |    |
|    |  | % | \$ | \$ |
|    |  |   |    |    |
| 8. |  |   | \$ |    |
|    |  | % | \$ | \$ |

**VII. PUBLIC BENEFIT:** As a result of the loan, will your business:

a. Create jobs?  YES  NO

Estimate how many jobs the business will create in the next two years: \_\_\_\_\_

b. Retain existing jobs?  YES  NO

c. Create worker ownership opportunities?  YES  NO

d. Expand a manufacturing enterprise?  YES  NO

e. Have a positive environmental impact?  YES  NO

f. Strengthen a key commercial corridor or  
Re-use a long vacant property?  YES  NO

g. Provide goods/ services presently not available?  YES  NO



h. Substantially increase tax revenues?  YES  NO

Please describe the public benefits and quantify, where possible.

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**VIII. EMPLOYMENT**

|                       | TOTAL |   | WHITE |   | BLACK |   | ASAN |   | HISPANIC |   | AM. IND |   | OTHER |   |
|-----------------------|-------|---|-------|---|-------|---|------|---|----------|---|---------|---|-------|---|
|                       | M     | F | M     | F | M     | F | M    | F | M        | F | M       | F | M     | F |
| Current Employees     |       |   |       |   |       |   |      |   |          |   |         |   |       |   |
| Management            |       |   |       |   |       |   |      |   |          |   |         |   |       |   |
| Professional          |       |   |       |   |       |   |      |   |          |   |         |   |       |   |
| Office/Clerical       |       |   |       |   |       |   |      |   |          |   |         |   |       |   |
| Skilled Workers       |       |   |       |   |       |   |      |   |          |   |         |   |       |   |
| Service / Maintenance |       |   |       |   |       |   |      |   |          |   |         |   |       |   |
| Other                 |       |   |       |   |       |   |      |   |          |   |         |   |       |   |

**New Job Creation :**

| Job Title and brief description | Full - Time | Part - Time | \$ / Hour | Proj. Hire Date |
|---------------------------------|-------------|-------------|-----------|-----------------|
|                                 |             |             |           |                 |
|                                 |             |             |           |                 |
|                                 |             |             |           |                 |
|                                 |             |             |           |                 |

How did you hear about the City's Revolving Loan program?

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Are you familiar with the City's First Source Employment Program?  YES  NO

After this application is reviewed by City staff and determined to meet all appropriate lending criteria, additional supplemental material and a credit check may be requested.

We appreciate your interest in the economic revitalization of Berkeley.

I hereby certify that the information provided, contained herein and attached hereto is accurate and correct to the best of my knowledge.

|              |      |              |      |
|--------------|------|--------------|------|
| APPLICANT    | Date | CO-APPLICANT | Date |
| (Print Name) |      | (Print Name) |      |

**SUPPLEMENTAL MATERIAL CHECKLIST (please complete)**

**Please submit the following information with your application:**

- A detailed list of exactly what the requested RLF loan would be used for.
- Most recent year-end financial statement, including income and expenses and balance sheet along with this pre-application form.
- Sources of funds need to be documented, including denial of bank for additional funds.
- Financial statement- prior 3 years and current within 90 days.
- a. Balance sheets
- b. Income/expense statement
- c. Articles of incorporation/ by-law or partnership agreement (if applicable)
- d. Resume(s) of principal(s) (normally those with 20% ownership or more; worker cooperatives should submit resumes of all members)
- e. Certificate of good standing (corporations only)
- Pro forma financial statements/ projections (including notes and schedules).
- a. One (1) year income/cash flow statement (month to month)
- b. Additional 2 years cash flow projections
- c. Explanation of the underlying assumptions supporting cash flow assumptions
- Individual Federal Income Tax Return – (if proprietorship or partnership) - prior 3 years.
- Business Federal Income Tax Return – prior 3 years.
- Plans, cost estimates/bids for construction or equipment.
- Appraisals or independent evaluations on assets offered as collateral.
- Aging of accounts receivable and payable within 90s days and list of vendors and addresses and account numbers for any accounts over 30 days.
- Schedule of Business Debts (including the following: original amount of debt, current balance outstanding, payment amount(s), payment amount, interest rate, collateral, status (current/delinquent).
- Private lender commitment or denial of funds letter(s).
- Verification of business space (i.e. deed of trust, lease/rental agreement,

purchase agreement as applicable).

- Agreement of Landlord (for tenant improvement loans).
- Copy of business license.
- Copy of Hazard and Liability Insurance.
- Business Plan for expansion or start-up loans.

**Loan Fee:**

If approved, the following will be required:

- Application fee for RLF loan in the amount of \$250.00 made payable to the City of Berkeley.**

The loan fee will be credited towards the 1% loan fee and will be refunded, if not approved.

Please send the above information to the following address:

Revolving Loan Fund Program – Application  
City of Berkeley c/o Office of Economic Development  
2180 Milvia Street, Fifth Floor  
Berkeley, CA 94704

Exhibit C

Credit Authorization

CREDIT AUTHORIZATION FOR THE CITY OF BERKELEY  
REVOLVING LOAN FUND

The following information is required to complete a credit investigation with respect to your loan fund application. This form is to be completed by every applicant, and each partner or shareholder holding a 20% or more interest in the business concern. In the case of a worker cooperative where no member holds a 20% or more interest, two or more members whose interests total at least 50% should each complete this form.

Legal Name: \_\_\_\_\_

Social Security #: \_\_\_\_\_

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

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

Occupation: \_\_\_\_\_

“With my signature below, I hereby authorize the City of Berkeley’s contracted loan underwriters to contact and obtain credit reports from credit reporting agencies (Equifax, Dun and Bradstreet, etc.) And creditors with regard to the status of any past, outstanding or current indebtedness for the life of the loan.”

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

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

## Exhibit D

## Applicant Checklist

### CITY OF BERKELEY REVOLVING LOAN FUND APPLICATION SUPPLEMENTAL INFORMATION

Applicant should submit the following items as applicable.

- Financial Statement – Prior 3 years and current within 90 days
  - a. Balance Sheets
  - b. Income/Expense Statement
  - c. Articles of Incorporation/By Laws or Partnership Agreement (If Applicable)
  - d. Resume(s) of Principal(s) (normally those with 20% ownership or more)
  - e. Certificate of Good Standing (corporations only)
- Pro Forma Financial Projections (Including Notes & Schedules)
  - a. 1 year Income/Cash Flow Statement (Month to Month)
  - b. Additional 2 years Cash Flow Projections
  - c. Explanation of the underlying assumption supporting the cash flow projections
- Individual Federal Income Tax Return – (if proprietorship or partnership) – Prior 3 years.
- Business Federal Income Tax Return – Prior 3 years.
- IRS Form 4506, Request for Copy of Tax Return
- Verification of business space (i.e. Deed of Trust, Lease/Rental Agreement, Purchase Agreement as applicable)
- Agreement of Landlord (for tenant improvement loans)
- Proof of Hazard and Liability Insurance
- Plans, Cost Estimates/Bids for Construction or Equipment
- Appraisals or independent evaluations on assets offered as collateral.
- Aging of Accounts Receivable and Payable within 90 days and list of vendors and addresses and account numbers for any accounts over 30 days.
- Schedule of Business Debts (Include the following: original amount of debt, current balance outstanding, payment amount(s), payment amount, interest rate, collateral, status (current/delinquent)
- Private Lender Commitment or Denial of funds letter(s).
- Copy of Business License
- Environmental Checklist (if required for project)

The City of Berkeley and/or the RLF program underwriters will be conducting a credit check of your business and personal payment record, if applicable.

Exhibit E

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**Sample Loan Administration Board (LAB)  
Resolution**

**LOAN ADMINISTRATION BOARD  
of the  
CITY OF BERKELEY**

The Loan Administration Board (LAB) administering the City of Berkeley's Revolving Loan Fund (RLF) met on \_\_\_\_\_, 20xx to discuss the RLF loan to \_\_\_\_\_ and passed the following motion:

Moved by \_\_\_\_\_ to approve loan with the requirements recommended in the underwriter's credit memo, and with the following additional requirements; 1) specific UCC-1 filing on \_\_\_\_\_; 2) blanket UCC-1 filing on all business assets; 3) direct disbursement of loan proceeds to vendors for equipment and to contractor for improvements; 4) 1st position on collateral; 5) signed tax returns; 6) audited financial statements for 200\_; 7) other conditions:.

The staff recommendation on loan terms is as follows:

Principal Amount: \$ \_\_\_\_\_  
Loan Term: Due in months, amortized over \_\_\_\_\_ months  
Interest Rate: \_\_\_\_\_ %  
Monthly Payment: \$ \_\_\_\_\_ per month

Seconded by \_\_\_\_\_.

The Board vote with respect to this Motion was \_Ayes, \_ Noes, \_ Abstentions.  
Board Members Absent: \_\_\_\_\_

\_\_\_\_\_  
Chairperson  
Loan Administration Board

Exhibit F

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Sample Commitment Letter



Loan Administration Board

Date:

Name of Borrower:

Re: Loan Approval/Intent to Lend

Dear Borrower:

This commitment letter will confirm that on behalf of the Berkeley Revolving Loan Fund, the Loan Administration Board of the RLF approved a commitment to make funds available to you substantially upon certain terms and conditions. This approval was made on\_\_\_\_\_.

1. Amount and Nature of Loan. Loan Amount (\$000,000.00) associated with the business located at:

\_\_\_\_\_

2. Purpose. The loan funds will be used solely for the acquisition of the commercial equipment,\_\_\_\_\_, and related soft costs.

3. Maturity and Payment of Loan. The amortization of loan will be\_\_\_\_ months , with a\_\_\_\_-month call, and will be payable as follows: Principal and Interest payments, with interest commencing from date of note, with interest accruing at\_\_\_\_\_% fixed. The estimated payment amount is \$\_\_\_\_\_per month, with first payment due the first day of the month following the original note date.

4. Interest. The stated interest rate on the loan will be\_\_\_\_\_percent (\_\_\_\_\_%). Following any default, the interest rate shall increase to the maximum rate allowed by State of California Law after any default. Interest will be calculated based upon a 365-day year.

In the event any payment is more than fifteen (15) days past due, you will be assessed a late charge of five percent (5%) of the amount of such payment for each thirty (30) day period for which the payment is overdue.

Evidence of Obligation. The loan will be evidenced by a Loan Agreement and Promissory Note executed by you, together with the documents necessary to create

and perfect security interests described herein.

5. Fees and Expenses. You shall pay all out-of-pocket expenses incurred by the RLF in connection with this transaction, including legal fees and disbursements of counsel and including by way of illustration, but not limited to appraisal costs, title insurance premiums and other related title company costs, escrow fees, UCC search fees and all recording fees, even in the event the transaction is not consummated.

6. Security Arrangements. The loan will be secured by a second position deed of trust on the commercial real property located at \_\_\_\_\_; a first security filing on equipment of \_\_\_\_\_, guarantees of \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_; deed of trust on \_\_\_\_\_ personal residence at \_\_\_\_\_; and deed of trust on \_\_\_\_\_ personal residence at \_\_\_\_\_.

7. Conditions of Lending. The loan will be conditioned upon satisfaction of all required elements, for example, the following:

- a. Execution by you of all documents required by the RLF to evidence the loan or any of the security interests described herein.
- b. Approval by the RLF of the results of a title report and lien searches on equipment and fixtures.
- c. The absence of any adverse change in your business or financial condition.
- d. The City is satisfied that no hazardous waste or substances, toxic, waste, substances or pollutants are or have been used, generated, stored or removed on or from the real property to be covered by the deeds of trust described herein in violation of any federal, state or local law, rule or regulation. You will be required to indemnify the City against any such violations.
- e. Your obtaining irrevocable written commitments from other lenders and providing such additional funds as are reasonably necessary in the discretion of the City to permit you to complete the acquisition and purchase of the property located at: \_\_\_\_\_.
- f. Your provision of evidence that \_\_\_\_\_ is organized and qualified to do business in this state.
- g. A copy of your current business license from the City of Berkeley.
- h. Payment of a loan fee in an amount equal to \_\_\_\_\_ percent ( %) of the loan at closing.

8. Covenants. In connection with the loan, you will be required to comply with all of the following:



1. Within time periods specified in the Loan Agreement you will be required to provide annual, CPA compiled financial statements to the RLF.
  2. You will be required to provide evidence of adequate liability and property damage insurance in an amount and with a company satisfactory to the RLF as stipulated in the Loan Agreement.
9. Default: The Loan Agreement and other loan documents will contain provisions making any breach of any term or condition thereof a default.
10. Miscellaneous:  
Funds used by the RLF to make the loan are be provided by the Economic Development Administration, (EDA), and as a consequence will be subject to certain restrictions and requirements, all of which will be described in the Loan Agreement.

You will not have any right to assign the loan or any of your interest therein. Time is of the essence in the performance of all of your obligations hereunder. This letter and the loan shall be construed and interpreted in accordance with the laws of the state of California.

ORAL AGREEMENTS, PROMISES, OR COMMITMENTS TO LOAN MONEY, EXTEND CREDIT, MODIFY OR AMEND ANY TERMS OF THE LOAN, RELEASE ANY GUARANTOR, FORBEAR FROM ENFORCING REPAYMENT OF THE LOAN OR EXERCISING ANY REMEDY UNDER THE LOAN DOCUMENTS, OR MAKE ANY OTHER FINANCIAL ACCOMMODATION PERTAINING TO THE LOAN ARE NOT ENFORCEABLE UNDER CALIFORNIA LAW.

This commitment is conditioned upon the preparation, execution and delivery of legal documentation in form and substance satisfactory to the RRLF and to its counsel, which documentation in addition to incorporating substantially the terms set forth above will include such other terms as are customary for transactions of this type. This commitment is further conditioned upon the strict compliance by the Borrower with all requirements of this commitment letter before the expiration date hereof.

Please evidence your approval of the foregoing to signing and returning the lender the enclosed copy (accompanied by the commitment fee referred to above) on or before \_\_\_\_\_. If such executed copy (and fee) is not received by the RLF by such date, then this commitment shall automatically expire and be of no further force or effect.

Sincerely yours,

\_\_\_\_\_

Economic Development Manager

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 200x.

BORROWER:

By: \_\_\_\_\_

Its: \_\_\_\_\_

Exhibit G

## Sample Closing Checklist

### CLOSING CHECKLIST

Applicant Name: \_\_\_\_\_

Approved: \_\_\_\_\_

| ITEM REQUIRED                                    | Required |    | Received/Complete |    |
|--------------------------------------------------|----------|----|-------------------|----|
|                                                  | Yes      | No | Yes               | No |
| <b>A. DOCUMENTS RECEIVED</b>                     |          |    |                   |    |
| ATTORNEY ENGAGEMENT LETTER                       |          |    |                   |    |
| 1. Commitment letter completed                   |          |    |                   |    |
| 1a. Commitment letter returned                   |          |    |                   |    |
| 2. Loan Agreement                                |          |    |                   |    |
| 3. Note                                          |          |    |                   |    |
| 3.a. Amended Note                                |          |    |                   |    |
| 4. Deed of Trust                                 |          |    |                   |    |
| 4a. Title Policy                                 |          |    |                   |    |
| 1. Assignment of Rents                           |          |    |                   |    |
| 2. Assignment of (Commercial) Lease              |          |    |                   |    |
| 5. Guaranty (s)                                  |          |    |                   |    |
| 5.a. Acknowledgment and Consent                  |          |    |                   |    |
| 6. Security Agreement                            |          |    |                   |    |
| 6a. List of equipment for UCC.                   |          |    |                   |    |
| 7. UCC-1 and/or UCC-2                            |          |    |                   |    |
| 7a. UCC 11R                                      |          |    |                   |    |
| 8. Estoppel Certificate (8a/parties to Estoppel) |          |    |                   |    |
| 9. Assignment of Cash Value/Life Insurance       |          |    |                   |    |
| 9a. Copy of Insurance Policy                     |          |    |                   |    |
| 9b. Personal residence                           |          |    |                   |    |

**CLOSING CHECKLIST**

Account Name: \_\_\_\_\_  
 Approved: \_\_\_\_\_

| ITEM REQUIRED                                                                                        | Required |    | Received/Complete |    |
|------------------------------------------------------------------------------------------------------|----------|----|-------------------|----|
|                                                                                                      | Yes      | No | Yes               | No |
| <b>B. FINAL CLOSING PROCESSS AND CROSS CHECK LIST</b>                                                |          |    |                   |    |
| 1. Escrow/Disbursement Instructions                                                                  |          |    |                   |    |
| 2. Copy of lender(s) approval/commitment/decline letter                                              |          |    |                   |    |
| 3. Tenant and owner lease agreements received                                                        |          |    |                   |    |
| 4. Title Commitment                                                                                  |          |    |                   |    |
| 4. (a) Title Policy #                                                                                |          |    |                   |    |
| Contact Name:                                                                                        |          |    |                   |    |
| 5. Organizational documents and borrowing resolutions                                                |          |    |                   |    |
| 6. Liability and fire protection insurance binders                                                   |          |    |                   |    |
| 7. Copy of purchase agreement/and amendments                                                         |          |    |                   |    |
| 8. Bills/invoices to be paid from escrow                                                             |          |    |                   |    |
| 9. Copies of architect, engineer, and construction contracts                                         |          |    |                   |    |
| 10. Receipt of performance bond, as required                                                         |          |    |                   |    |
| 11. Copies of all construction lien releases                                                         |          |    |                   |    |
| 12. Copies of all reports, certificates, or other documents furnished by construction lender         |          |    |                   |    |
| 13. Real estate appraisal and all addendum and/or amendments                                         |          |    |                   |    |
| 14. A certified survey with a legal description conforming to the title policy and the deed of trust |          |    |                   |    |
| 15. Evidence that required equity has been provided                                                  |          |    |                   |    |
| 16. Other (list below)                                                                               |          |    |                   |    |
| 16a. Order check for closing                                                                         |          |    |                   |    |
| 16b. Final review of documents                                                                       |          |    |                   |    |
| 16c. All insurance binders received                                                                  |          |    |                   |    |
| 16d. Prepare data entry sheet                                                                        |          |    |                   |    |

**CLOSING CHECKLIST**

Account Name: \_\_\_\_\_

Approved: \_\_\_\_\_

| ITEM REQUIRED                                      |                 |    |                          |    |
|----------------------------------------------------|-----------------|----|--------------------------|----|
|                                                    | <b>Required</b> |    | <b>Received/Complete</b> |    |
|                                                    | Yes             | No | Yes                      | No |
| <b>C. DOCUMENTS TO BE REVIEWED AND/OR MODIFIED</b> |                 |    |                          |    |
| 1. Promissory Note                                 |                 |    |                          |    |
| 2. Security Agreement                              |                 |    |                          |    |
| 3. Loan Agreement                                  |                 |    |                          |    |
| 3.a. UCC Filings                                   |                 |    |                          |    |
| 4. Participation Agreement                         |                 |    |                          |    |
| 5. Continuing Guaranty                             |                 |    |                          |    |
| 6. Other documents                                 |                 |    |                          |    |
| 7. Warrant Agreement                               |                 |    |                          |    |
| 8. Copies of Subordinated Debt                     |                 |    |                          |    |
| 9. Copies of Other Notes/Warrants                  |                 |    |                          |    |
| 10. Inter-creditor Agreement                       |                 |    |                          |    |

Exhibit H

## Loan File Checklist

### LOAN FILE CHECKLIST

Applicant: \_\_\_\_\_

APPLICANT:

MAILING ADDRESS: \_\_\_\_\_

CONTACT ADDRESS: \_\_\_\_\_

PHONE:( ) \_\_\_\_\_ FAX:( ) \_\_\_\_\_

PROJECT ADDRESS: \_\_\_\_\_

#### CHECK ONLY THOSE REQUIRED FOR APPLICATION:

|                                                                                   |                                                    |                                                                       |                                                                                    |
|-----------------------------------------------------------------------------------|----------------------------------------------------|-----------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <input type="checkbox"/> Application                                              | <input type="checkbox"/> Business Plan             | <input type="checkbox"/> Balance Sheet & Income Statement (projected) | <input type="checkbox"/> Tax Returns                                               |
| <input type="checkbox"/> Interim Statements                                       | <input type="checkbox"/> Aging of A/R, A/P & Taxes | <input type="checkbox"/> Projected Cash Flow (12) months              | <input type="checkbox"/> Personal Financial Statement                              |
| <input type="checkbox"/> Personal Tax return                                      | <input type="checkbox"/> Business Tax return       |                                                                       | <input type="checkbox"/> Personal credit report                                    |
| <input type="checkbox"/> Business credit report                                   | <input type="checkbox"/> Purchase & sale agreement |                                                                       | <input type="checkbox"/> Construction schedule                                     |
| <input type="checkbox"/> Bid or cost estimates                                    | <input type="checkbox"/> Appraisal or valuation    |                                                                       | <input type="checkbox"/> List of other collateral                                  |
| <input type="checkbox"/> Legal or Parcel Numbers                                  | <input type="checkbox"/> Organizational documents  |                                                                       | <input type="checkbox"/> List of existing loans, commitments, or equity investment |
| <input type="checkbox"/> Copies of tenant leases                                  | <input type="checkbox"/> Copies of building leases |                                                                       | <input type="checkbox"/> Environmental Questionnaire                               |
| <input type="checkbox"/> NEPA/CEQA or other environmental reporting requirements. | <input type="checkbox"/> Completed loan write-up   |                                                                       | <input type="checkbox"/> Other                                                     |

COMMENTS: \_\_\_\_\_

Completed By: \_\_\_\_\_ Date: \_\_\_\_\_

Does reviewer recommend this application for consideration & approval?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Exhibit I

### Sample Servicing Report

#### LOAN SERVICING REPORT Insurance, Jobs Report and Site Visits

START-UP LIST OF EXISTING AND PROJECTED JOBS: \_\_\_\_\_

JOBS REPORTS DUE: \_\_\_\_\_

JOB CREATION OBJECTIVE: ( ) MET: \_\_\_\_\_ (Date)

JOB RETENTION OBJECTIVE: ( ) MET: \_\_\_\_\_ (Date)

Job Creation/Retention Reports Received:

|             |                        |
|-------------|------------------------|
| Date: _____ | Employee Status: _____ |
| Date: _____ | Employee Status: _____ |
| Date: _____ | Employee Status: _____ |
| Date: _____ | Employee Status: _____ |
| Date: _____ | Employee Status: _____ |

Insurance Certificate with the RLF listed as Loss Payee Required on:

- ( ) FF&E ( ) Vehicles ( ) Real Estate ( ) Inventory
- ( ) Personal Residence ( ) Key Man Life Insurance
- Other ( ) General Liability

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

Collateral Covered: \_\_\_\_\_

Agent Name: \_\_\_\_\_ Agent Phone: \_\_\_\_\_

Expires: \_\_\_\_\_

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

Collateral Covered: \_\_\_\_\_

Agent Name: \_\_\_\_\_ Agent Phone: \_\_\_\_\_

Expires: \_\_\_\_\_

Comments on Expirations/Change of Coverage:

\_\_\_\_\_  
\_\_\_\_\_

| <b>LOAN MONITORING and SITE VISIT REPORT</b> |  |                        |     |                        |    |    |
|----------------------------------------------|--|------------------------|-----|------------------------|----|----|
| BORROWER:                                    |  |                        |     |                        |    |    |
| CONTACT NAME:                                |  |                        |     |                        |    |    |
| PHONE NUMBER:                                |  | REPORT DATE            |     |                        |    |    |
| REVIEWER NAME:                               |  |                        |     |                        |    |    |
| NAME OF STAFF INTERVIEWED:                   |  |                        |     |                        |    |    |
| PROJECT SITE VISIT:                          |  | Yes                    | No  | FILE REVIEW ONLY?      |    | No |
|                                              |  |                        |     |                        |    |    |
| ORIGINAL LOAN PURPOSE (Use of Proceeds):     |  |                        |     |                        |    |    |
|                                              |  |                        |     | Days Delinquent        |    |    |
| STATUS OF LOAN:                              |  | Current                |     |                        |    |    |
|                                              |  | Delinquent             |     |                        |    |    |
| <b>G. LOAN AGREEMENT IN COMPLIANCE</b>       |  |                        | Yes |                        | No |    |
| Comments                                     |  |                        |     |                        |    |    |
|                                              |  |                        |     |                        |    |    |
| JOB CREATION and/or RETENTION                |  |                        |     |                        |    |    |
| Full-time #                                  |  | Part-time #            |     | Minority/Ethnic Group  |    |    |
|                                              |  | Hours worked per week: |     | Asian Pacific Islander |    |    |
|                                              |  |                        |     |                        |    |    |
| FOLLOW-UP and/or REQUESTS TO BORROWER:       |  |                        |     |                        |    |    |
|                                              |  |                        |     |                        |    |    |
| DATE OF NEXT REVIEW:                         |  |                        |     |                        |    |    |



Exhibit J

---

**Sample Default Notification Letter**  
**LOAN DEFAULT NOTIFICATION LETTER**

Date:

Borrower Name  
Address  
City, State, Zip

Loan #:  
RE Account:  
Amount Past Due:  
Late Charges:

Dear (Borrower):

You are hereby notified that due to your failure to make the monthly payments due for (time-span, year), for the total amount indicated above, pursuant to the terms of that certain Promissory Note dated \_\_\_\_\_ in the original principal amount of \$ \_\_\_\_\_ (the Note) given to you by the Berkeley Revolving Loan Fund (RLF), you are in default under the terms of the Note.

Pursuant to the terms of the Note, the City hereby demands that you pay all payments now due, together with accrued interest, late charges, and any costs or fees incurred by the Authority in connection with the default as provided in the Note.

The current principal balance of the Note is \$ \_\_\_\_\_ as of \_\_\_\_\_, with interest accruing on the principal balance from \_\_\_\_\_, the date of your default, at the rate of \_\_\_\_\_ ( \_\_\_\_\_ %) per annum. In addition, you are required to pay a late charge equal to five percent (5%) of the amount of the monthly payment due for each thirty day period after fifteen days from the due date of such payment. Late charges accrued are indicated above.

All payments must be made to the City of Berkeley RLF at.....

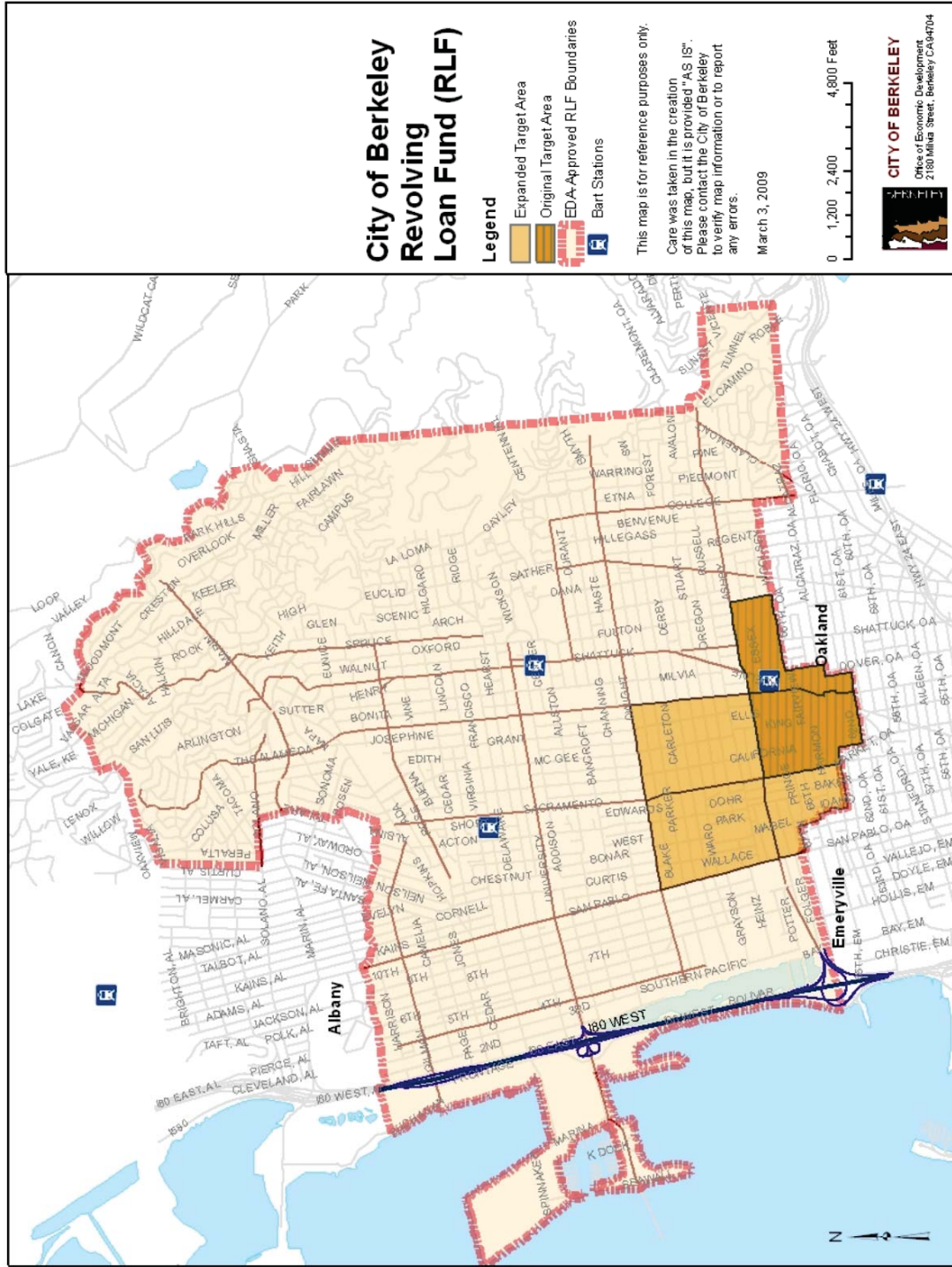
You are being given 30 days from the date of this letter to bring these payments current. Failure to do so will result in legal action against the corporation, and you personally.

Sincerely yours,

Economic Development Manager

Exhibit K

# Map of Target Area







UNITED STATES DEPARTMENT OF COMMERCE  
Economic Development Administration  
SEATTLE REGIONAL OFFICE  
915 Second Ave, Room 1890  
Seattle, WA 98174

July 23, 2020

In reply refer to:  
Investment No.: 07-79-07605

Jordan Klein, Economic Development Manager  
City of Berkeley  
2180 Milvia St., Fifth Floor  
Berkeley, CA, 94704

Sent via email

Dear Mr. Klein:

I am pleased to inform you that the Department of Commerce's Economic Development Administration (EDA) has approved your non-competitive CARES Act RLF application for a \$814,000.00 EDA investment.

Enclosed is a signed copy of the Financial Assistance Award. Your agreement to the terms and conditions of the award should be indicated by the signature of your principal official on each of the signed copies of the Financial Assistance Award. You may return a signed copy electronically (via email) to my staff.

The Department of Commerce Office of Inspector General requires that all recipients of awards under the CARES Act must participate in Fraud Awareness Training. All personnel at your organization responsible for overseeing contractors, sub-contractors, sub-grantees, or who are otherwise responsible for managing your organization's finances are required to take the training. This requirement is satisfied by reading and understanding the enclosed PowerPoint presentation. Once you and the appropriate personnel at your organization have completed the training, please return a signed copy of the certification page (page 38) to your Project Officer.

Please do not make any commitments in reliance on this award until you have carefully reviewed and accepted the terms and conditions. Any commitments entered into prior to obtaining approval of EDA in accordance with its regulations and requirements will be at your own risk.

As a reminder, EDA is requesting two items from your organization within 60 days of the award. The first is, if you believe it appropriate, a revised RLF Administrative Plan incorporating any new policies or procedures you believe to best serve the implementation of this RLF Award. If you feel that your existing RLF Administrative Plan would serve adequately, please inform your Project Officer. The second item is a Grant Administration Plan, the requirements of which are discussed in Specific Award Condition #27.

EDA's mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. EDA implements this mission by making strategic investments in the nation's most economically distressed communities that encourage private sector collaboration and creation of higher-skill, higher wage jobs. EDA investments are results driven, embracing the principles of technological innovation, entrepreneurship and regional development.

CARES Act RLF Award  
Award #07-79-07605

I share your expectations regarding the impact of this investment and look forward to working with you to meet the economic development needs of your community.

Sincerely,



Digitally signed by A SMITH  
DN: c=US, o=U.S. Government, ou=Department  
of Commerce, ou=Economic Development  
Administration, cn=A SMITH,  
0.9.2342.19200300.100.1.1=13001000886842  
Date: 2020.07.23 08:34:48 -07'00'  
Adobe Acrobat version: 2017.011.30171

A. Leonard Smith  
Regional Director





Office of the City Manager

CONSENT CALENDAR

October 27, 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: Berkeley Economic Dashboards and Demographic Profile Update

INTRODUCTION

The Office of Economic Development (OED) is pleased to present the Citywide Economic Dashboard update for December 2019 (Attachment 1), the updated Commercial District Dashboards (Attachment 2), and a Demographic and Economic Profile update (Attachment 3).

POLICY COMMITTEE RECOMMENDATION

On September 17, 2020, the Land Use, Housing, & Economic Development Committee adopted the following action: M/S/C (Droste/Harrison) to send the item back to Council with a positive recommendation that the item be deemed received. Vote: All Ayes.

The video of the presentation made at the September 17, 2020 Land Use, Housing, & Economic Development Committee meeting is available via Zoom from this link:

[https://us02web.zoom.us/rec/play/YuqK7Tddar5C2gw3Ucsg\\_YiwUOBOYmXQEf5ku-TSx\\_i9vcQOVuRnwiR8HdXjZqMhilSwsjONwpEYgjRs.-ZQGVOqaqyA2H2be](https://us02web.zoom.us/rec/play/YuqK7Tddar5C2gw3Ucsg_YiwUOBOYmXQEf5ku-TSx_i9vcQOVuRnwiR8HdXjZqMhilSwsjONwpEYgjRs.-ZQGVOqaqyA2H2be)

CURRENT SITUATION AND ITS EFFECTS

Over the past five years, Berkeley has experienced economic growth comparable with that of the Bay Area region. By a variety of indicators, Berkeley's economy continued to perform well through the start of 2019 and the final quarter of 2018. However, there are also some indicators of slowed or flattening growth, such as decreasing sales tax revenues. Key findings include:

- **Berkeley's unemployment rate remains extremely low.** Berkeley's average unemployment rate for 2019 is 2.4% as compared with 2.8% in 2018. In comparison, Alameda County's average unemployment rate in 2019 is 3.1%, while California's is 4.2%.
- **Berkeley's sales tax performance was essentially flat from FY2018 to 2019.** The year-end cumulative total sales tax revenues increased by 0.7% from Q2 2018 to Q2 2019. This trends behind both the 9-county region (which increased by 2.5%) and the state (+2.5%). Quarter over quarter, sales tax revenues in Q2

2019 were 1.3% lower than in Q2 2018, including decreases in sales tax generated by Retail activities (-2.2%) and by the Construction sector (-6.3%).

- **Office vacancy rates in Berkeley remain low.** Overall office availability in Berkeley increased six-tenths of a percent from Q2 2019 (4.2%) to Q3 2019 (4.8%). For context, the East Bay office market area average during this same period was 10.3%. Demand remains high in Berkeley while inventory continues to remain low; asking office rents in the City average \$3.30 per square foot.
- **The average citywide ground floor commercial vacancy rate was up slightly to 5.4% in Q3 2019 (from 5.0% in Q4 2018).** In particular, the Downtown Berkeley and West Berkeley districts have increased commercial vacancy, owing to a small number of large square footage vacancies (2,000-10,000 square feet). The newly vacant spaces are being actively marketed for tenants and new leases are currently under development. In each of the other seven districts tracked in the database, vacancy rates have stayed level or slightly decreased.
- **Retail in commercial districts, as a share of total square footage, continues to decline.** The percentage of ground floor commercial square footage occupied by retail uses has decreased from 42.8% in 2015 to 37.7% in 2019. As retail has declined, ground floor commercial spaces have been increasingly occupied by office uses, personal services, food and beverage services, and other non-retail uses (including non-conforming uses, spaces that are leased but inactive, and pending development projects).
- **Housing costs in Berkeley remain high for buyers and for renters, consistent with the Bay Area region overall.** In 2019 Berkeley's median home sale prices remain higher than its neighboring communities, driven by a strong overall economy and limited housing inventory. As of September 2019 the median sale price for a single family home was \$1.24 million. However, prices in Albany and Alameda increased by a third in the past year, while Berkeley's home prices have remained relatively stable.

## BACKGROUND

In a December 2015 information report to City Council, OED released a set of new publications, the Citywide Economic Dashboard and Commercial District Dashboards, which analyze a wide variety of economic trends and indicators in Berkeley. Attached to this report is an updated version of the Citywide Economic Dashboard and Commercial District Dashboard for December 2019 (Attachments 1 and 2). These dashboards are designed to make current economic and community data and information more accessible to Council, City staff, and community stakeholders. The reports provide updated information through Q3 2019. OED staff will continue to update these dashboards on a semi-annual basis, as staffing allows, and has posted the most recent version on the City's website at <http://www.ci.berkeley.ca.us/oed/reports/>.



Also included in this package of publications is an update to the Citywide Demographic and Economic Profile (Attachment 3) which provides information about Berkeley's population, business sectors and amenities. This information helps investors, business owners, and other stakeholders become more familiar with the Berkeley market.

To produce these publications, OED staff compiled and analyzed a wide variety of data sources including the American Community Survey (US Census Bureau), the Quarterly Census of Employment and Wages (Bureau of Labor Statistics), Monthly Labor Force Data (California Employment Development Department), commercial real estate data (Newmark Cornish & Carey), housing market MLS data (Berkeley Rent Stabilization Board, Redfin) and sales tax data (MUNI Services/Avenu Insights). Staff also analyzed data from City databases including business licenses, building permits and planning permits, and City publications such as rent board reports and start up information from the Berkeley Startup Cluster, and those of Berkeley's startup incubators and accelerators. Finally, in the third quarter of 2019 OED staff updated its periodic occupancy survey of ground floor commercial spaces in commercial districts around the City (Attachment 2). Due to a lag in availability of some data, many of the findings presented in the attached publications are most relevant to beginning of 2019 or late 2018, but others reflect the third quarter of 2019. These publications support the City's Strategic Plan, advancing our goal *to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.*

#### ENVIRONMENTAL SUSTAINABILITY

Many of the City's environmental sustainability goals are inextricably tied to the overall health of the City's economy. Staff believes that the continued pursuit of sustainable economic goals, represents a strength for Berkeley and demonstrates a competitive advantage of the City and the region.

#### POSSIBLE FUTURE ACTION

OED staff will, as directed by Council through previous and future referral items, partner with other City departments and community partners to implement programs and policies that foster a dynamic, sustainable, and locally-based economy.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Actions that facilitate increased economic activity tend to boost revenues related to sales tax and property tax, and thus have positive fiscal impacts on the city.

#### CONTACT PERSON

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

#### Attachments:

- 1: Citywide Economic Dashboard
- 2: Commercial District Dashboards

3: Citywide Demographic and Economic Profile



city of

# BERKELEY



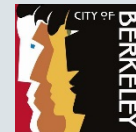
## Economic Dashboard

December 2019

Office of Economic Development

**Disclaimer:** The City of Berkeley makes no representations about the suitability of the information contained in this document for any purpose. The information is provided "as is" without warranty, either express or implied, of any kind. The published document may contain technical inaccuracies or typographical errors. Changes are periodically added to the information herein. The City of Berkeley may make improvements and/or changes to the document at any time.

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- Small Business Revolving Loan Fund

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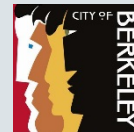
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# EMPLOYMENT:



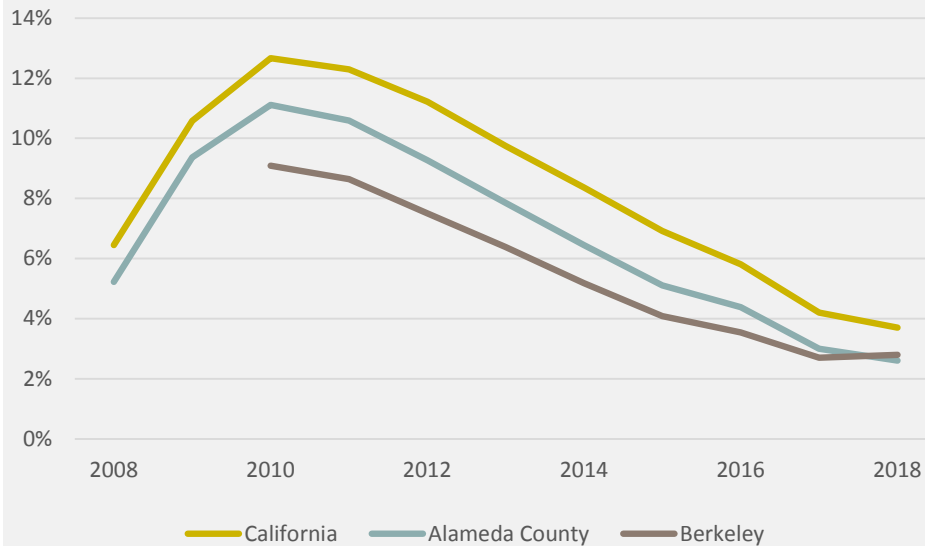
## labor force & employment figures

### City of Berkeley Averages, 2016-2018

| Year | Labor Force | Employed Residents | Unemployment Rate |
|------|-------------|--------------------|-------------------|
| 2016 | 62,166      | 60,000             | 3.5%              |
| 2017 | 63,700      | 61,900             | 2.7%              |
| 2018 | 64,700      | 62,900             | 2.8%              |

Source: CA Employment Development Department, Labor Market Information Division

### Unemployment Rates, Averages 2000-2018



Source: CA Employment Development Department (EDD), LMI Division, Reported Q4 2018

### Employment & Jobs: Fast Facts

- The East Bay (Oakland, Berkeley, Hayward) average unemployment rate for Q2 2019 is 3%.
- In comparison, Alameda County's average unemployment rate in Q2 2019 is 3.1%, while California's is 4.2%.
- Between July 2018 and July 2019, the total number of jobs in the East Bay increased by 21,600 jobs, or 1.8%.



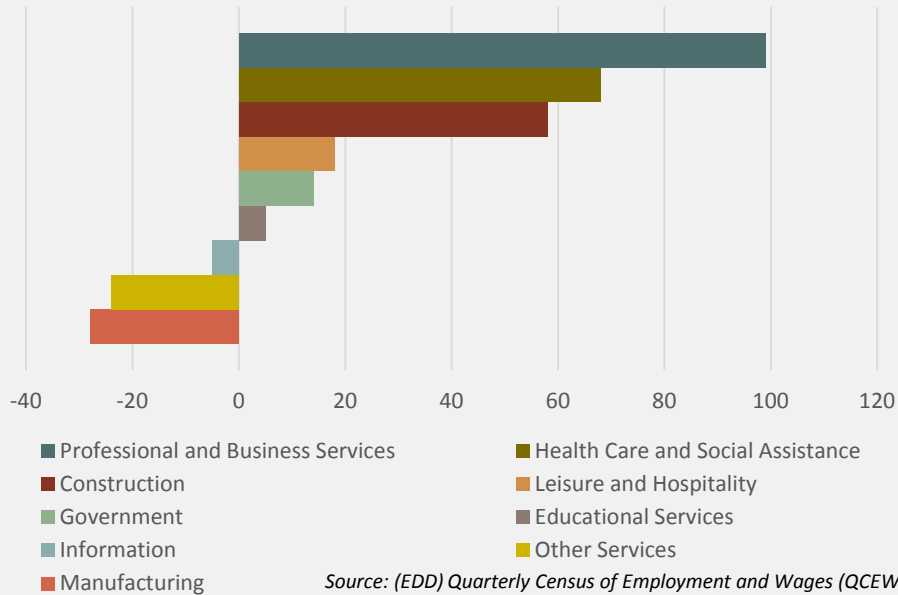
Images clockwise from left: Nabolom Bakery, UC Berkeley, UCB, Slingfin.

# EMPLOYMENT:

## growth by industry sector



Number of Jobs Added 2018-2019, By Sector



### Bayer Expanding in Berkeley

In May of 2019, Bayer broke ground on a new technology center, expanding their scientific research activities and their community-wide impact in Berkeley. Bayer plays an important role in the City, creating hundreds of jobs, fashioning training and mentorship programs with local students, and supporting local health and educational programs through their foundation.



Once opened, Bayer expects to have 100 new employees assigned to the facility.<sup>1</sup> Construction is expected to be completed in 2021.

Image: Bayer

<sup>1</sup> Bayer breaks ground on \$150m building to make biologic therapies, Berkeleyside, May 10, 2019

### Kaiser Brings Jobs and More Health Options

This year the Zoning Adjustment Board and City Council approved plans for a new medical office building to be completed in 2021. Kaiser’s expansion will bring new medical services, mental health care, a pharmacy and other outpatient offerings to San Pablo Avenue.



Image: Gould Evans

| Sector                     | % Change in Employment 2018 | % Change in Employment 2019 |
|----------------------------|-----------------------------|-----------------------------|
| Construction               | 4.0%                        | 7.6%                        |
| Personal Care Services     | 4.2%                        | -3.1%                       |
| Food and Beverage          | 3.1%                        | 0.4%                        |
| Leisure and Hospitality    | 0.5%                        | 1.5%                        |
| Social Assistance Services | 3.4%                        | 4.3%                        |
| Health Care Services       | 2.2%                        | 4.0%                        |





## top employers & innovation sector

### Berkeley's Largest 25 Employers, by Number of Employees

|                                  |                                    |
|----------------------------------|------------------------------------|
| Ansys, Inc.                      | Lawrence Berkeley Laboratory       |
| Backroads Inc.                   | Lifelong Medical Care              |
| Bayer Healthcare LLC             | OC Jones & Sons                    |
| Berkeley Bowl Produce            | Recreational Equipment Inc. (REI)  |
| Berkeley Cement Inc.             | Rigetti Quantum Computing          |
| Berkeley City College            | Siemens Corporation                |
| Berkeley Marina Doubletree       | Solar Mosaic Inc.                  |
| Berkeley Repertory Theatre       | Sutter Bay Hospitals               |
| Berkeley Unified School District | Target Corporation                 |
| City of Berkeley                 | University of California, Berkeley |
| Genji Pacific                    | Whole Foods Market California Inc. |
| Kaiser Permanente                | YMCA of the Central Bay Area       |
| Meyer Sound Laboratories         | Source: EDD, QCEW Data Q4 2018     |

### Discovered in Berkeley: Home-Grown Success



**Wild Earth: Taking on factory farms, one bag of kibble at a time**

By Local sponsor, Dec. 5

Image: *Berkeleyside.com*

From glasses for the colorblind, to craft beverages, to sustainable reuse companies, Berkeley businesses are developing exceptional products in our backyard and spreading their success throughout the world. This year, the City of Berkeley launched Discovered in Berkeley, designed to highlight, celebrate, and support the innovative ecosystem of Berkeley based startups, businesses, and manufacturers building businesses, economic success, and community. This initiative provides assistance to grow businesses, local employees, and personalized advice and support to ensure long-term success and impact. Throughout 2020, the Office of Economic Development will be featuring stories highlighting these companies in the local publication *Berkeleyside*, and the micro-site *DiscoveredinBerkeley.com* and on social media with the hashtag: #DiscoveredinBerkeley.



Images from the Discovered in Berkeley marketing campaign: ACCI Gallery (Above), Encroma Inc. (Right-Top) Bay Area Co-Roasters (Right-Bottom)





## small business revolving loan fund

The City of Berkeley's Revolving Loan Fund (RLF) is federally funded by the Economic Development Administration (EDA) and provides access to capital for businesses that don't qualify for traditional commercial loans.

| Portfolio Summary 2019      | Total Loans* | Active Loans |
|-----------------------------|--------------|--------------|
| Number of RLF Loans         | 42           | 9            |
| RLF \$ Loaned               | \$2,463,417  | \$910,000    |
| Total Non-RLF \$ Leveraged  | \$7,568,959  | \$2,414,543  |
| Private Sector Jobs Created | 206          | 39           |
| Private Sector Jobs Saved   | 96           | 71           |

\*Total Loans originated from RLF fund since inception (1980).

|                | Number of Loans | \$ Loaned          | Number of Jobs - Created and Saved |
|----------------|-----------------|--------------------|------------------------------------|
| Minority Owned | 17              | \$949,840          | 119                                |
| Women Owned    | 12              | \$565,300          | 108                                |
| <b>Totals</b>  | <b>26</b>       | <b>\$1,515,140</b> | <b>227</b>                         |

## Giving Worker Owned Co-Ops a Hand

Worker owned cooperatives are a vital part of Berkeley's local economy. These businesses are owned and run by employees, and often provide higher wages, benefits, professional development, job security, and upward mobility for low to moderate income people. Unfortunately, these businesses are at a disadvantage to conventional business ownership models when it comes to accessing startup capital or loans.

The City of Berkeley has recently developed policies and programs to support worker cooperatives, including increasing access to capital. Over the past year, OED staff and the Loan Administration Board have worked to consider modifications to the RLF to support worker owned cooperatives which were approved by Council in September 2019. The revised RLF Administrative Plan was approved by the EDA in November 2019.



Images: Worker owned co-ops in Berkeley (L-R), Missing Link Bicycle Co-Op, Three Stone Hearth, The Cheese Board Collective, BioFuel Oasis



## office trends & transactions

| Q2 2019 Office Market, Berkeley | Indicators   |
|---------------------------------|--------------|
| Total Inventory                 | 3,407,669 SF |
| Under Construction              | 42,000 SF    |
| Availability Rate               | 4.27%        |
| Qtr Gross Absorption            | 45,171       |
| Qtr Net Absorption              | 27,000       |
| YTD Net Absorption              | -9,101       |
| Average Asking Rent             | \$3.25 / SF  |

Source: Newmark Cornish & Carey, 2Q19 East Bay Office Market Report

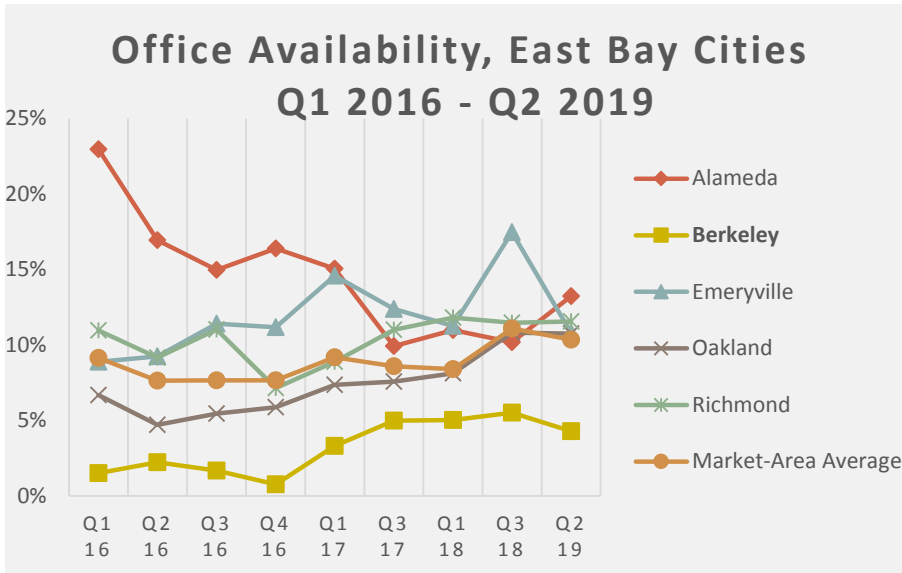
## Office and Industrial Updates

**2105 Bancroft Way** is a historic resource that was originally built



Image: Loopnet

in 1905 as a Masonic Temple, recently completed a full renovation and is now available for lease to office tenants. This is a prime example of how adaptive reuse can add high quality commercial spaces in Downtown Berkeley and beyond.



Source: Newmark Cornish & Carey, Q2 19 East Bay Office Market Report



Image: Devi Dutta Architecture

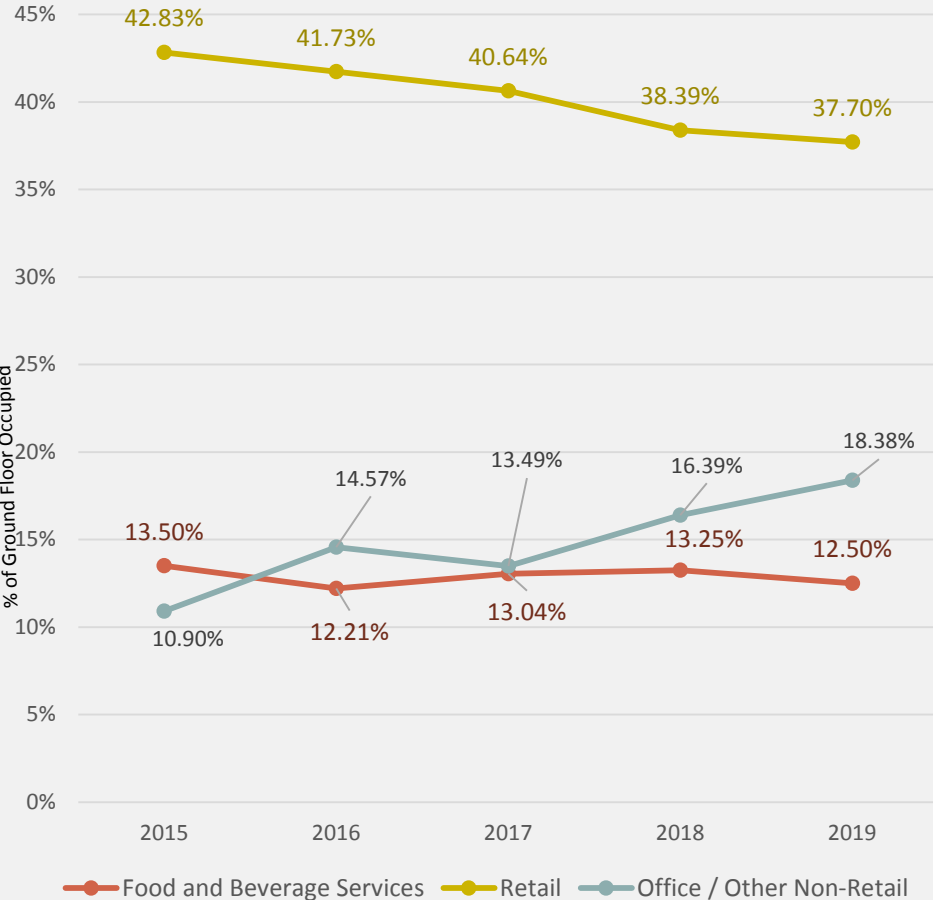
**2120 Berkeley Way** is the first new private office space to be built in Downtown Berkeley in 30 years. The old UC Press building was purchased in 2015 for \$4.8 million and will be converted into a six-story office building which is expected to open in 2020.

Source: Newmark Cornish & Carey, Q2 2019 East Bay Office Market Report 227

## commercial trends & transactions



**Citywide Commercial Inventory, Select Categories, By Square Footage, 2014-2019**



Source: OED, Q3 2019

**Berkeley's Legacy and Family Businesses are Thriving**  
**Berkeley's Book Haven and Local Landmark**



Image Credit: ABE Books, 2017

Moe's books has been a Berkeley staple since 1959. In it's 60 years, this 4-story readers paradise has grown and thrived despite the ups and downs of the internet era and recessions. Recently, the [New York Times](#) wrote about Moe, the founder, and his daughter's quest to continue his legacy.

**There's Magic for All at Games of Berkeley**

Serving as a one-stop-shop for games, toys, activities and more for the past four decades, Games of Berkeley has a long history in Berkeley. Even with a recent move to Durant Ave, the shop is booming as it connects young and old to the joy of games, magic and fun.



**Amoeba Music is Jamming Along**

The world's largest independent record store, Amoeba Music was founded in Berkeley in 1990. Despite the decline in CD sales since the 2000s, Amoeba is still at home on Telegraph and is flourishing and innovating, opening a cannabis dispensary "Hi-Fidelity" as part of their shop in 2018.

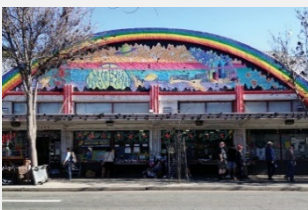
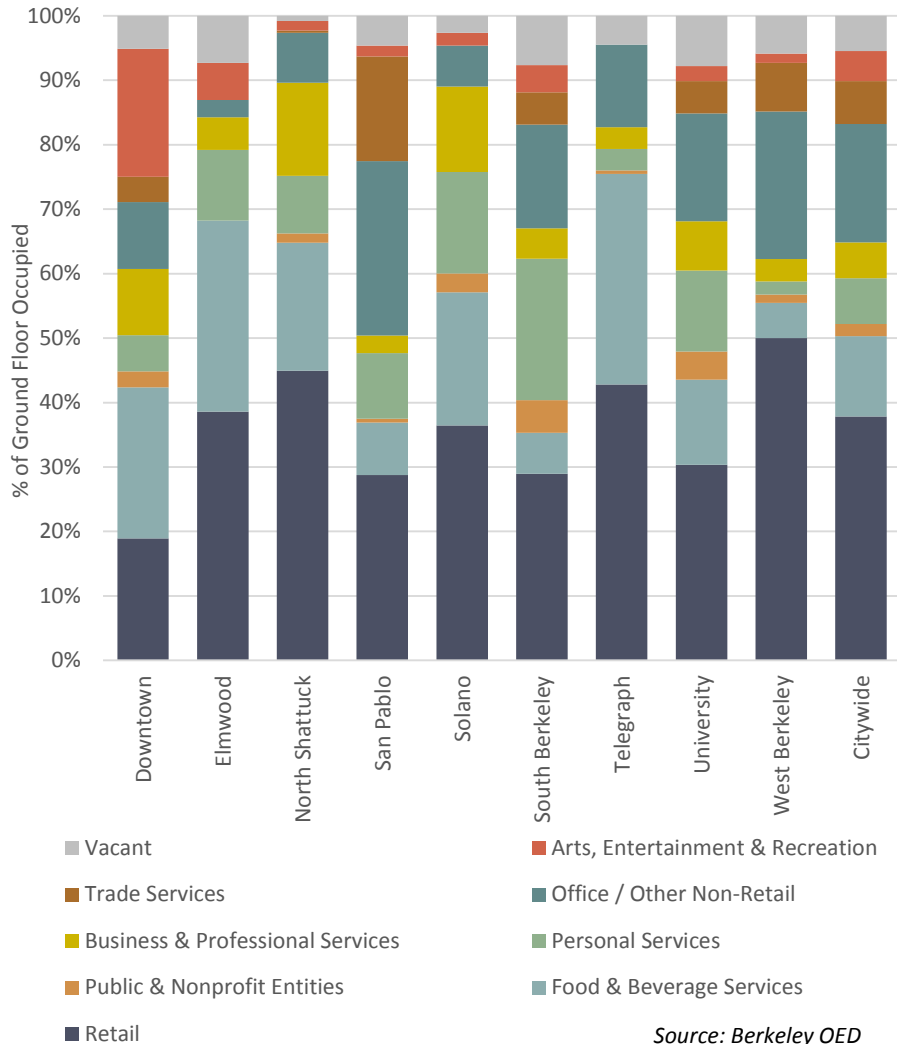


Image Credit: Janet LaFleur, 2015



## commercial districts & vacancy rates

**Ground Floor Commercial Occupancy By Category, 2019 Q3**



Source: Berkeley OED

Citywide, the ground floor commercial vacancy rate has increased to 5.4%, an increase of 0.4% since Q4 of 2018. By district, North Shattuck, Telegraph, and Solano districts have experienced decreases in their vacancy rates since 2018. Downtown and West Berkeley saw slight increases due to turnover in a few key large-floor plate sites.

**Vacancy Rates by District, Calculated by Square Footage, 2014 – Q3 2019**

| District             | 2014 Q4     | 2015 Q3     | 2016 Q3     | 2017 Q4     | 2018 Q4     | 2019 Q3     |
|----------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Downtown             | 11.2%       | 8.4%        | 4.7%        | 4.6%        | 3.1%        | 5.1%        |
| Elmwood              | 2.0%        | 2.0%        | 1.5%        | 5.4%        | 7.3%        | 7.3%        |
| North Shattuck       | 1.6%        | 2.1%        | 2.6%        | 0.4%        | 1.7%        | 0.7%        |
| San Pablo            | 5.9%        | 7.3%        | 5.9%        | 5.5%        | 4.9%        | 4.6%        |
| Solano               | 4.2%        | 3.5%        | 7.5%        | 4.8%        | 4.1%        | 2.6%        |
| South Berkeley       | 8.9%        | 7.9%        | 8.2%        | 9.6%        | 9.7%        | 7.6%        |
| Telegraph            | 12.7%       | 7.1%        | 5.1%        | 7.1%        | 7.9%        | 4.4%        |
| University           | 4.4%        | 9.4%        | 14.2%       | 12.0%       | 11.0%       | 7.8%        |
| West Berkeley        | 3.9%        | 3.3%        | 8.8%        | 1.9%        | 3.7%        | 5.8%        |
| <b>Citywide Avg.</b> | <b>6.6%</b> | <b>5.9%</b> | <b>6.5%</b> | <b>4.6%</b> | <b>5.0%</b> | <b>5.4%</b> |

Source: Berkeley OED

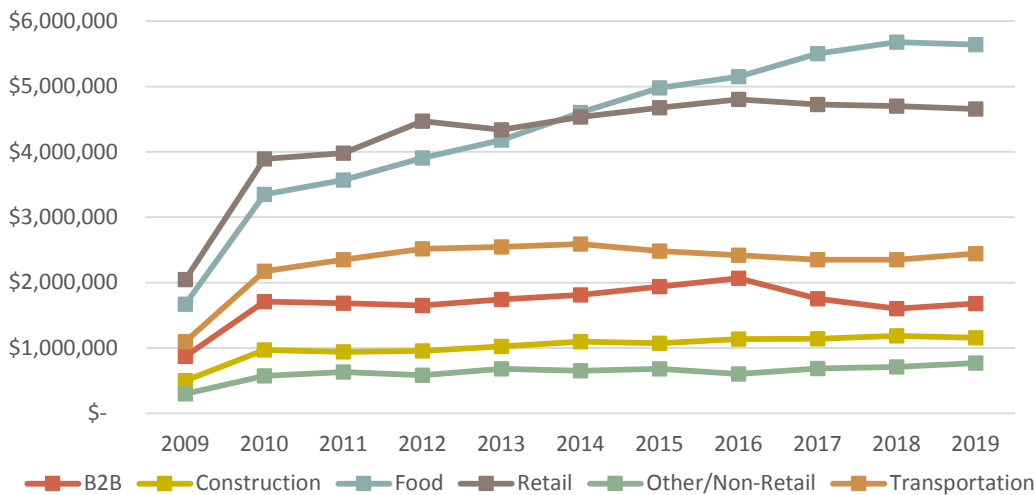
# COMMERCIAL ACTIVITY:



## sales tax revenues

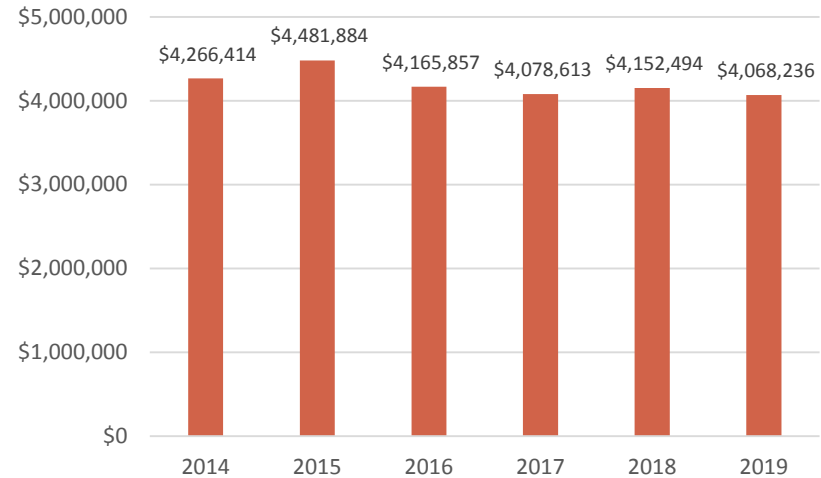
| Total Annual Sales Tax Revenue - Past 4 Quarters | Q3 2017- Q2 2018 | Q3 2018- Q2 2019 | Change |
|--------------------------------------------------|------------------|------------------|--------|
| City of Berkeley                                 | \$16,243,630     | \$16,360,621     | 0.7%   |
| SF Bay Area (Nine County Region)                 | \$1,291,825,554  | \$1,323,927,359  | 2.5%   |
| State of California                              | \$5,466,121,016  | \$5,603,174,227  | 2.5%   |

Annual Sales Tax by Business Category



Source: MuniServices/Avenu, Benchmark Year over Year from 2019 Q2

City of Berkeley  
Q2 Sales Tax Revenues, 2013-2019 (in 2019 \$)



Source: MuniServices/Avenu (Figures Adjusted for 2019 \$)

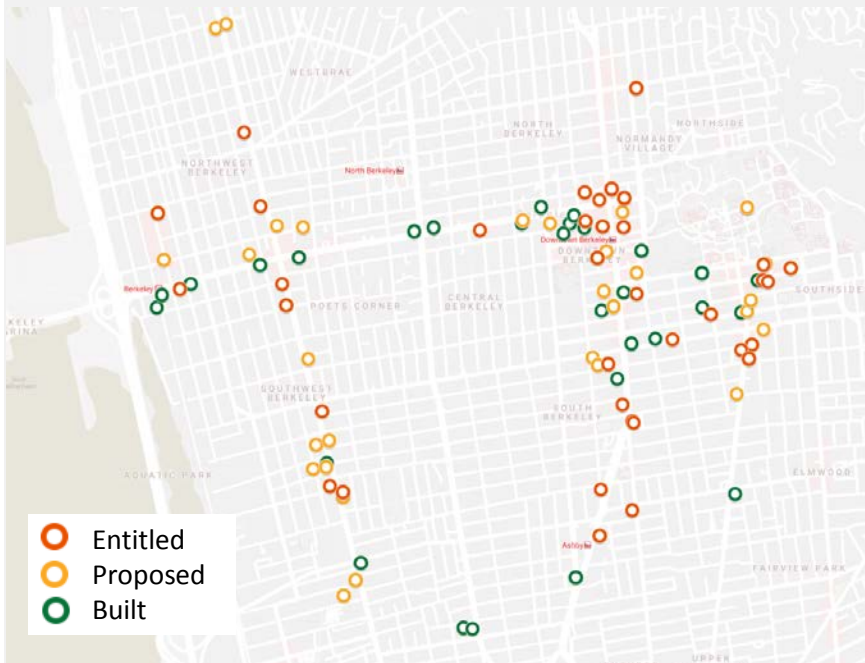
Berkeley's total annual sales tax revenues (quarter over quarter) decreased by 1.3% from Q2 2018 to Q2 2019. This drop was due to the 2.2% decrease in *Retail* (General Retail) sales tax collected and a 6.3% decrease in sales tax collected from *Construction* sector (Building Material sales etc.). While previous increases in *Food and Beverage Sales Tax* helped to make up for these decreases in past years, *Food and Beverage Sales Tax* revenue in 2019 was flat, resulting in the slight Sales Tax revenue decrease overall. Still, as of Q2 2019, the *Food and Beverage* subsector continued to be the largest contributor to the city's sales tax revenue (34.5%), with *Retail* the next largest (28.0%).





## construction & pipeline

### Multi-Unit Projects (5+ Units), 2005 to Present



Data Source: City of Berkeley Planning Department (September 2019); Map: OED

As of September 2019, there are currently 36 housing developments of 5 or more units that are entitled for development or under construction, which will contain 2,458 net new units; this represents a small increase from the number of units that were entitled or under construction as of December 2018 (2,268). An additional 2,206 units (in 27 distinct projects) are proposed. The overall trend in the last two years has been one of increasing numbers of units in the development and construction pipeline.

### Pipeline Project Highlights



Images: Solomon Cordwell Buenz

**1951 Shattuck** is a 12-story, 156-unit project in Downtown Berkeley. The project was by the Berkeley Zoning Adjustments Board (ZAB) in July 2019. Featuring LEED Gold certification, the building will be exclusively powered by electricity rather than gas, and will use union workers throughout construction.

### Pre-Fab Building Constructed in Four Days

The first complex in the nation to use prefabricated steel modular units, this building at 2711 Shattuck Ave was assembled in four days. Hosting 22 apartment units, this accelerated construction time may be an innovative solution to housing shortages around the Bay.

Images: Panoramic Interests



Images: Trachtenberg Architects

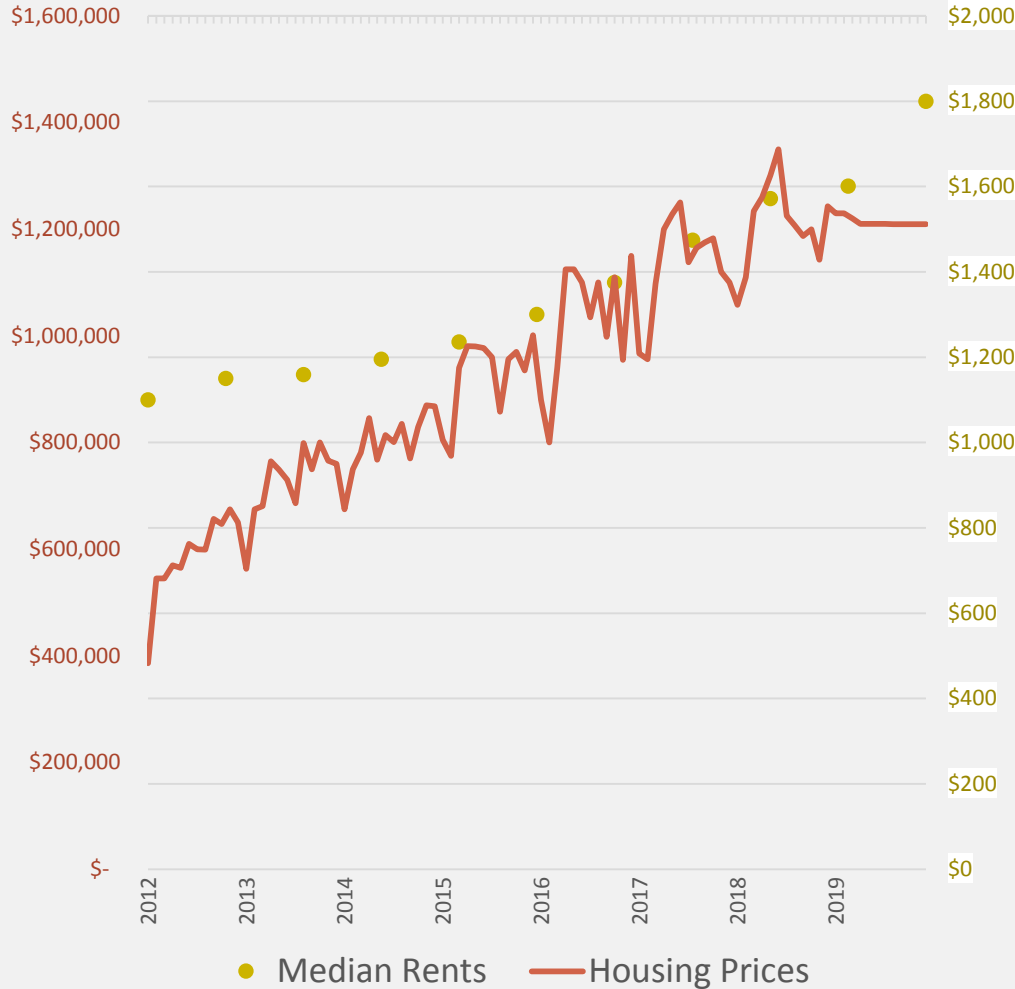
### Third New Complex Opens on Fourth St.

The Aquatic III, the third mixed-use complex spanning the block from 4<sup>th</sup> to 5<sup>th</sup> St. on University Ave, opened in August 2019. Together with the Aquatic I and II, the three buildings hold 258 apartments, 18,000 SF of retail space, 219 parking spots, and room for 98 bicycles.



## housing costs

### Housing Prices and Median Rents in Berkeley 2012-2019



Sources: MLS, Zillow, and City of Berkeley Rent Stabilization Board

### Median Sale Price, Single-Family Homes, Sept. '19

|                 |                    |
|-----------------|--------------------|
| Alameda         | \$923,000          |
| Albany          | \$970,400          |
| <b>Berkeley</b> | <b>\$1,240,000</b> |
| El Cerrito      | \$842,000          |
| El Sobrante     | \$492,300          |
| Emeryville      | \$518,300          |
| Oakland         | \$732,800          |
| Richmond        | \$444,700          |
| San Leandro     | \$645,800          |

Sources: Zillow (top), Curbed SF May 6, 2019 (bottom)

Berkeley home values have cooled slightly over the past year, snapping a 7 year upward trend in the market, and reflecting a small downward trend in housing prices nationally.

SF REAL ESTATE MARKET REPORTS

### Bay Area home prices (barely) drop for first time in seven years

"The chickens will be coming home to roost this spring"

By Adam Brinklow | May 2, 2019, 10:21am PDT

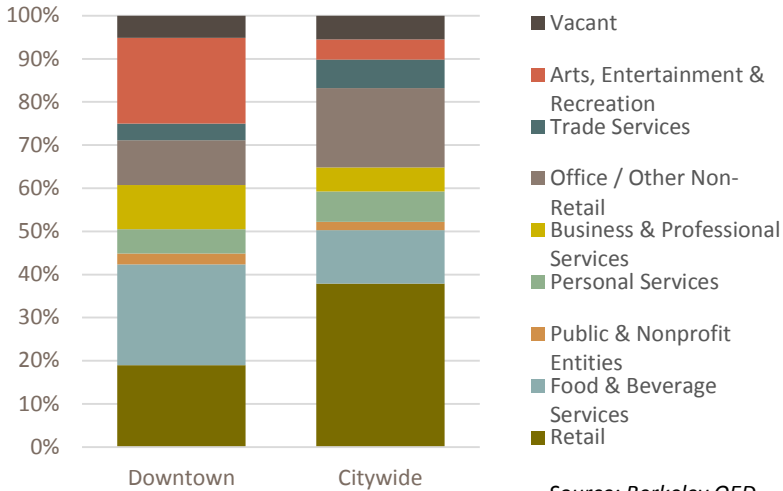
Photo by Sanfranman59



Downtown Berkeley serves as the City's core commercial district, meeting the daily needs of residents, students, workers, and visitors. The district benefits from a significant concentration of arts and entertainment uses, which occupy 19.8% of total ground floor commercial space in the district compared to 4.6% citywide. As of Q3 2019, the vacancy rate in Downtown is 5.1%, which has increased since 2018. Sales tax revenue generated in 2018 by Food & Beverage services continues to rise coming in over one million dollars in 2018 (\$1,112,586). Retail sales tax revenue has decreased slightly from 2017.

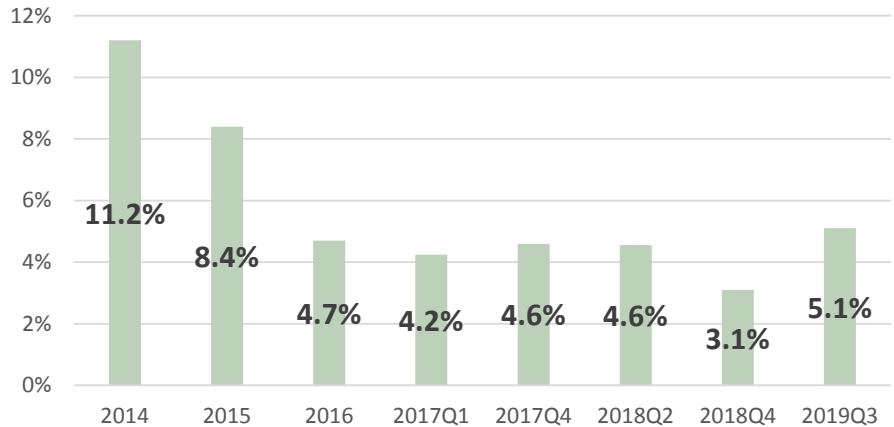


### Ground Floor Commercial Business Mix (by Square Footage), 2019 Q3



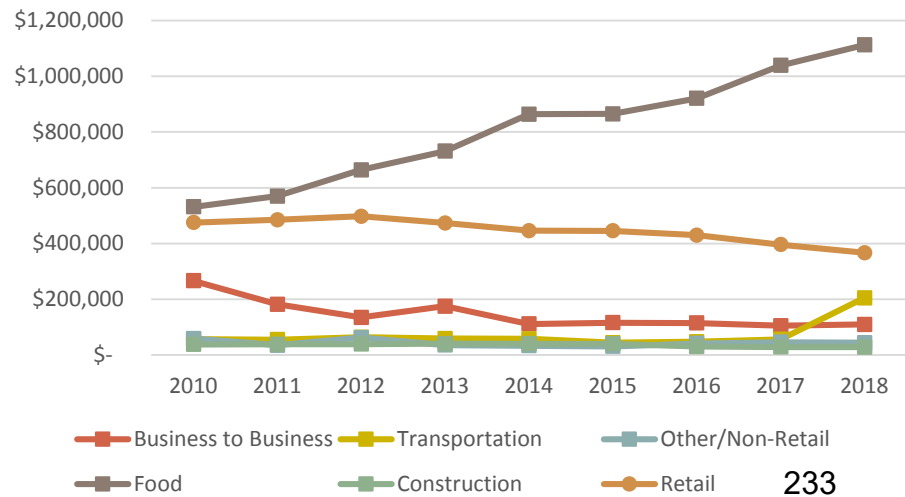
Source: Berkeley OED

### Ground Floor Commercial Vacancy Rate (by Square Footage), 2014-2019



Source: Berkeley OED

### Sales Tax Revenue by Sector, 2010-2018



233

Source: MuniServices

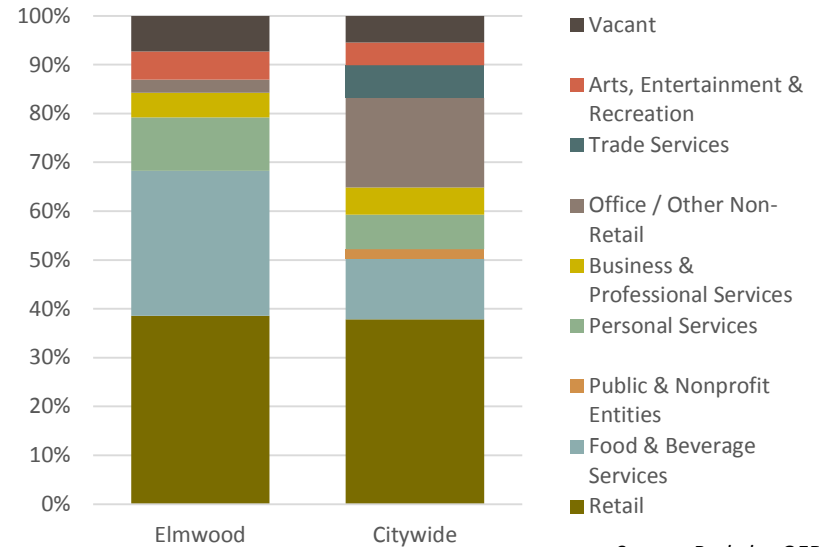


The Elmwood is a compact three block commercial district along College Avenue near the Berkeley-Oakland border and the neighboring Rockridge shopping district. The Elmwood district is characterized by a high concentration (29.6%) of Food & Beverage services, and is a walkable, neighborhood-serving commercial district. As of Q3 2019, the district's vacancy rate by square

footage was 7.3%, a decrease from Q2 2018 (10.4%). The decrease is due primarily to the turnover of smaller (by square footage) restaurants and expanding service businesses. Despite the fluctuations in the vacancy rate over this period, when vacant, Elmwood storefronts remain actively marketed for lease and turnover is brisk.

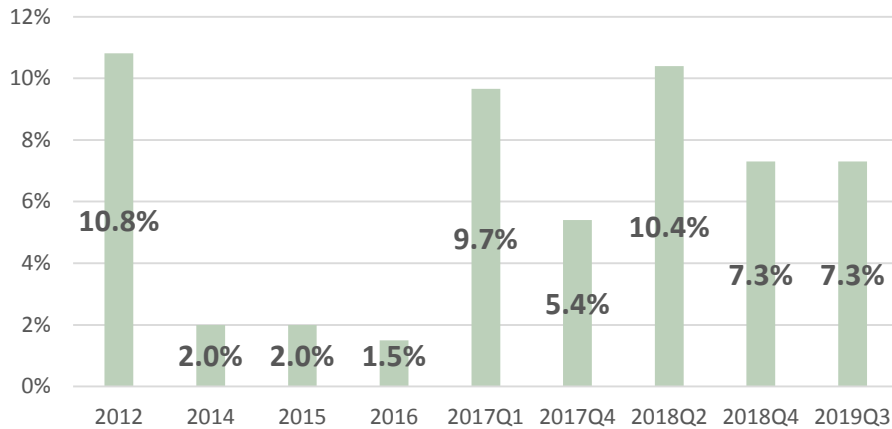


## Business Mix (by Square Footage), 2019 Q3



Source: Berkeley OED

## Ground Floor Commercial Vacancy Rate (by Square Footage), 2012-2019



Source: Berkeley OED

## Sales Tax Revenue by Sector, 2010-2018



Source: MuniServices





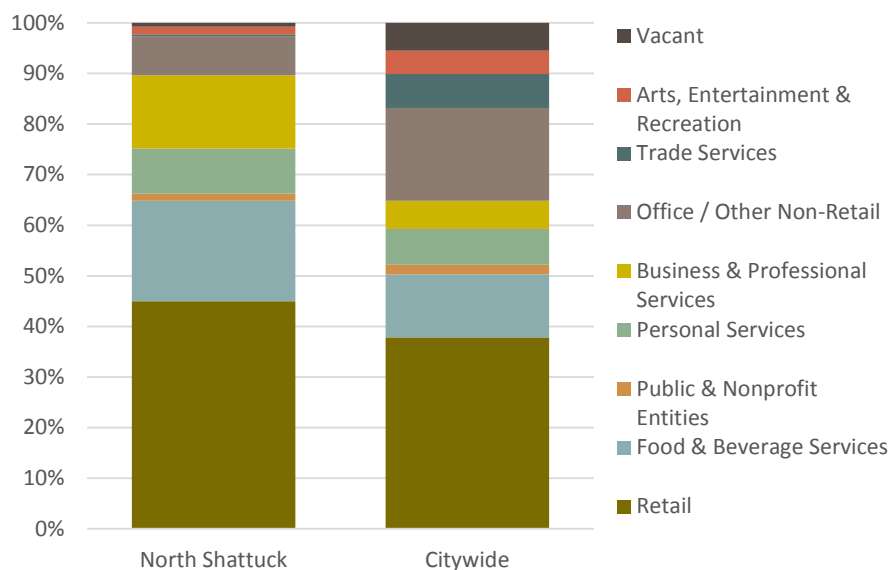
# NORTH SHATTUCK: 2019 Q3 Snapshot

North Shattuck is one of Berkeley's oldest commercial districts, just north of Downtown. The district is characterized by a high concentration of well-known, long-standing, and celebrated restaurants, including Chez Panisse and the Cheeseboard. North Shattuck is both a walkable, neighborhood-serving commercial district as well as a global destination for food and dining. As of Q3 2019, the district's vacancy rate by square footage was 0.7%, which is up slightly from the lowest ever of 0.4% in 2017.

New establishments to look forward to in 2020 include a new operator (Cupcakin') in the former Virginia Bakery location, a Cheeseboard expansion at the northwest corner of Shattuck and Vine Streets and the return of North Berkeley Wine Imports to the northeast corner.

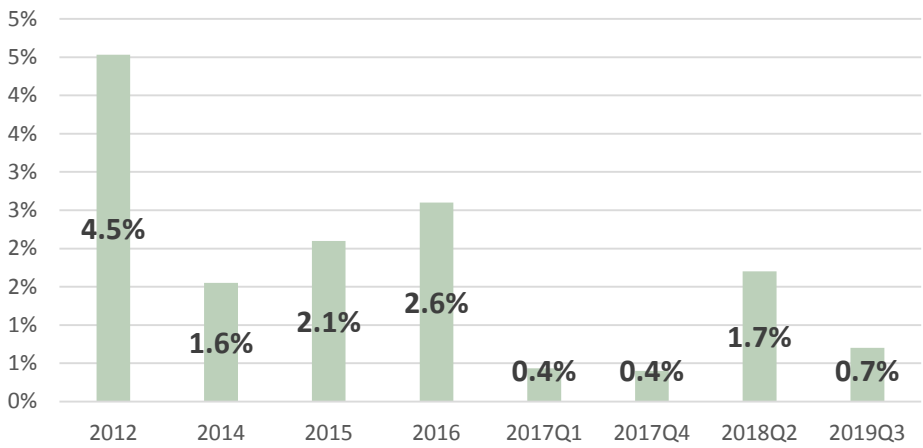


Business Mix (by Square Footage), 2019 Q3



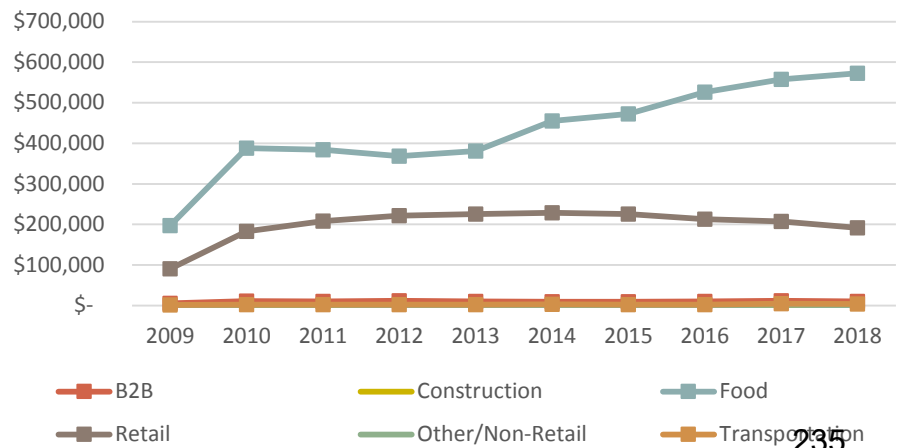
Source: Berkeley OED

Ground Floor Commercial Vacancy Rate (by Square Footage), 2012-2019



Source: Berkeley OED

Sales Tax Revenue by Sector, 2010-2018



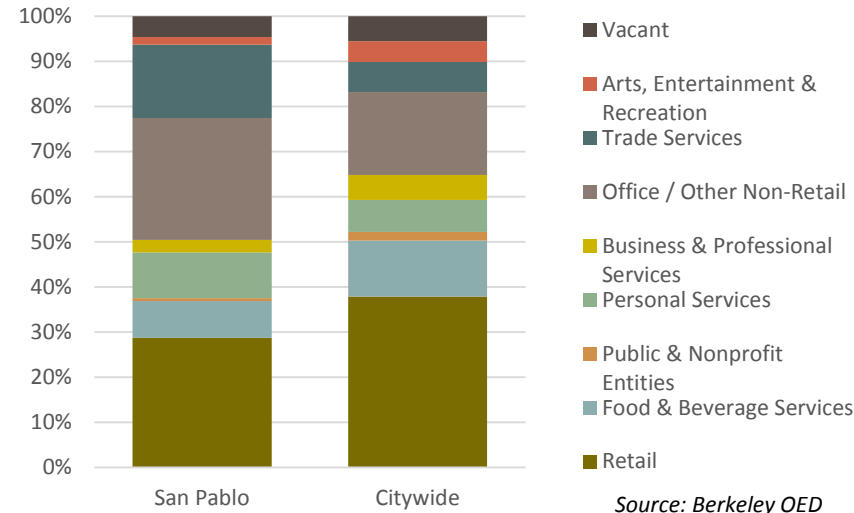
Source: MuniServices



San Pablo Avenue is Berkeley's largest commercial corridor, running the entire north-south length of the City. San Pablo is characterized by a high concentration of Trade Services (16.3%), including over 60 automobile services. San Pablo functions more as a regional destination for specific uses rather than a walkable, neighborhood-serving commercial district; as such, it features smaller percentages of Food & Beverage Services (8.2%) and Personal Services (8.2%). In Q4 2018, the district's vacancy rate by square footage was 4.9%, in 2019, it has decreased slightly to 4.6%, an all time low. Retail Sales tax revenue has decreased in recent years but continues to be the largest source of tax revenue for the area.

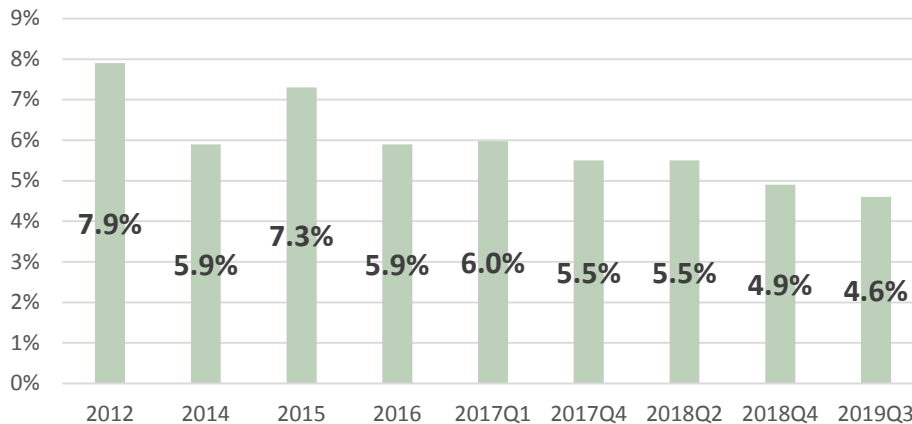


**Business Mix (by Square Footage), 2019 Q3**



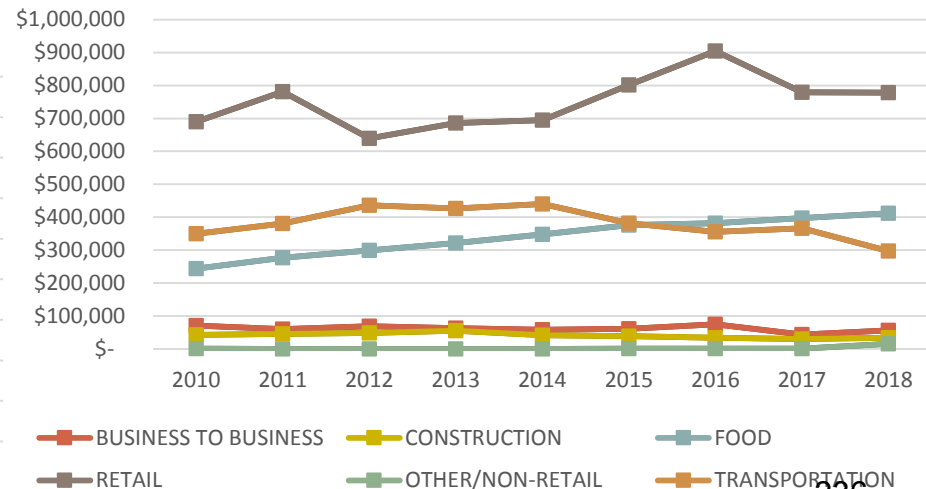
Source: Berkeley OED

**Ground Floor Commercial Vacancy Rate (by Square Footage), 2012-2019**



Source: Berkeley OED

**Sales Tax Revenue by Sector, 2010-2018**



Source: MuniServices

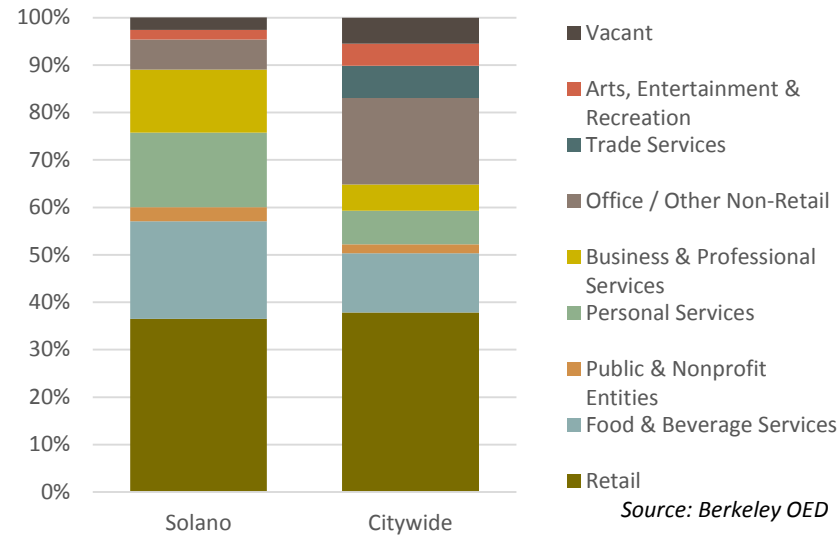


Solano is a small commercial district in North Berkeley, with a total of 130 commercial spaces and approximately 191,000 square feet of commercial space. It shares a border with Albany and is situated next to a large elementary school and an active neighborhood of single-family homes. Solano has a large key asset (the former Oaks Theatre) that is due to be occupied by a climbing gym in 2020. The district's vacancy rate by square footage was 2.6%, a decrease from Q4 2018 (4.1%).

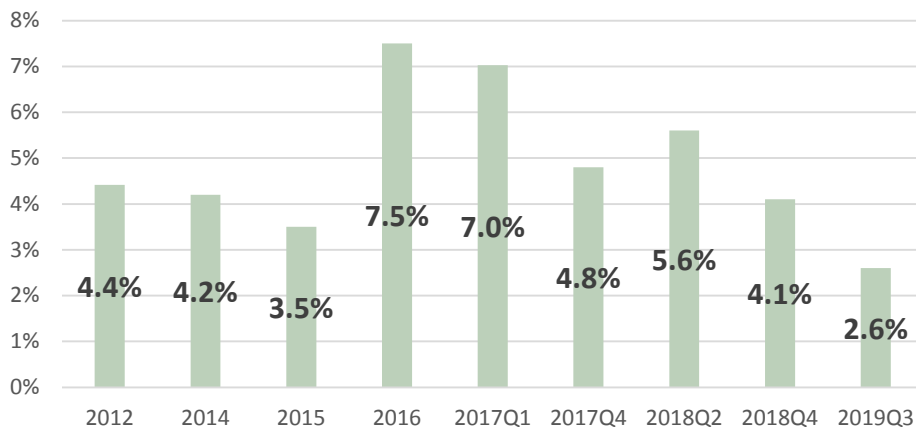


Despite the decrease in vacancy, Solano Avenue saw a decrease in Food and Beverage sales tax in 2018 while sales tax revenues from other industries held steady.

**Business Mix (by Square Footage), 2019 Q3**

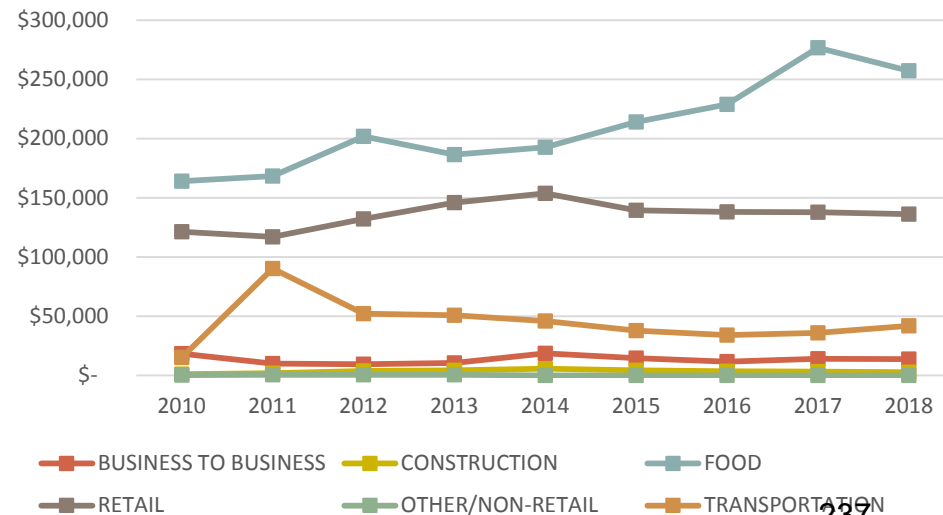


**Ground Floor Commercial Vacancy Rate (by Square Footage), 2012-2019**



Source: Berkeley OED

**Sales Tax Revenue by Sector, 2010-2018**



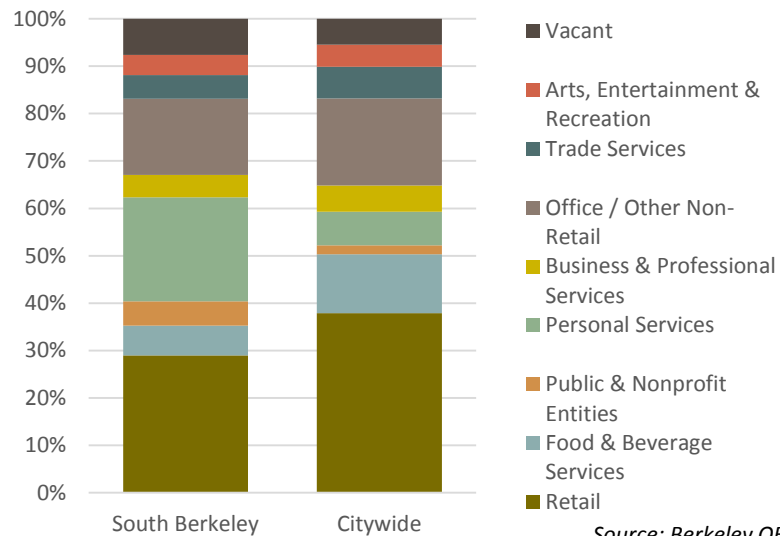
Source: MuniServices



South Berkeley is a large district stretching over an area known for its cultural diversity and includes the Lorin District, the Sacramento corridor, and the South Shattuck area. South Berkeley includes several car dealerships, which accrue significant retail sales tax revenue for the City. The area also features a high concentration of Personal Services businesses (22.0% vs. 7.1% citywide) but is under-served by Food & Beverage services, which account for only 6.3% of ground floor commercial space, as compared to 12.4% citywide. As of Q3 2019, the district's vacancy rate by square footage was 7.6%, an decrease from 2018. Sales tax revenue for retail and transport has increased steadily since 2016.

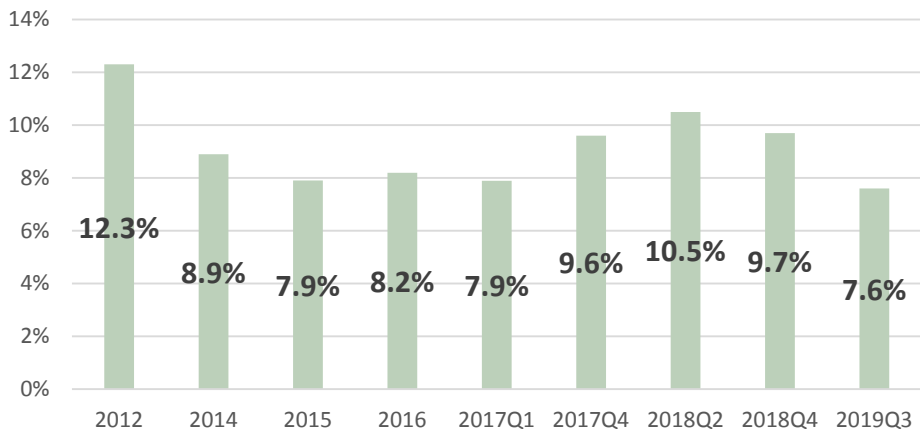


**Business Mix (by Square Footage) 2019**



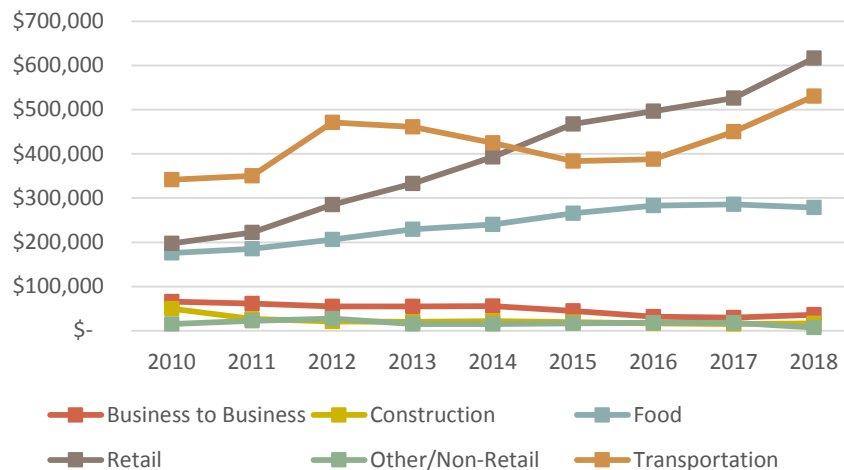
Source: Berkeley OED

**Ground Floor Commercial Vacancy Rate (by Square Footage), 2012-2019**



Source: Berkeley OED

**Sales Tax Revenue by Sector, 2010-2018**



238  
Source: MuniServices

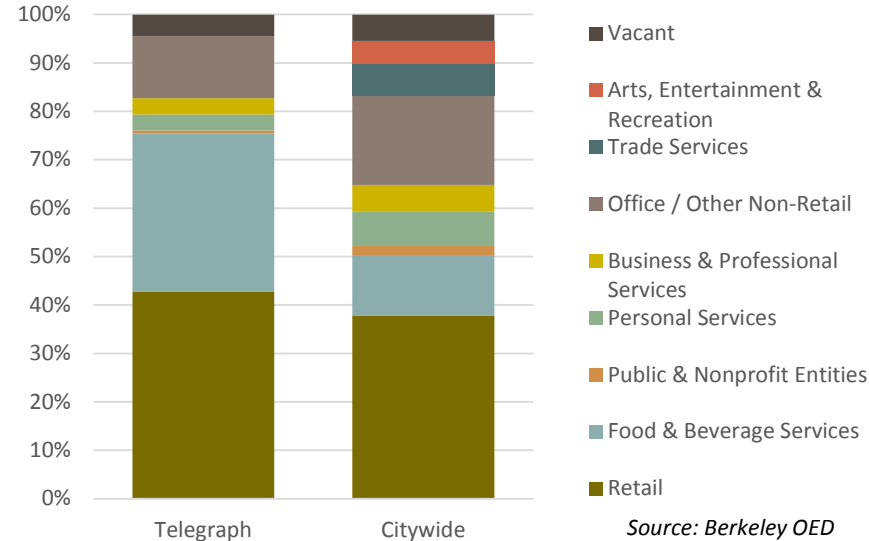


The Telegraph district has undergone significant change over the past several years. Food & Beverage services have shown a dramatic increase since 2012, with 32.7% of Food & Beverage services accounting for ground floor commercial space in the district, as compared to 12.4%

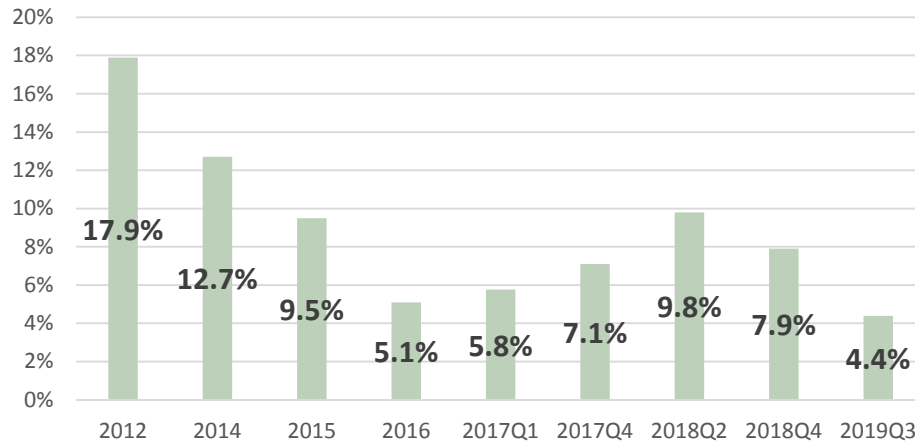
Citywide. As of Q3 2019, the district's ground floor commercial vacancy rate has continued to decrease from Q4 2018 from 7.9% to 4.4% and is significantly lower than the peak of 17.9% in 2012. New ground floor leases are anticipated along Telegraph Avenue in 2020, including the Nexus Building and the long-vacant lot at Telegraph and Haste St.



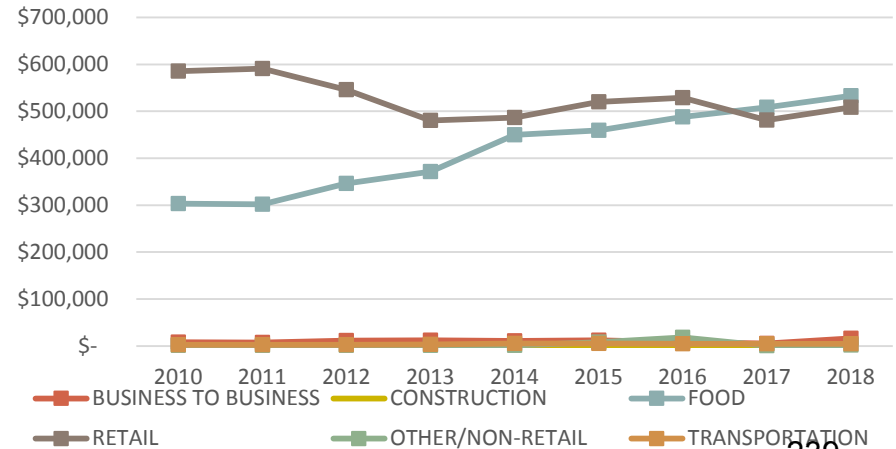
**Business Mix (by Square Footage), 2019 Q3**



**Ground Floor Commercial Vacancy Rate (by Square Footage), 2012-2019**



**Sales Tax Revenue by Sector, 2010-2018**



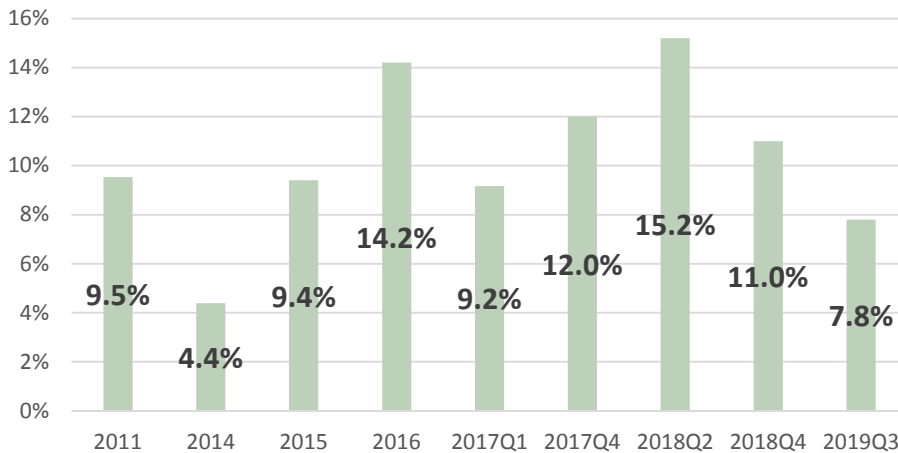




University Avenue, from Martin Luther King Jr Way to the waterfront, spans many of the City's neighborhoods and serves as the gateway to the UC Berkeley Campus. Since 2018, Transportation and Food & Beverage Services have generated the most sales tax revenue for the district. Over the past 8 years the vacancy rate has remained high, but has decreased to 7.8% in 2019 from the all-time high of 15.2% in Q2 2018.

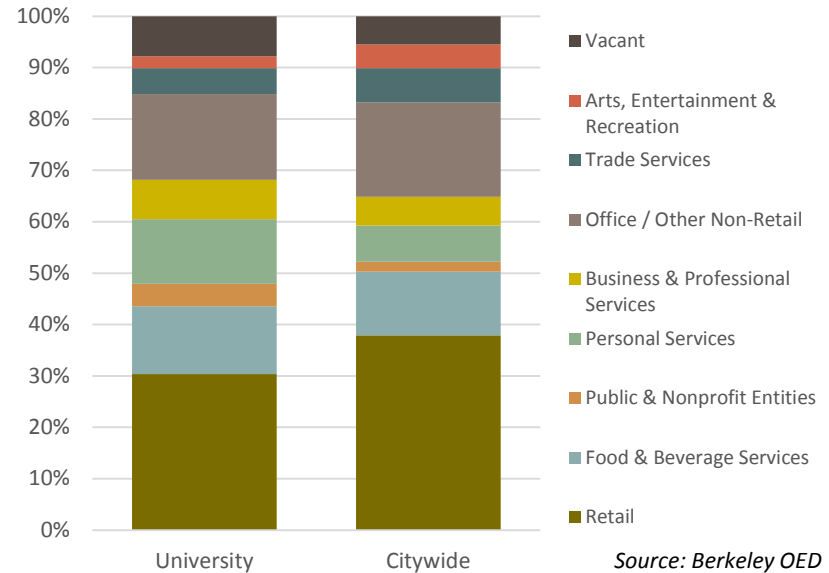


### Ground Floor Commercial Vacancy Rate (by Square Footage), 2011-2019



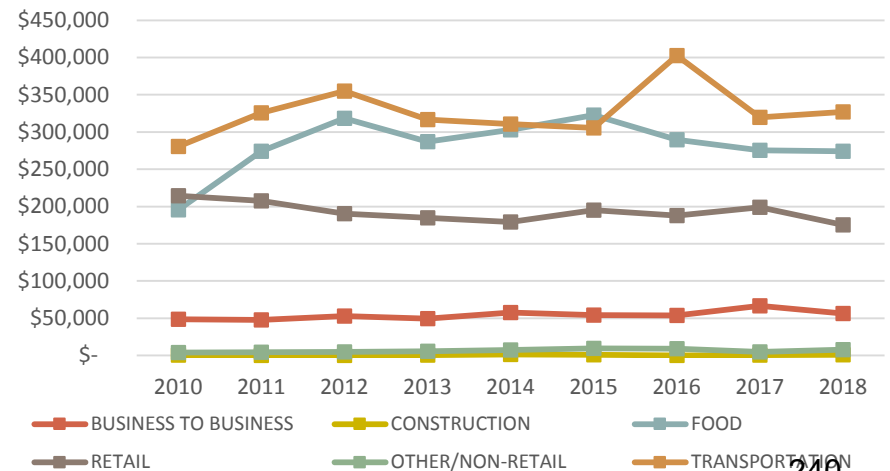
Source: Berkeley OED

### Business Mix (by Square Footage), 2019



Source: Berkeley OED

### Sales Tax Revenue by Sector, 2010-2018



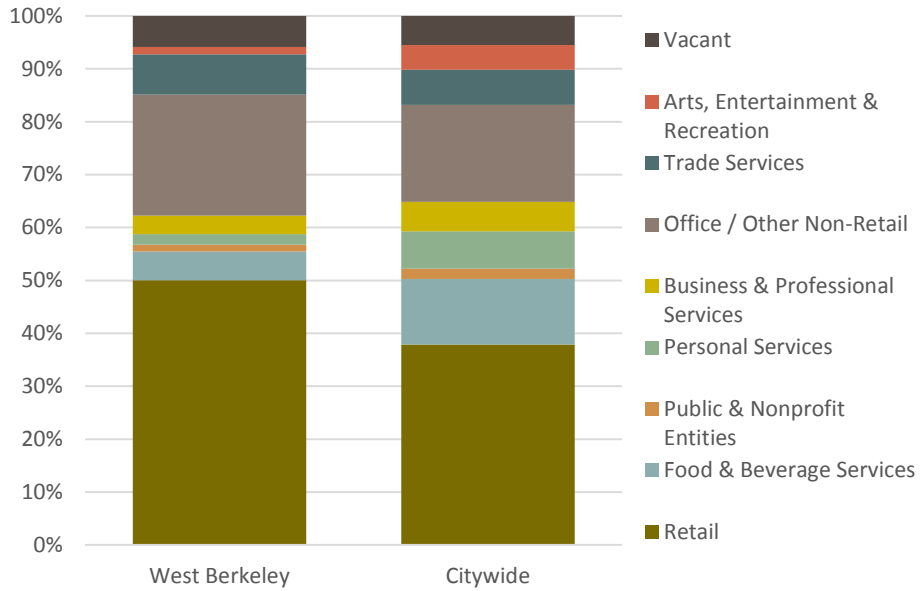
Source: MuniServices



West Berkeley represents all commercial spaces west of San Pablo Avenue, including 4<sup>th</sup> Street and the Gilman Corridor. There are a number of major, large-floor-plate retailers, and a dense cluster of home supplies and construction businesses. There is also a higher percentage of non-retail commercial uses, including manufacturing and warehousing. Retail accounts for 50.0% of ground floor commercial space in the district, as compared to 37.8% citywide. The commercial vacancy rate as of Q3 2019 was 5.4%, an increase from 2018 largely due to turnover of a few large floorplate retailers. Sales tax revenue has decreased in this area for all industries except Construction, which saw an uptick in sales tax revenue due to a number of large projects beginning in 2018.

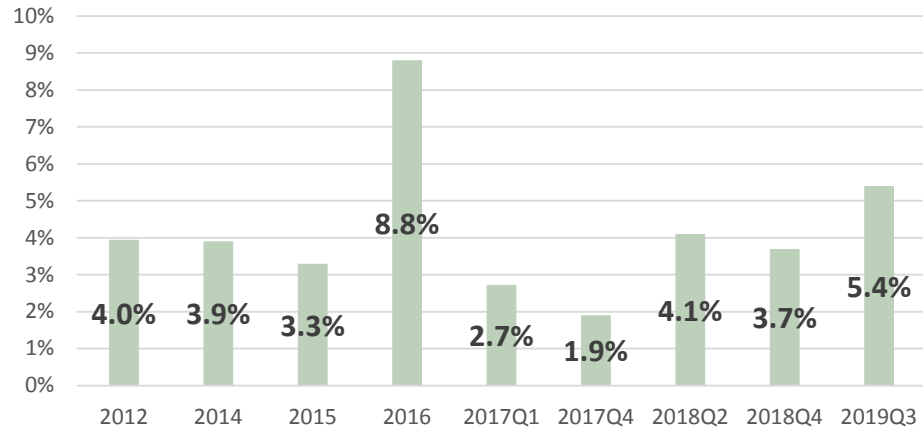


## Business Mix (by Square Footage), 2019 Q3



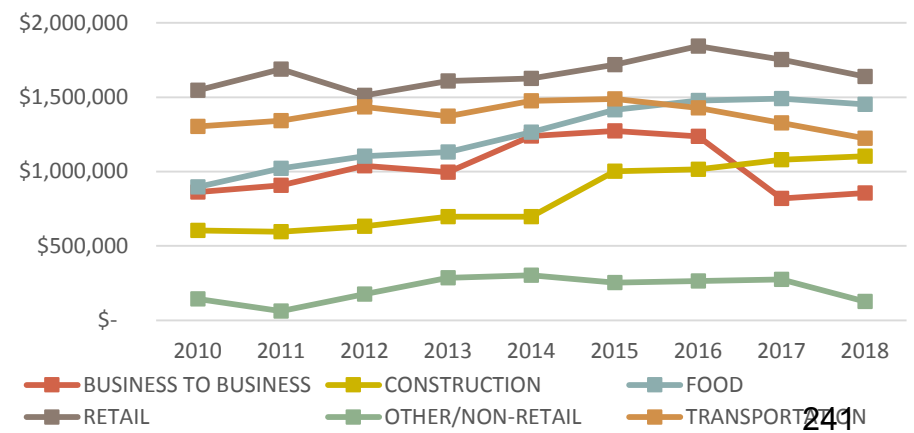
Source: Berkeley OED

## Ground Floor Commercial Vacancy Rate (by Square Footage), 2012-2019



Source: Berkeley OED

## Sales Tax Revenue by Sector, 2010-2018



Source: MuniServices



city of

# BERKELEY



## Demographic & Economic Profile

**Disclaimer:** The City of Berkeley makes no representations about the suitability of the information contained in this document for any purpose. The information is provided "as is" without warranty, either express or implied, of any kind. The published document may contain technical inaccuracies or typographical errors. Changes are periodically added to the information herein. The City of Berkeley may make improvements and/or changes to the document at any time.



Office of  
Economic  
Development



# about Berkeley

**Incorporated:** 1878  
**Encompasses:** 10.47 mi<sup>2</sup>  
**Average Annual Temperature:** 58° F (48°F low, 68°F high)

Berkeley is an iconic city, with a diversity of culture, cuisine, art, neighborhoods, innovation. It is a community that engages citizens and visitors alike every day. Berkeley is alive with a terrific quality of life including walkable streets, bike routes, access to transit, excellent schools, and thriving commercial districts. Come discover Berkeley's signature elements, events, and style.

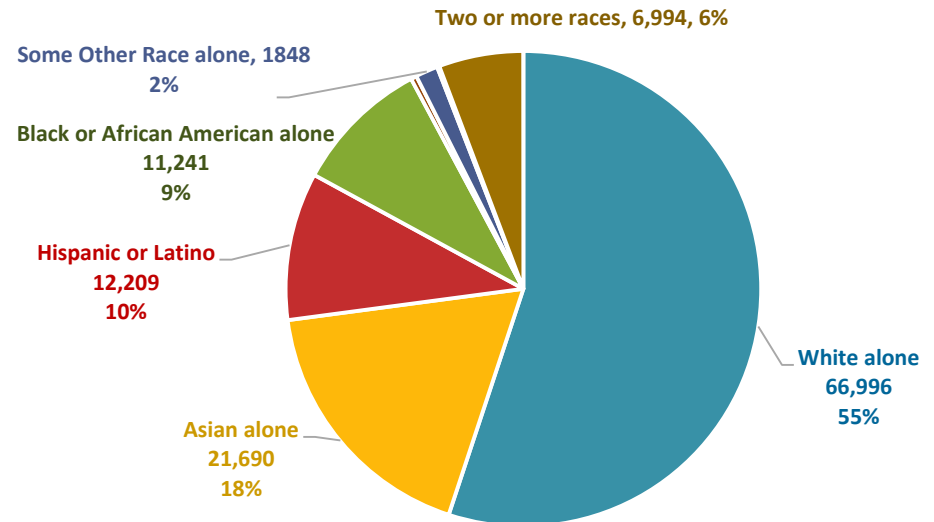
| Demographic Snapshot                  |             |
|---------------------------------------|-------------|
| Population                            | 121,643     |
| Median Age                            | 31          |
| Housing Units                         | 49,137      |
| Owner-Occupied Units                  | 18,846      |
| Median Home Sales Price (2019)        | \$1,240,000 |
| Average HH Income                     | \$75,709    |
| Bachelor's Degree or Higher (age 25+) | 72.3%       |

Sources: US Census Bureau, 2018 ACS Estimates  
 2015-2023 City of Berkeley Housing Element, Redfin.com

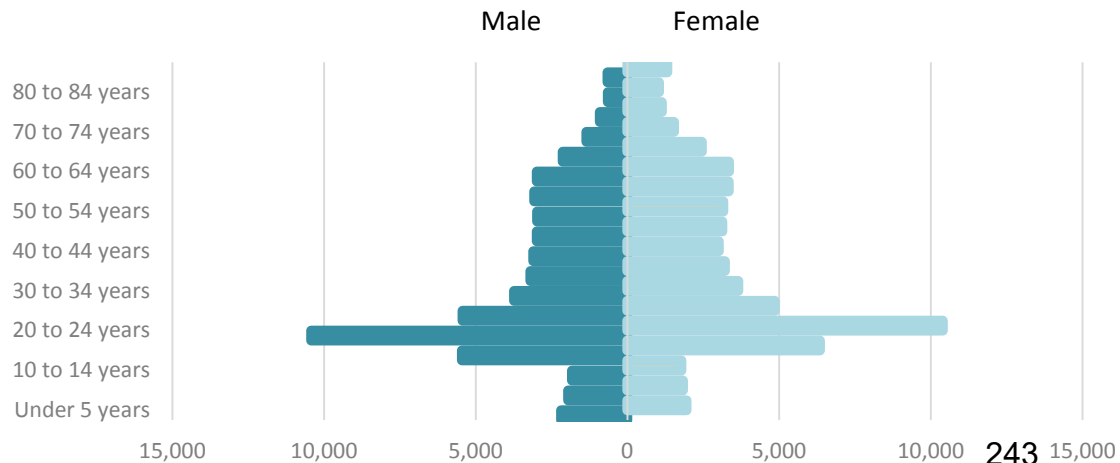
**125,000** students  
**15,292** companies  
**1.65 million** visitors per year  
**\$4.04 billion** total spending power

Sources: Downtown Berkeley Association; California Employment Development Department

## Race & Ethnicity



## Age & Gender



Source: US Census Bureau, 2017 ACS Estimate

# an Accessible Regional Hub

**BERKELEY** is centrally located within the Bay Area, which is the nation's fifth-largest metro region and home to 8.4 million people. Downtown Berkeley is just a direct 22-minute train ride and a 24-minute drive from San Francisco's Financial District.

**Ideal location for business:** With two interstate highways and a transcontinental rail line passing through the city limits, two major airports and three principal shipping ports close by, few places are as accessibly located for business as Berkeley.

**Year-round foot traffic:** Downtown Berkeley enjoys some of the highest pedestrian volumes in the Bay Area outside of San Francisco. As a major visitor destination, over 1.65 million people visit the City of Berkeley each year, and the new Downtown BART Plaza, and the Center Street Parking Garage put visitor estimates to nearly two million by 2025.



*Nearly 11,450 riders pass through the Downtown Berkeley BART station per weekday, making it one of the busiest stations in the entire BART system.*

**THE DOWNTOWN BART PLAZA** reopened in October of 2018 after major infrastructure, public art, and cultural programming reinvestment. The Metropolitan Transportation Commission granted **\$7.6 million** to the transportation improvement project, bolstered by an additional **\$400,000** for local arts including a rotating sculpture installation, contemporary sound pieces, and outdoor performances.

Source: Bay Area Rapid Transit



## Transit Access

- Bus:** AC Transit , 28+ lines
- Auto:** 5,000+ parking spaces in downtown, with 2,777 in off-street lots and garages
- Airports:** Oakland International (12 mi), San Francisco International (20 mi), San Jose International (45 mi)
- Deep Water Ports:** Oakland (6 mi), Richmond (8 mi), San Francisco (12 mi)
- Rail:** Bay Area Rapid Transit and Amtrak





# A jewel in the heart of a booming region, Downtown Berkeley

Downtown Berkeley has nearly doubled in population since 2000<sup>1</sup>, and its population is expected to double again to 5,500 by 2020. More than \$400 million in construction investment are driving a boom in real estate development. This growth is supported by ongoing investments in public infrastructure that improve safety, walkability, automobile access and parking.

<sup>1</sup> Source: *Downtown Berkeley Retail Brochure, Downtown Berkeley Association, August 2016*

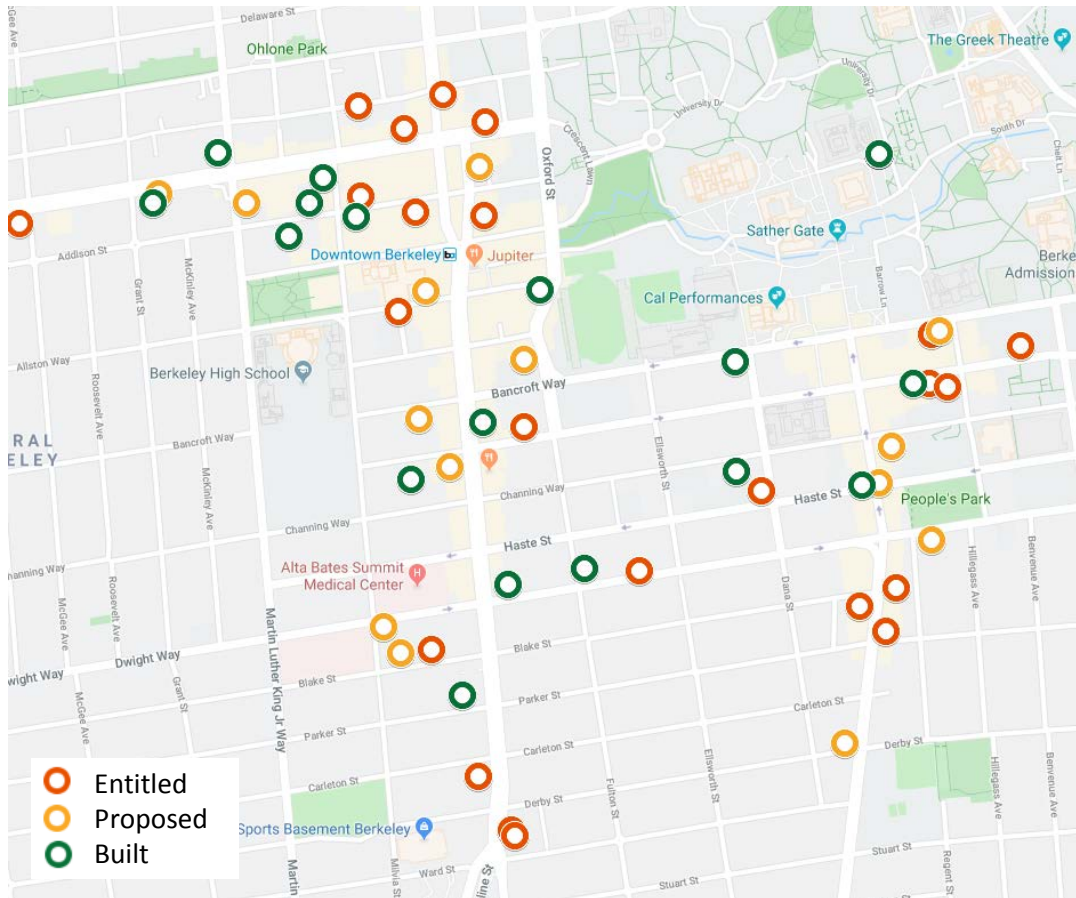


## Future Development at a Glance

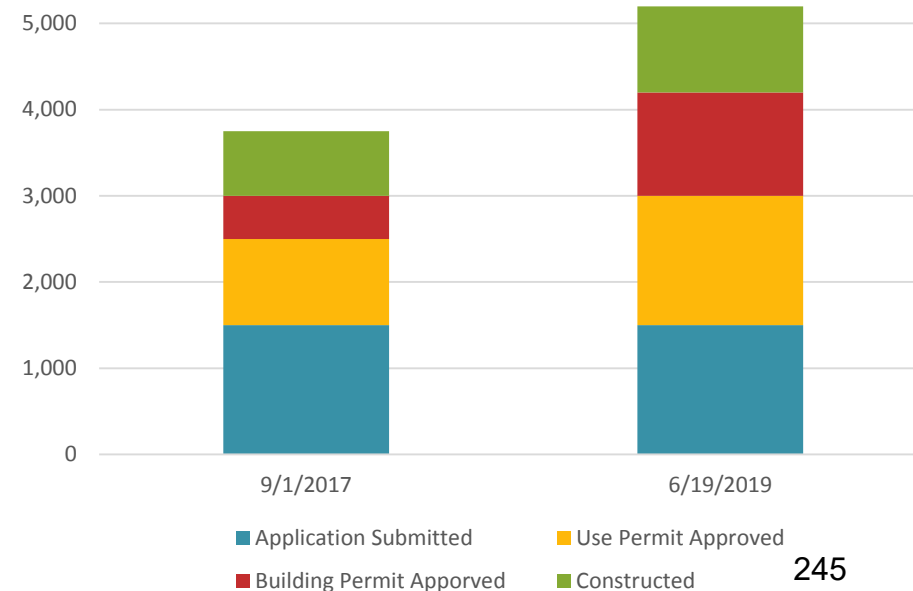
### Recent Downtown Growth & Amenities include:

- Approximately 2,185 new housing units currently slated for development in or near the Downtown.
- New 720-space parking garage opened in Downtown in 2018.
- A new hotel will add 334 additional hotel rooms to the city, attracting new tourists and additional city-wide income.

Multi-Unit Projects (5+ Units), 2005 to Present



Permit Volume, 2017 to 2019



# Berkeley's Employment Base

Berkeley's Largest 25 Employers, by Number of Employees

|                                  |                                       |
|----------------------------------|---------------------------------------|
| Ansys, Inc.                      | Lawrence Berkeley Laboratory          |
| Backroads Inc.                   | Lifelong Medical Care                 |
| Bayer Healthcare LLC             | OC Jones & Sons                       |
| Berkeley Bowl Produce            | Recreational Equipment Inc. (REI)     |
| Berkeley Cement Inc.             | Rigetti Quantum Computing             |
| Berkeley City College            | Siemens Corporation                   |
| Berkeley Marina Doubletree       | Solar Mosaic Inc.                     |
| Berkeley Repertory Theatre       | Sutter Bay Hospitals                  |
| Berkeley Unified School District | Target Corporation                    |
| City of Berkeley                 | University of California, Berkeley    |
| Genji Pacific                    | Whole Foods Market California Inc.    |
| Kaiser Permanente                | YMCA of the Central Bay Area          |
| Meyer Sound Laboratories         | <i>Source: EDD, QCEW Data Q4 2018</i> |

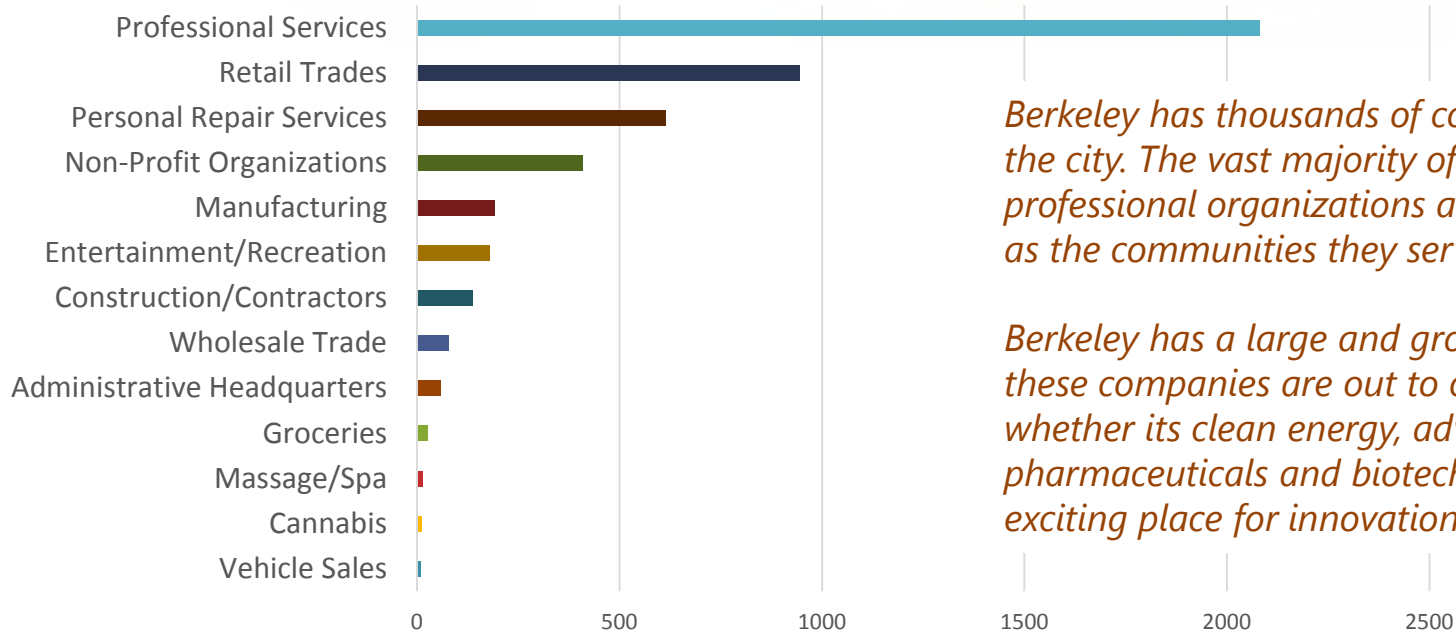
## Berkeley Businesses Highlights

- 15,292 business licenses
- 2,500 brick and mortar businesses\*
- **97%** are 'small businesses' (50 or less employees)
- Only 1.2% businesses employ more than 100 people
- Small businesses account for 41% of jobs in Berkeley

Source: City of Berkeley

\* 2,100 records in Ground Floor Commercial Database

Count of Firms by Type



*Berkeley has thousands of companies throughout the city. The vast majority of these firms are professional organizations and they are as diverse as the communities they serve.*

*Berkeley has a large and growing tech sector, and these companies are out to change the world – whether its clean energy, advances in pharmaceuticals and biotech or new apps. It's an exciting place for innovation.*

# A **THRIVING** Innovation Ecosystem

When it comes to successful startups, Berkeley has a distinct edge:

**capital, talent, and brilliant** thinking. The City is home to over 320 startup companies, along with more than 100 organizations in the innovation ecosystem, from UC Berkeley institutes and private research labs, to student entrepreneurship groups, incubators and venture investors. In 2019 alone, Berkeley startups pulled in more than \$200 million in venture investment.

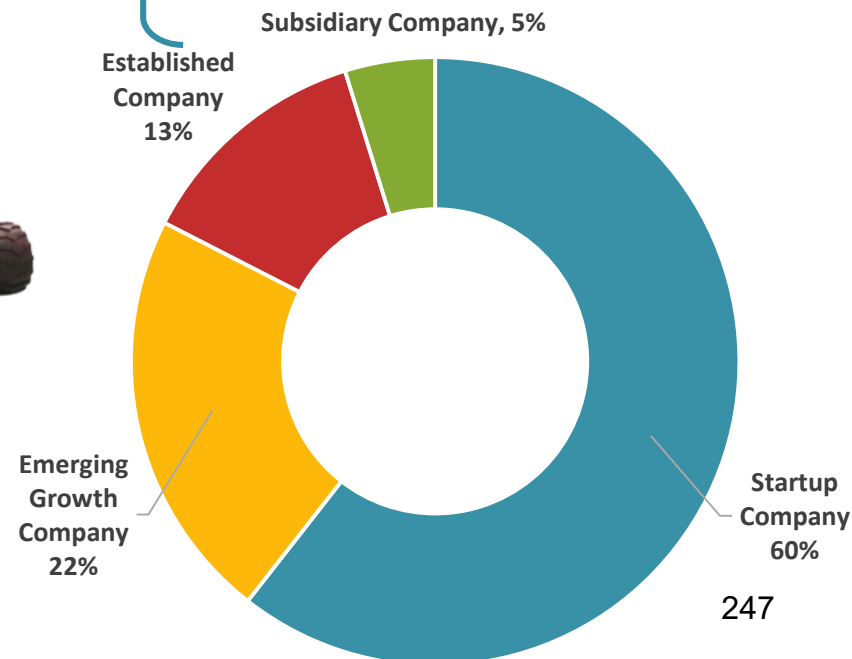
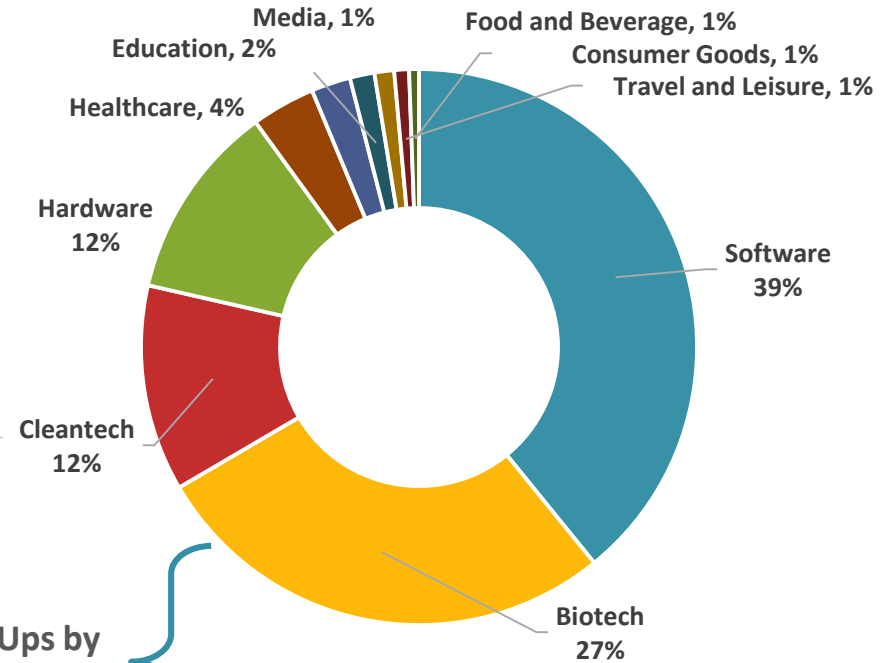
## The Role of Incubators

Incubators such as **SkyDeck**, **Cyclotron Road**, and **The Foundry @ CITRIS** are an invaluable resource to Berkeley's innovation sector - not only because they help startups get off the ground, but because they act as connectors for more mature companies and give founders a place to recruit new talent, share ideas, and find new sources of funding.

From right to left: Kiwi Bot out of SkyDeck; Elysian Lab's cannabis products out of CITRIS Foundry; and Noble Thermodynamic' emission-free engine out of Cyclotron Road.



Berkeley Start-Ups by Type and Stage, 2018



## Berkeley's Women Founders

The lack of representation for women and people of color is a frequent topic of discussion in STEM fields and innovation sector companies. Currently, 15% of founders in Berkeley identify as women, and programs such as the **Women Entrepreneurs of Berkeley** aim to increase that number.



# Berkeley's Downtown Arts District

Berkeley's creative scene engages at every turn. Wander through an artist's open studio, experience cutting-edge theater or tap your toes to rock n' roll -- there are many ways to spark Berkeley's creative side. With more than **150 cultural arts organizations**, including the Berkeley Art Museum & Pacific Film Archive, Berkeley Art Center, Berkeley Repertory Theatre, and Aurora Theatre Company, Berkeley is filled with world-class productions applauded by audiences and acclaimed by critics.

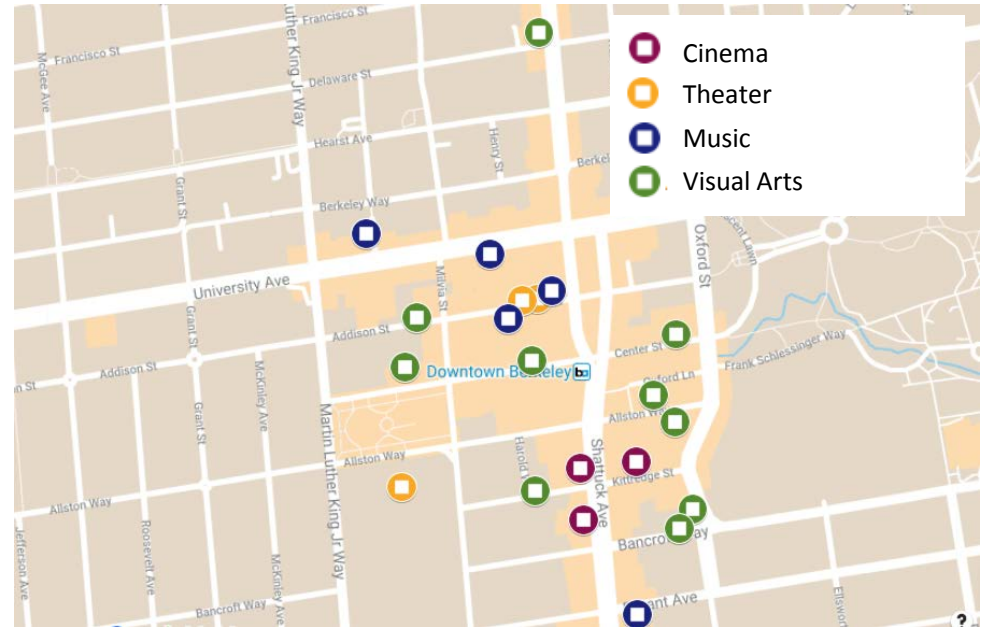


"Berkeley - The City and Its People", Romare Bearden, 1973

## Public Art and Sound at BART Plaza

Recent major investments in the Berkeley art scene have focused on the Downtown Berkeley BART Plaza, currently showcasing contemporary sound pieces and outdoor performances; a rotating sculpture installation; and ongoing cultural event programming. Currently, the Downtown BART Plaza features a new sound installation called, "Histories of the Present" by composers Yann Novak and Robert Crouch which is a multichannel site specific sound created specifically for this spot.

## Downtown Arts Venues



### Cinema

- California Theatres
- East Bay Media Center
- Shattuck Cinemas
- United Artists Berkeley 7

### Theater

- Aurora Theatre Company
- Berkeley Community Theater
- Berkeley Repertory Theatre
- UC Theatre

### Music

- California Jazz Conservatory
- Freight & Salvage Coffeehouse
- The Back Room
- Cornerstone

### Visual Art

- Berkeley Art Museum/PFA
- D King Gallery Rock Posters
- David Brower Center
- Habitot Children's Museum
- Lumbini Buddhist Art Gallery 248
- Magnes Collection of Jewish Art & Life

# BERKELEY DISTRICTS

## 4th Street **Page 33 of 34**

Berkeley's Fourth Street is a premier shopping destination, featuring fine dining and more than 80 unique retailers offering creative merchandise and contemporary design. With tree-lined sidewalks, live music every weekend, and a calendar of special events free to the public, Fourth Street is the perfect place to enjoy the Bay Area with authentic restaurants and classy shopping.



## Downtown

Downtown Berkeley is a rich urban environment of innovation and creativity. It is home to cultural icons such as Berkeley Repertory Theatre, Freight and Salvage, and BAMPFA. It's also home to vibrant start-up business scene with a half-dozen incubators and co-working spaces, as well as office space to grow. The beautiful new Downtown BART Plaza and major hotels greet visitors, residents, and entrepreneurs alike. Nearby campuses of UC Berkeley and Berkeley City College, plus a bounty of dining and night life options, keep the district buzzing with youthful energy.



## Elmwood

The Elmwood is a charming commercial district with the character of a classic "Main Street" and a shopping atmosphere unlike any other. Specialty shops, restaurants and a theater span the blocks along College and Ashby Avenue, serving local residents and visitors from around the world. The surrounding neighborhood is packed with attractive older homes, parks, and architectural gems like the Elmwood Theater and the Claremont Public Library.



## Lorin District

With historic commercial buildings surrounded by charming residential neighborhoods, the Lorin is one of the most diverse, artistic and easy-access districts in Berkeley. It is home to the Berkeley Flea Market, South Berkeley Farmers Market, a thriving antiques and home furnishing cluster, and cultural icons including the Shotgun Players and Black Repertory Theater. This registered historic district has long been a center of the local Black community, and is also fast becoming a food scene with an impressive assortment of eating and drinking establishments like Hoi Polloi and Lemat.



Berkeley's twists and turns of terrain give its neighborhoods room to establish independent personas, moods and mantras. Each of Berkeley's commercial districts has hyper-local authenticity; Berkeley's neighborhoods range from sophisticated and urbane to cozy and intimate.

## Gilman

The Gilman District is a thriving medley of the creativity, craftsmanship and eclectic community that makes Berkeley such a unique and vibrant city. A hub of craft brewing, dining, live music, arts and more is available in Northwest Berkeley.





## North Shattuck

North Shattuck is a culinary wonderland, home to world famous foodie destinations like Chez Panisse, Cheeseboard, and the original Peet's Coffee, along with a vibrant scene of new innovators. This area is celebrated as the birthplace of the California farm-to-table movement. North Shattuck is a walkable business district near Downtown and UC Berkeley campus, filled with independent boutiques and a bustling café culture.



## West Berkeley Design Loop

The industrial warehouses of West Berkeley are home to traditional manufacturers, artisan businesses, and a thriving community of R&D companies. West Berkeley overflows with hidden gems. It's a place where bakers and glass blowers rub shoulders with researchers creating everything from plant-based meats to cures for infectious diseases. The up-and-coming SoU District along 4th and 5th Street features experimental and handcrafted food, crafts and fine art. The Aquatic Park research zone is a world class hub of biology and technology innovation. The Design Loop along San Pablo Avenue is a hub for sustainable interior design and furnishings.



## Telegraph Avenue

Telegraph Avenue serves as a conduit and amplifier for Berkeley's unceasing energy. Its tree-lined sidewalks host a mix of specialty stores, vintage boutiques, international cuisine cafés, and national retailers. In a city known for its openness, political activism, and unparalleled academia, Telegraph offers more of all those things. Bordering the core of the UC Berkeley campus, Telegraph is home to a collection of historical 'legacy' businesses, including one of the best bookstores in America and iconic music establishments. It also features world class people-watching.



## University Avenue

University Avenue is Berkeley's main East/West artery, spanning from the Bay to the entrance to UC Berkeley's campus. More than 200 merchants line this vibrant corridor, and each block has a unique personality. The International Marketplace district where University crosses San Pablo provides a concentration of cultural and ethnic businesses, rich with Indian and South Asian flavors, fine fabrics and regional foods from around the world.



## Solano Avenue

Solano Avenue provides a shopping experience unlike any other, with an abundance of local, independently-owned shops, and restaurants. Family-friendly spirit and local flavor are on display throughout this mile-long shopping district, as it passes through Berkeley and the neighboring town of Albany. The famous Solano Avenue Stroll, one of the largest and most festive street fairs in California, takes place here each September.







Office of the City Manager

CONSENT CALENDAR  
October 27, 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 October 27, 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 \$1,067,302

| <u>PROJECT</u>                                      | <u>Fund</u> | <u>Source</u>                                     | <u>Amount</u>      |
|-----------------------------------------------------|-------------|---------------------------------------------------|--------------------|
| Mental Health Counseling Services for Older Adults  | 011         | Discretionary                                     | <b>\$300,000</b>   |
| Addison Street Bike Boulevard                       | 306<br>135  | Capital Grants<br>Measure BB- Bike and Pedestrian | <b>\$247,774</b>   |
| Bus bulb and RRFB at University Avenue/Grant Street | 306<br>011  | Measure BB- Bike and Pedestrian<br>Discretionary  | <b>\$519,528</b>   |
| <b>Total:</b>                                       |             |                                                   | <b>\$1,067,302</b> |

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

Formal Bid Solicitations and Request for Proposals  
Scheduled for Possible Issuance After Council  
Approval on October 27, 2020

CONSENT CALENDAR  
October 27, 2020

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 October 27, 2020
  - a) Mental Health Counseling Services for Older Adults
  - b) Addison Street Bike Boulevard
  - c) Bus bulb and RRFB at University Avenue/Grant Street

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

DATE SUBMITTED: October 27,2020

| 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      |
|--------------------|----------------------------------------------------|----------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------|
| 21-11415-C         | Mental Health Counseling Services for Older Adults | 10/28/2020           | 12/1/2020                | Mental health counseling services for older adults who are clients of the Aging Services Division.                                                                                                                                                                                                                                         | \$300,000<br><br>(\$100K/year for three (3) years)    | Yes (011 budget via AA01)                                                                          | Health, Housing, and Community Services Department Aging Services Division | Abraxas Seale<br>981-5108 |
| <b>DEPT. TOTAL</b> |                                                    |                      |                          |                                                                                                                                                                                                                                                                                                                                            | <b>\$300,000</b>                                      |                                                                                                    |                                                                            |                           |
| 21-11416-C         | Addison Street Bike Boulevard                      | 11/9/2020            | 12/8/2020                | Contractor will construct bikeway improvements on Addison Street, between Sacramento Street and Milvia Street. Work includes pavement markings, signage, construction of traffic diverter if feasible, and installation of rectangular rapid flashing beacons (RRFBs) at the intersection of Addison Street and Marin Luther King Jr. Way. | \$130,187<br><br>\$115,587<br><b><u>\$247,774</u></b> | 306-54-622-668-0000-000-431-665110-PWTRBP2001<br><br>135-54-622-668-0000-000-431-665110-PWTRBP2001 | Public Works - Transportation                                              | Ken Jung<br>981-7028      |

DATE SUBMITTED: October 27,2020

| 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 |
|--------------------|-----------------------------------------------------|----------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|----------------------|
| 21-11417-C         | Bus bulb and RRFB at University Avenue/Grant Street | 11/9/2020            | 12/8/2020                | Contractor will construct a concrete bus bulb at the northeast corner of the University Avenue/Grant Street intersection, which will serve westbound buses on University Avenue. Work includes new curb, gutter, curb ramps, bus pad, bus shelter, and rectangular rapid flashing beacons (RRFBs). | \$429,528<br><br>\$90,000<br><b><u>\$519,528</u></b> | 306-54-622-668-0000-000-431-665110-PWTRCS2003<br><br>011-54-622-668-0000-000-431-665110-PWTRCS2003 | 306-54-622-668-0000-000-431-665110-PWTRCS2003<br><br>011-54-622-668-0000-000-431-665110-PWTRCS2003 | Ken Jung<br>981-7028 |
| <b>DEPT. TOTAL</b> |                                                     |                      |                          |                                                                                                                                                                                                                                                                                                    | <b>\$767,302</b>                                     |                                                                                                    |                                                                                                    |                      |
| <b>GRAND TOTAL</b> |                                                     |                      |                          |                                                                                                                                                                                                                                                                                                    | <b>\$1,067,302</b>                                   |                                                                                                    |                                                                                                    |                      |



Office of the City Manager

CONSENT CALENDAR  
October 27, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: 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

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.

FISCAL IMPACTS OF RECOMMENDATION

Amending the Berkeley Municipal Code Chapter 12.70 will not result in fiscal impacts to the City.

CURRENT SITUATION AND ITS EFFECTS

Currently, the City of Berkeley's Smoke Free Multi-Unit Housing Ordinance 12.70.035 has an exemption for medical cannabis. In 2016, the State of California approved the Control, Regulate and Tax Adult Use of Marijuana Act (Prop 64). With the approval of Prop 64, the State of California also updated the California Health and Safety code specifically, (Division 10. Uniform controlled substance act, [1100-11651] Chapter 6 Offense and Penalties Article 2 Cannabis [11357-11362.9] 11326.3, (a) Section 11362.1) which does not permit any person to "Smoke cannabis or cannabis products in a location where smoking is prohibited", smoking marijuana is prohibited anywhere that the smoking of tobacco products is prohibited. The California Health and Safety code supersedes the local exemption for medicinal marijuana in locations where tobacco smoke is prohibited. This amendment would conform local law to state law.

BMC 12.70.020 defines smoking as. "Smoke" or "smoking" means and includes either (1) inhaling or exhaling upon, burning, or carrying any lighted smoking equipment for tobacco, nicotine or any other plant or product used for personal habit commonly known as smoking or (2) inhaling or exhaling upon, vaporizing, or otherwise using any electronic smoking device. Since the passage of Prop 64, this definition would now include marijuana (medicinal or recreational).

The local exemption for medicinal marijuana is confusing for Berkeley residents and needs clarity on what current city and state parameters are regarding second hand smoke in multi-unit housing.

### BACKGROUND

The United States Environmental Protection Agency has found secondhand smoke to be a risk to public health and has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen.<sup>1</sup> The only way to fully protect nonsmokers from secondhand smoke is to completely eliminate smoking in indoor spaces, including that from cannabis use. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot completely eliminate exposure to secondhand smoke.<sup>2</sup> As research has increasingly shown the damaging effects of exposure to secondhand smoke, Berkeley has implemented bans on smoking in public places such as restaurants, bars, grocery stores, and parks.

In 2013, City Council approved an ordinance amending Berkeley Municipal Code Chapter 12.70 to address tobacco smoking which involuntarily exposes neighbors to secondhand smoke in all multi-unit housing in the City.

### ENVIRONMENTAL SUSTAINABILITY

The inclusion of medicinal marijuana in the definition of “smoking” to align with the State definition can potentially improve air quality and decrease second hand smoke exposure.

### RATIONALE FOR RECOMMENDATION

Amending the definition of smoke/smoking will align Berkeley’s Municipal Code with the State of California statute.

### CONTACT PERSON

Janice Chin, Public Health Division Manager, HHCS, (510) 981-5121

### Attachments:

1a: Ordinance (showing track changes-underline for additions, strikethrough to strike language)

1b: Ordinance (clean version with final language)

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<sup>1</sup> U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, *Exposure to Environmental Tobacco Smoke and Cotinine Levels – Fact Sheet* (2004) available at [http://www.cdc.gov/tobacco/research\\_data/environmental/factsheet\\_ets.htm](http://www.cdc.gov/tobacco/research_data/environmental/factsheet_ets.htm) (last accessed March 23, 2005).

<sup>2</sup> U.S. Dep’t of Health and Human Servs., Centers for Disease Control and Prevention, *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General* 11 (2006), available at <http://www.surgeongeneral.gov/library/secondhandsmoke/report/chapter1.pdf> (last accessed February 22, 2013).

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 12.70 SMOKING POLLUTION CONTROL

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Subsection 12.70.020.V is amended to read as follows:

**12.70.020 Definitions**

V. "Smoke" or "smoking" means and includes either (1) inhaling or exhaling upon, burning, or carrying any lighted smoking equipment for tobacco, nicotine, cannabis or any other plant or product used for personal habit commonly known as smoking or (2) inhaling or exhaling upon, vaporizing, or otherwise using any electronic smoking device.

Section 2. That Berkeley Municipal Code Section 12.70.035 is amended to read as follows:

**12.70.035 Smoking prohibited in multi-unit residences**

A. Effective May 1, 2014, smoking is prohibited in all units of multi-unit residences and all common areas of multi-unit residences.

B. All common areas of multi-unit residences shall have signage indicating that smoking is prohibited consistent with the signposting requirements of Section 12.70.060.A.

C. If the City receives a complaint of a violation of subdivision A, it may issue a notice to the person(s) responsible, informing them of the requirements of this Section. The tenant(s) of a unit, or owner-occupant(s) of an owner-occupied unit, shall be deemed the person(s) responsible for the violation where the violation was caused by the tenant(s) or owner-occupant(s) of the unit, or one or more persons subject to the control of, or present by invitation or permission of, the tenant(s) or owner-occupant(s).

D. If within a six month period following issuance of a notice under subdivision C, the City receives at least two complaints from residents of at least two separate units of the same multi-unit residence, or in the case of a two-unit multi-unit residence, from a resident of the other unit of a violation of subdivision A by the same person(s) provided notice under subdivision C, the person(s) responsible for the violation shall be guilty of an infraction as provided for in Berkeley Municipal Code Chapter 1.20. In addition, the City may employ any other remedies permitted by law, including but not limited to Chapter 1.28. In order for the City to initiate enforcement under this Section, each person who makes a claim of a violation of this Section must lodge the complaint on a form specified by the City.

~~E. Use of medical cannabis, including through the use of an electronic smoking device, within the enclosed area of a unit by a person for whom using medical cannabis is not a crime under California law shall be exempt from this Section.~~

EF. Sales contracts for condominiums entered into on or after May 1, 2014 shall disclose the requirements of Sections 12.70.035 and 12.70.037.

Section 3. That Berkeley Municipal Code Section 12.70.037 is amended to read as follows:

**12.70.037 Required Lease Term for New Leases**

A. Every lease or other rental agreement for the initial occupancy of a new or existing unit in a multi-unit residence entered into on or after May 1, 2014, shall include a clause providing that it is a material breach of the lease or other rental agreement for the tenant, or any other person subject to the control of the tenant or present by invitation or permission of the tenant, to engage in smoking in any unit of the multi-unit residence or any common area of the multi-unit residence.

B. Landlords shall offer all current tenants a voluntary lease addendum providing that it is a material breach of the lease or other rental agreement for the tenant, or any other person subject to the control of the tenant or present by invitation or permission of the tenant, to engage in smoking in any unit of the multi-unit residence or any common area of the multi-unit residence.

~~C. The use of medical cannabis, including through the use of an electronic smoking device, by a person for whom using medical cannabis is not a crime under California law shall not constitute smoking in a unit of a multiunit residence under the mandatory clause under subdivision A or the voluntary clause under subdivision B, unless it is separately prohibited under another term of the lease or other rental agreement.~~

~~CD.~~ Applications for tenancy shall include information from the landlord regarding Sections 12.70.035 and 12.70.037.

DE. Landlords shall provide written notice to all existing tenants of the requirements of Sections 12.70.035 and 12.70.037 no later than March 1, 2014.

Section 4. 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.



ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 12.70 SMOKING POLLUTION CONTROL

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Subsection 12.70.020.V is amended to read as follows:

**12.70.020 Definitions**

V. "Smoke" or "smoking" means and includes either (1) inhaling or exhaling upon, burning, or carrying any lighted smoking equipment for tobacco, nicotine, cannabis or any other plant or product used for personal habit commonly known as smoking or (2) inhaling or exhaling upon, vaporizing, or otherwise using any electronic smoking device.

Section 2. That Berkeley Municipal Code 12.70.035 is amended to read as follows:

**12.70.035 Smoking prohibited in multi-unit residences**

- A. Effective May 1, 2014, smoking is prohibited in all units of multi-unit residences and all common areas of multi-unit residences.
- B. All common areas of multi-unit residences shall have signage indicating that smoking is prohibited consistent with the signposting requirements of Section 12.70.060.A.
- C. If the City receives a complaint of a violation of subdivision A, it may issue a notice to the person(s) responsible, informing them of the requirements of this Section. The tenant(s) of a unit, or owner-occupant(s) of an owner-occupied unit, shall be deemed the person(s) responsible for the violation where the violation was caused by the tenant(s) or owner-occupant(s) of the unit, or one or more persons subject to the control of, or present by invitation or permission of, the tenant(s) or owner-occupant(s).
- D. If within a six month period following issuance of a notice under subdivision C, the City receives at least two complaints from residents of at least two separate units of the same multi-unit residence, or in the case of a two-unit multi-unit residence, from a resident of the other unit of a violation of subdivision A by the same person(s) provided notice under subdivision C, the person(s) responsible for the violation shall be guilty of an infraction as provided for in Berkeley Municipal Code Chapter 1.20. In addition, the City may employ any other remedies permitted by law, including but not limited to Chapter 1.28. In order for the City to initiate enforcement under this Section, each person who makes a claim of a violation of this Section must lodge the complaint on a form specified by the City.
- E. Sales contracts for condominiums entered into on or after May 1, 2014 shall disclose the requirements of Sections 12.70.035 and 12.70.037.

Section 3. That Berkeley Municipal Code 12.70.037 is amended to read as follows:

**12.70.037 Required Lease Term for New Leases**

- A. Every lease or other rental agreement for the initial occupancy of a new or existing unit in a multi-unit residence entered into on or after May 1, 2014, shall include a clause providing that it is a material breach of the lease or other rental agreement for the tenant, or any other person subject to the control of the tenant or present by invitation or permission of the tenant, to engage in smoking in any unit of the multi-unit residence or any common area of the multi-unit residence.
- B. Landlords shall offer all current tenants a voluntary lease addendum providing that it is a material breach of the lease or other rental agreement for the tenant, or any other person subject to the control of the tenant or present by invitation or permission of the tenant, to engage in smoking in any unit of the multi-unit residence or any common area of the multi-unit residence.
- C. Applications for tenancy shall include information from the landlord regarding Sections 12.70.035 and 12.70.037.
- D. Landlords shall provide written notice to all existing tenants of the requirements of Sections 12.70.035 and 12.70.037 no later than March 1, 2014.

Section 4. 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.



Office of the City Manager

CONSENT CALENDAR  
October 27, 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: Allana Buick & Bers, Inc. and Wiss, Janney, Elstner Associates, Inc. for On-Call Citywide Roof Assessment Services

RECOMMENDATION

Adopt two Resolution authorizing the City Manager to execute a contract and any amendments with each of 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.

FISCAL IMPACTS OF RECOMMENDATION

Funding will be identified and requested for appropriation as projects arise. Initial funding is available in the Capital Improvements Fund 501.

These contracts are for essential roof assessment services to address City facilities primarily within the Public Works (PW) and Parks, Recreation, and Waterfront (PRW) Departments. Many of these roofs are old, in need of repair, and at risk of becoming health and safety issues. The on-call roof assessment contracts will identify current and future needs, and engineering solutions to those needs that will provide for safe, reliable, and code-compliant facilities.

CURRENT SITUATION AND ITS EFFECTS

The City issued a Request for Qualifications on December 2, 2019 seeking firms to provide on-call citywide roofing assessment services, and on January 21, 2020 received 4 proposals. A panel of City staff reviewed the proposals, and developed a short list of 2 firms. ABB and WJE were determined to be the best qualified to meet the City's needs.

City staff recommends awarding a contract to both consultants to get the best value for the City, because it will create an alternative source for services, and secure more competitive proposals. It is anticipated that these on-call contracts will be shared with other departments, including the PRW.

These contracts support the City's Strategic Plan Goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

### BACKGROUND

The City operates 95 facilities, 56 of these are managed by PW and 39 under PRW. Many City roofs are old, in need of repair, and at risk of becoming health and safety problems. A recent cursory review of several sites showed signs of water intrusion through roofs, building walls, and windows causing potential structural integrity issues and mold.

On-call services are needed to assist City staff in performing assessments of individual roofs and the external walls and windows close to the roof lines (building envelope). In order to determine the appropriate methods of repair or replacement, a long-range maintenance plan is proposed for each building assessed. The plan will provide a proactive approach to rehabilitating the selected facility in areas such as waterproofing, building envelope repair, mold removal, and reconstruction.

The provided services will support the Strategic Plan goals of creating a resilient, safe, connected, and prepared city and providing state-of-the-art, well-maintained facilities.

### ENVIRONMENTAL SUSTAINABILITY

Work performed under this contract will include structural assessments on certain facilities for potential solar panel loads. Improvements to the facility building envelopes will also improve the energy efficiency of the facilities.

### RATIONALE FOR RECOMMENDATION

ABB and WJE have particular expertise in roof assessment services. They were among the top ranked firms and are the best qualified to meet the City's needs. These contracts will complement the personnel and capacity available to the delivery of these building facility improvements.

City staff recommends awarding a contract to both consultants to get the best value for the City, because it will distribute the anticipated workload, and secure more competitive proposals.

### ALTERNATIVE ACTIONS CONSIDERED

None. If City staff is not supplemented with on-call consultant services, the delivery of facilities capital improvement projects may be compromised.

### CONTACT PERSON

Andrew Brozyna, Deputy Director of Public Works, Department of Public Works (510) 981-6396

Joe Enke, Acting City Engineer,  
Elmar Kapfer, Supervising Civil Engineer, Department of Public Works (510) 981-6435

Attachments:

- 1: Resolution: Contract with Allana Buick & Bers, Inc.
- 2: Resolution: Contract with Wiss, Janney, Elstner Associates, Inc.

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

CONTRACT: ALLANA BUICK & BERS, INC. AND WISS, JANNEY, ELSTNER ASSOCIATES, INC. FOR ON-CALL CITYWIDE ROOF ASSESSMENT SERVICES

WHEREAS, on December 2, 2019, the City released a Request for Qualifications (Specification No. 19-11328-C) seeking firms or individuals to provide on-call roofing assessment services; and

WHEREAS, on January 21, 2020, the City received 4 submissions, which were reviewed and rated; and

WHEREAS, the submission from Allana Buick & Bers, Inc. has been found to be fully qualified and responsive to the City's request; and

WHEREAS, funding will be identified and requested for appropriation as projects arise; and

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 with Allana Buick & Bers, Inc. for on-call roofing assessment services for City-owned facilities in an amount not to exceed \$175,000 for the period July 1, 2020 through July 1, 2023. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

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

CONTRACT: WISS, JANNEY, ELSTNER ASSOCIATES, INC. FOR ON-CALL  
ROOFING ASSESSMENT SERVICES

WHEREAS, on December 2, 2019, the City released a Request for Qualifications (Specification No. 19-11328-C) seeking firms or individuals to provide on-call roofing assessment services; and

WHEREAS, on January 21, 2020, the City received 4 submissions, which were reviewed and rated; and

WHEREAS, the submission from Wiss, Janney, Elstner Associates, Inc. has been found to be fully qualified and responsive to the City's request; and

WHEREAS, funding will be identified and requested for appropriation as projects arise; and

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 with Wiss, Janney, Elstner Associates, Inc. for on-call roofing assessment services for City-owned facilities in an amount not to exceed \$175,000 for the period July 1, 2020 through July 1, 2023. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.







Office of the City Manager

CONSENT CALENDAR  
October 27, 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: DMR Builders for the 125/127 University Avenue Tenant Improvement Project.

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.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract (\$293,000) is subject to appropriation in the First Amendment to the FY 2021 Annual Appropriations Ordinance (AAO1) in the FY21 budget:

- \$ 250,000: Capital Improvement Fund (501-54-623-677-0000-000-444-662110-)
- \$ 43,000: Parking Meter Fund (631-54-623-677-0000-000-444-662110-)

|                                |                  |
|--------------------------------|------------------|
| Low bid by DMR Builders.....   | \$255,000        |
| Contingency (15%)              | \$38,000         |
| <b>Total Construction Cost</b> | <b>\$293,000</b> |

CURRENT SITUATION AND ITS EFFECTS

This project will enable the Berkeley Police Department’s Parking Enforcement Unit to move from privately-owned office space on Folger St. to City-owned office space at the Waterfront. This move will reduce the Parking Enforcement Unit’s office space rental costs by \$30,000/year and bring in \$175,000/year in lease revenue to the Marina Fund.

The Project’s construction documents were completed and advertised for bids on Friday, April 10, 2020. The City received six (6) bids ranging from \$255,000 to \$369,447, opened on May 14, 2020. Upon review of the bids, staff determined that DMR Builders was the lowest responsive and responsible bidder. Staff recommends that a construction contract for this project be awarded to DMR Builders.

The provided services will support the Strategic Plan goals of creating a resilient, safe, connected, and prepared City, by providing state-of-the-art, well-maintained facilities.

#### BACKGROUND

The Berkeley Police Department (BPD) plans to relocate its Parking Enforcement Unit from the current location on Folger Street to City owned lease space at 125/127 University Avenue. The current location is leased out of a privately owned facility. Utilizing the University Avenue property will bring in \$175,000/year of lease revenue to the Marina Fund, and reduce rental costs by about \$30,000/year relative to its current location.

Prior to the relocation, some tenant improvements are necessary to accommodate the Parking Enforcement Unit's needs. Some of the major proposed improvements include a new entryway, lobby, shower room and the renovation of two single occupancy restrooms. The improvements also ensure compliance with current life safety codes such as modifications to the sprinkler system and emergency exits.

#### ENVIRONMENTAL SUSTAINABILITY

The tenant improvements of the office space are modest, but will incorporate many energy efficiency upgrades such as high efficiency LED light fixtures, energy efficient windows, and a new high-efficiency electric hot water heater.

#### RATIONALE FOR RECOMMENDATION

Contracted services are required for this project as the City does not have the in-house expertise to complete this specialized work.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Andrew Brozyna, Deputy Director of Public works, (510) 981-6396  
Joe Enke, Acting City Engineer, Department of Public Works, (510) 981-6411  
Elmar Kapfer, Supervising Civil Engineer, Department of Public Works (510) 981-3654

#### Attachments:

- 1: Resolution
- 2: Abstract of Bids

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

CONTRACT: DMR BUILDERS FOR THE 125/127 UNIVERSITY AVENUE TENANT  
IMPROVEMENT PROJECT

WHEREAS, the project consists of tenant improvements of the first-floor office space at 125/127 University Avenue; and

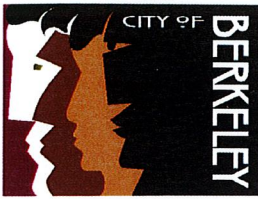
WHEREAS, The City has neither the labor nor the equipment necessary to undertake this renovation project; and

WHEREAS, an invitation for bids (Plans and Specifications No. 19-11267-C) was duly advertised, and DMR Builders was determined to be the lowest responsive and responsible bidder; and

WHEREAS, funds amount of \$293,000 will be appropriated in the First Amendment to the FY 2021 Annual Appropriations Ordinance in the FY 2021 Capital Improvement Fund (501-54-623-677-0000-000-444-662110-) and Parking Meter Fund (631-54-623-677-0000-000-444-662110-);

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Plans and Specification No. 19-11324 for the 125/127 University Avenue Tenant Improvement Project are approved, and DMR Builders is determined to be the lowest responsive and responsible bidder.

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions or change orders, until completion of the project in accordance with the approved plans and specifications with DMR Builders for the 125/127 University Avenue Tenant Improvement Project in an amount not to exceed \$293,000. A record signature copy of the agreement and any amendments will be on file in the Office of the City Clerk.



City of Berkeley  
Abstract of Bid Worksheet

Finance Department  
General Services Division

FOR: 125 Universtiy Ave. Tenant Improvements

Spec. # 19-11324

Bid Date:

5/14/2020

required

|    | Bidders            | Base Bid     |  |  | Bid Bond | Addenda | SC | LW | WF | EBO | OS | NF |
|----|--------------------|--------------|--|--|----------|---------|----|----|----|-----|----|----|
| 1  | Build Group        | \$325,672.00 |  |  | /        | / /     |    |    |    |     |    |    |
| 2  | DMR Builders       | \$255,000.00 |  |  | /        | / /     |    |    |    |     |    |    |
| 3  | Alta Group         | \$297,263.00 |  |  | /        | //      |    |    |    |     |    |    |
| 4  | Levitch Associates | \$358,904.00 |  |  | /        | //      |    |    |    |     |    |    |
| 5  | Vantis             | \$369,447.00 |  |  | /        | //      |    |    |    |     |    |    |
| 6  | EarthTone          | \$335,340.00 |  |  | /        | //      |    |    |    |     |    |    |
| 7  |                    |              |  |  |          |         |    |    |    |     |    |    |
| 8  |                    |              |  |  |          |         |    |    |    |     |    |    |
| 9  |                    |              |  |  |          |         |    |    |    |     |    |    |
| 10 |                    |              |  |  |          |         |    |    |    |     |    |    |

Bid Recorder: Talia Stewart 5/14/2020  
 Bid Opener: 5/14/2020  
 Project Manager: 5/14/2020



Office of the City Manager

CONSENT CALENDAR  
October 27, 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. 115731-1 Amendment: SKIDATA, Inc. (formerly Sentry Control Systems) for Extending Parking Access and Revenue Control System Maintenance Services and Warranties

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.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the contract amendment of the SKIDATA Parking Access and Revenue Control System (PARCS) is available in the FY 2021 budget and is subject to appropriation in each future fiscal year through Fiscal Year (FY) 2024 of the contract term in the Off-Street Parking Fund (Fund 627).

|                                                    |                    |
|----------------------------------------------------|--------------------|
| Current contract amount .....                      | \$1,335,257        |
| Amended contract amount (Maintenance through FY24) | \$ 660,283         |
| <b>Total NTE</b>                                   | <b>\$1,995,540</b> |

Below is a table of anticipated annual expenditures:

| Payment Term           | Parking Guidance | IT Manage Service | Premium Care Equip | Replacement Parts | Server Upgrade  | Annual Total     |
|------------------------|------------------|-------------------|--------------------|-------------------|-----------------|------------------|
| July 2021              | \$20,575         | \$44,583          | \$110,287          | N/A               | N/A             | \$175,445        |
| July 2022              | \$21,192         | \$47,298          | \$113,596          | N/A               | N/A             | \$182,086        |
| July 2023              | \$21,828         | \$49,920          | \$117,004          | N/A               | N/A             | \$188,752        |
| July 2021 – June 2024  | N/A              | N/A               | N/A                | \$75,000          | \$39,000        | \$114,000        |
| <b>Amendment Total</b> | <b>\$63,595</b>  | <b>\$141,801</b>  | <b>\$340,887</b>   | <b>\$75,000</b>   | <b>\$39,000</b> | <b>\$660,283</b> |

### CURRENT SITUATION AND ITS EFFECTS

The City entered into its current contract with SKIDATA, Inc. (formerly Sentry Control Systems) on July 1, 2017 via Resolution No. 68,009-N.S.<sup>1</sup> This contract provides preventative maintenance, parts, and software for the PARCS and the parking guidance system (PGS) equipment at the City's three public parking garages. The contract was first amended on September 14, 2017 to provide additional equipment associated with the Center Street Garage rebuild. On May 26, 2020 Council authorized a second contract amendment to provide funding for warranty coverage of the Center Street Garage's new parking guidance system.<sup>2</sup> This amendment was originally intended to include the recommended term extension and associated warranties, but was scaled back due to consideration of emergency COVID-19 measures. This contract is currently set to expire June 30, 2022.

The City's three parking garages are currently served by a mix of old and new equipment, with the older equipment purchased in 2011. Staff have prioritized cost savings over the duration of the contract. In 2018, during the Center Street Garage construction, staff only purchased new equipment necessary to expand the capacity of the garage while re-installing equipment originally used in the old facility.

The City assumes a ten-year lifespan for parking control equipment. Most of the existing equipment will reach this milestone next year. Older equipment is more susceptible to needing replacement parts due to accumulated wear and tear. The PARCS equipment is also in need of a software upgrade as its current Windows 7 operating system is no longer supported by Microsoft. The Windows 10 update will provide critical security upgrades for the safety and security of payment transactions conducted via the equipment. Under the existing contract, the newer equipment purchased for the Center Street Garage is under warranty through FY 2024. The recommended contract amendment would also extend the warranties of the equipment purchased in 2011 through FY 2024.

Maintenance costs will be cheaper over the recommended extended agreement length. Since vendor parts and services costs increase over time, staff seek to 'lock in' current rates for maintenance services in the contract. The longer the agreement term, the more the City saves over time by relying on the lower initial rates. By contrast, shorter contract lengths cost more over time as vendor maintenance costs increase with each incremental agreement. SKIDATA's warranty extension 'locks in' older pricing on all of the City's equipment (older and newer) through FY 2024.

Extending the contract term through FY 2024 will allow staff time to fully analyze the COVID-19 financial impacts in order to issue a Request for Proposals (RFP) for

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<sup>1</sup> May 30, 2017 *City Council Agenda*: <https://bit.ly/2XOGGvp>

<sup>2</sup> May 26, 2020 *City Council Agenda*: <https://bit.ly/33yb4LC>

replacement PARCS equipment in alignment with future budgetary conditions, while keeping the existing PARCS and PGS equipment well-maintained. While the May 26, 2020 contract amendment was originally intended to include the recommended term extension and associated warranties, it was scaled back due to consideration of emergency COVID-19 measures.

#### BACKGROUND

In March 2012, based on a recommendation from the City Auditor to fully automate the garage revenue system, the City purchased SKIDATA PARCS equipment for its three public parking garages: Oxford Garage, Telegraph Channing Garage, and Center Street Garage. Sentry Control Systems (now a subsidiary of SKIDATA, Inc.) installed and currently maintains the revenue system, and provides periodic Payment Card Industry (PCI) compliance upgrades.

#### ENVIRONMENTAL SUSTAINABILITY

As part of the goBerkeley demand-responsive parking program, the City's three parking garages play an important role in improving parking availability and reducing congestion and greenhouse gas emissions in the Downtown Berkeley and Southside/Telegraph areas.

#### RATIONALE FOR RECOMMENDATION

PARCS equipment in the City's three public parking facilities has a useful lifespan of ten years, beyond which repair becomes much more costly as the equipment is less reliable and replacement parts are harder to obtain. Most of the City's equipment is now nine years old and in need of routine parts replacement. Extending the contract term allows the City to cover needed invoice costs in Fiscal Year 2021, and to lock in lower maintenance costs over a longer warranty agreement, saving money over time.

Additionally, from July 2019 through February 2020, the City's three parking garages generated nearly \$358,000 per month in gross revenue. Well-running equipment allows the City to collect this revenue without service interruptions, supporting the City's current and future fiscal health.

#### ALTERNATIVE ACTIONS CONSIDERED

If this contract amendment is not approved, funding will be unavailable for critical maintenance of the City's PARCS equipment through the contract term. The effects of malfunctioning or inoperable equipment are far reaching. If equipment fails, the City may need to revert to processing payment transactions manually at parking facilities, resulting in higher contractor costs. Alternatively the City would need to shut down any malfunctioning off-street parking facility entirely, resulting in loss of revenue that would risk the fiscal health of programs and bond payments reliant on this source of funding.

#### CONTACT PERSON

Farid Javandel, Manager, Transportation Division (510) 981-7061  
Danette Perry, Manager, Parking Services (510) 981-7057

Contract No. 115731-1 Amendment: SKIDATA, Inc.  
(formerly Sentry Control Systems) for Extending Parking Access and  
Revenue Control System Maintenance Services and Warranties

CONSENT CALENDAR  
October 27, 2020

Attachment:  
1: Resolution



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

CONTRACT NO. 115731-1 AMENDMENT: SKIDATA, INC. (FORMERLY SENTRY CONTROL SYSTEMS) FOR MAINTENANCE AND WARRANTIES AND EXTENSION OF CONTRACT TERM

WHEREAS, the City of Berkeley owns and operates three public parking facilities with automated entry/exit and payment capabilities; and

WHEREAS, the City of Berkeley is currently under contract with SKIDATA, Inc. (formerly Sentry Control Systems) to install and maintain the Parking Access and Revenue Control System (PARCS) at the three facilities; and

WHEREAS, FUND\$ Contract No. 10661 was executed July 1, 2017 as authorized by Resolution No. 68,009-N.S., was subsequently amended on September 14, 2017 to include maintenance and extended warranties, and will expire June 30, 2022; and

WHEREAS, the contract was amended on May 26, 2020 to provide warranty coverage for the Center Street Garage's new parking guidance system, but was scaled back in scope due to COVID-19 cost considerations; and

WHEREAS, PARCS equipment in the City's three public parking facilities is now nine years old and in need of routine parts replacement; and

WHEREAS, extending the contract term an additional two years until June 30, 2024 will lock in lower cost warranty rates for all of the City's PARCS equipment and allow staff adequate time to conduct an RFP process for replacement equipment; and

WHEREAS, funding for extending maintenance and warranties for existing equipment through FY 2024 is subject to appropriation in each fiscal year of the contract term in the Off-Street Parking Fund (Fund 627).

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. 115731-1 with SKIDATA, Inc. (formerly Sentry Control Systems) to provide maintenance services and warranties for parking access and revenue control system equipment, increasing the contract amount by \$660,283 for a total not-to-exceed amount of \$1,995,540, and extending the contract term by two years to June 30, 2024.





Office of the City Manager

CONSENT CALENDAR  
October 27, 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. 112199-1 Amendment: Technology, Engineering, and Construction, Inc. for Tank Maintenance and Certification Services

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.

FISCAL IMPACTS OF RECOMMENDATION

This contract provides for on-call repairs and routine inspections of the fuel storage tanks owned by the City. Annual costs have recently exceeded the estimated annual amount of approximately \$30,000 due to unanticipated expenses associated with Capital Projects and unplanned upgrades of new technology. Funding is available in the FY 2021 budget in the Equipment Maintenance Fund (Fund 672), Fire Department Fund (Fund 011), Library Fund (Fund 101), Used Oil Grant Fund (Fund 329).

|                                          |                  |
|------------------------------------------|------------------|
| Original Authorized Contract Amount..... | \$50,000         |
| Previous Contract Amendment.....         | \$100,000        |
| Current Contract Amendment.....          | \$100,000        |
| <b>Total Contract Amount.....</b>        | <b>\$250,000</b> |

CURRENT SITUATION AND ITS EFFECTS

Technology, Engineering and Construction, Inc., doing business as Accutite Environmental Engineer (Accutite), maintains and inspects above ground and underground fuel storage tanks at the City’s Corporation Yard, Transfer Station, Central Library, Public Safety Building, and all Fire Stations. The underground fuel tank storage systems at the Transfer Station, Corporation Yard, and Public Safety Building must be tested annually, and maintained to ensure proper operation of the monitoring and dispensing equipment. Types of testing conducted are:

- Secondary containment testing at the Corporation Yard and Public Safety Building
- Air quality testing and Healy tank testing at the Corporation Yard

- Monitoring system and certification of the storage tanks
- Spill bucket monitoring at the Corporation Yard, Transfer Station and Public Safety Building

Some of the projects that were unanticipated include:

- The removal of an underground storage tank as part of the renovations of the Mental Health Clinic at 2640 Martin Luther King Jr. Way.
- Repairs to the pump and tank at the Used Oil Recycling facility at the Transfer Station.
- Upgrading the tank monitoring hardware to be compatible with the City's new fuel monitoring software Syntech<sup>1</sup>.

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

#### BACKGROUND

Request for Proposal No. 16-11059 for tank maintenance and certification was issued in June of 2016. Two bids were received and evaluated. Accutite was selected as the most qualified vendor. Contract No. 10350 with Accutite for tank maintenance and certification services was authorized by the City Manager in August 2016 for a not to exceed amount of \$50,000.

On June 11, 2019, Resolution No. 68,949-N.S. the Berkeley City Council authorized a contract amendment increasing the not to exceed amount to \$150,000 and extending the contract to June 31, 2021.

#### ENVIRONMENTAL SUSTAINABILITY

Regular maintenance and testing of the fuel storage tanks are critical to ensure that the tanks are intact and functioning properly, which minimizes potential contamination risk to soil and groundwater.

#### RATIONALE FOR RECOMMENDATION

The recommended amendment will enable the City to continue to comply with annual regulatory testing, conduct routine maintenance, and provide for unforeseen repairs. Accutite has consistently provided high quality, cost effective, and timely professional services to the City.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

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<sup>1</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/04\\_Apr/Documents/2018-04-24\\_Item\\_10\\_Contract\\_Syntech\\_Systems,\\_Inc.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/04_Apr/Documents/2018-04-24_Item_10_Contract_Syntech_Systems,_Inc.aspx)

Contract No. 112119-1 Amendment to  
Technology, Engineering, and Construction, Inc.

CONSENT CALENDAR  
October 27, 2020

CONTACT PERSON

Lam Inthavong, Environmental Compliance Specialist, (510) 981-6644  
Joy Brown, Senior Management Analyst Public Works, (510) 981-6629

Attachment:  
1: Resolution

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

CONTRACT NO. 112199-1 AMENDMENT: TECHNOLOGY, ENGINEERING AND CONSTRUCTION, INC. FOR TANK MAINTENANCE AND CERTIFICATION SERVICES

WHEREAS, Public Works needs maintenance and certification services to provide maintain the aboveground and underground fuel storage tanks for the City; and

WHEREAS, Technology, Engineering and Construction, Inc. was selected through the City's competitive bid process, and in August 2016 the City Manager executed Contract N. 10350 to provide tank maintenance and certification services and training in an amount not-to-exceed \$50,000 for a 3-year term; and

WHEREAS, on June 11, 2019, City Council approved a contract amendment for a revised not to exceed amount of \$100,000 for continued tank maintenance and certification services through June 30, 2021; and

WHEREAS, funds are available in FY 2021 Budget Equipment Maintenance Fund (Fund 672), Fire Department Fund (Fund 011), Library Fund (Fund 101), Used Oil Grant Fund (Fund 329) for this amendment.

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. 112199-1 with Technology, Engineering and Construction, Inc. increasing the contract by \$100,000 for a total contract amount not to exceed \$250,000 and extending the term through June 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  
October 27, 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. 102354-1 Amendment: Direct Line Tele Response for Citywide After-Hours Answering Services

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.

FISCAL IMPACTS OF RECOMMENDATION

The annual estimated expenditure is \$50,000 but this amount may increase depending upon call volume and emergency situations. Funding is part of the baseline budget from the various budget funds and amounts listed below:

| Fund                                 | Fund No. | Amount          |
|--------------------------------------|----------|-----------------|
| Information Technology               | 680      | \$30,000        |
| Parks, Recreation and Waterfront     | 138      | \$3,000         |
| Measure B Local Street & Road        | 130      | \$1,000         |
| Sanitary Sewer                       | 611      | \$8,000         |
| Unified Program (CUPA)               | 622      | \$1,000         |
| Building and Safety                  | 622      | \$1,000         |
| Environmental Health                 | 611      | \$1,000         |
| Zero Waste – Clean City Division     | 601      | \$2,000         |
| Building Purchases/Management        | 636      | \$1,500         |
| Building Maintenance                 | 673      | \$1,500         |
| Clean Storm Water                    | 616      | \$500           |
| Equipment Maintenance                | 672      | \$500           |
| Parking Meter                        | 631      | \$500           |
| <b>Estimated Annual Expenditures</b> |          | <b>\$50,000</b> |

Any additional funding will be appropriated through the Annual Appropriations process.

### CURRENT SITUATION AND ITS EFFECTS

Direct Line Tele Response (Direct Line) provides after-hours answering services for Department of Public Works; Parks, Recreation and Waterfront; Department of Planning & Development Toxics Management Division; and Health Housing and Community Services. It also provides daytime coverage to the Information Technology's 311 Customer Service Division when these staff need to attend trainings and key department meetings.

After normal business hours, on weekends, and on holidays, residents and businesses continue to contact the City to report urgent requests such as sewer problems, flooding, fallen tree limbs, broken traffic signals, hazardous material situations, and environmental health issues. Direct Line has trained staff to receive, listen, respond, dispatch and report urgent requests to City crews. With this amendment, the Building and Safety Division of the Planning Department will also be included. In the event of a power outage in Berkeley, they have a backup generator to support their operations. If there is an earthquake or other catastrophic event, they have remote staff in other areas of California, Arizona, and Texas that are able to support our emergency dispatch needs.

### BACKGROUND

The City issued a Request for Proposals in April 2014 and selected Direct Line Tele Response as the most responsive and qualified vendor to meet the needs of its Departments. Direct Line Tele Response is a Berkeley-based business and is familiar with the needs of those departments covered under this contract.

It is not cost effective for the City to provide phone coverage for the urgent calls it receives after normal business hours. The City has been using an answering service to take calls from the public for decades. When Direct Line Tele Response receives a call, it contacts the on-call assigned City staff to respond to the request for service. Non-emergency calls are recorded, and appropriate departments notified by email the next business day.

On May 20, 2014, the City Council authorized the City Manager to enter into a contract with Direct Line Tele Response to provide these services in an amount not to exceed \$75,000 (FUND\$ Contract No. 9674).<sup>1</sup>

On April 1, 2015 the City Manager authorized an amendment to Contract No.9674 to modify the contract scope to provide additional services to the 311 Customer Service Center to allow staff to attend required trainings.

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<sup>1</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2014/05\\_May/Documents/2014-05-20\\_Item\\_14\\_Contract\\_Direct\\_Line\\_Tele\\_Response.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2014/05_May/Documents/2014-05-20_Item_14_Contract_Direct_Line_Tele_Response.aspx)



On April 25, 2017, the City Council authorized the City Manager to amend contract No. 9674A with Direct Line Tele Response to provide services to multiple City departments in an amount not to exceed \$150,000.<sup>2</sup>

On September 25, 2018, the City Council authorized the City Manager to amend contract No. 9786B with Direct Line Tele Response to increase the not to exceed amount to \$282,750 and extend the contract term to December 31, 2020.<sup>3</sup>

Contracts have new numbers in erma and the new contract number is 102354-1.

#### ENVIRONMENTAL SUSTAINABILITY

Having an answering service to handle after hours calls allows City staff to respond quickly to hazardous materials spills, sewer problems, or other issues that could be harmful to the environment. In addition, failure to respond in a timely fashion can trigger regulatory fines and penalties.

#### RATIONALE FOR RECOMMENDATION

City staff does not currently have the capacity to provide after hours, weekend, and holiday call answering services. Their services provide the City additional support during wet weather events and emergencies. Direct Line Tele Response has extensive experience and has performed well during the contract term. They continue to upgrade their capacity and are reliable and cost effective.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Joy Brown, Senior Management Analyst, Public Works (510) 981-6629  
Kathy Cassidy, Manager, Information Technology – 311, (510) 981-2489

Attachment:

1: Resolution

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<sup>2</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2017/04\\_Apr/Documents/2017-04-25\\_Item\\_15\\_Contract\\_No\\_9674A.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2017/04_Apr/Documents/2017-04-25_Item_15_Contract_No_9674A.aspx)

<sup>3</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/09\\_Sep/Documents/2018-09-25\\_Item\\_12\\_Contract\\_No\\_9674B\\_Amendment\\_Direct\\_Line\\_Tele\\_Response.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/09_Sep/Documents/2018-09-25_Item_12_Contract_No_9674B_Amendment_Direct_Line_Tele_Response.aspx)

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

CONTRACT NO. 9674B AMENDMENT: DIRECT LINE TELE RESPONSE FOR  
AFTER-HOURS ANSWERING SERVICES

WHEREAS, Direct Line Tele Response has provided reliable after-hours answering services during the contract term and has been able to support the 311 Customer Service during occasional required trainings and meetings; and

WHEREAS, in 2014 the City requested proposals for Citywide answering services and Direct Line Tele Response was selected as the most qualified firm to provide these services; and

WHEREAS, on May 20, 2014, by Resolution No. 66-586 N.S., the City Council authorized Contract No. 9674 with Direct Line Tele Response for after-hours answering services, in an amount not to exceed \$75,000 for the period of July 1, 2014 through June 30, 2017; and

WHEREAS, on April 25, 2017, by Resolution No.67,912 N.S., the City Council authorized the City Manager to amend contract No. 9674A with Direct Line Tele Response to provide services to multiple City departments in an amount not to exceed \$150,000; and

WHEREAS, on September 25, 2018, by Resolution No. 68,610 the City Council authorized the City Manager to amend contract No. 9674B with Direct Line Tele Response to provide services to multiple City departments in an amount not to exceed \$282,750; and

WHEREAS, there is an ongoing need for an answering service to answer calls and to dispatch City staff outside routine business hours for Public Works, Parks, Recreation and Waterfront, Health, Housing and Community Services, Department of Planning & Development Toxics Management Division, and for occasional daytime coverage for Information Technology 311 Customer Service Division; and

WHEREAS, City staff does not currently have the capacity to perform the services provided by Direct Line Tele Response; and

WHEREAS, funds have been identified from each of the participating departments and divisions with an estimated annual expenditure of \$50,000 that is provided for in the baseline FY 2021 budget and will be appropriated in future budgets.

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. 9674B with Direct Line Tele Response for on-going after-hours answering services, and for occasional daytime coverage for 311 Customer Service, increasing the contract amount by \$150,000 for a total amount not to exceed \$432,750, and extending the term of the contract to

October 27, 2020

December 31, 2022. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.





Office of the City Manager

CONSENT CALENDAR  
October 27, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Public Works

Subject: Referral Response: Game Day Parking – Minor Update to Include RPP Area K

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.

FISCAL IMPACTS OF RECOMMENDATION

Minimal in the short term. If any signage installation is necessary during the spectator-less Cal football season, staff will adapt existing sign inventory as much as possible to reduce costs.

Fully implementing the recommendation to prepare for resumption of spectator sports at Cal Memorial Stadium will incur an initial cost of \$2,250 and an ongoing cost of \$1,425 annually which is included in the baseline Traffic Maintenance FY21 Budget Fund 127.<sup>1</sup>

CURRENT SITUATION AND ITS EFFECTS

This report responds to referral #002-0547 that originally appeared on the agenda of the September 10, 2019 Council meeting and was sponsored by Councilmember Lori Droste.<sup>2</sup>

This referral directed staff to add RPP Zone K, which covers the Panoramic Hill neighborhood, to the new UC Berkeley football game day “Enhanced Fine” enforcement program introduced last year. The report reflected growing concern among Panoramic Hill residents about parking availability given their immediate proximity to the stadium.

After initial uncertainty surrounding the resumption of college sports due to the ongoing COVID-19 pandemic, UC Berkeley is currently planning to resume football games at Cal

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<sup>1</sup> **Initial costs:** Approximately 25 new RPP signs specifying new parking restrictions, at a unit cost of \$50 per sign, and 10 person hours to install the new signs for a one-time labor cost of \$1,000.

**Ongoing costs:** Approximately 25 decals to identify football game dates (replaced annually) at cost of \$625. Initial decal installation included with sign installation cost. Annual decal replacement requires 8 person hours at a cost of \$800.

<sup>2</sup> September 10, 2019 *City Council Agenda: Game Day Parking – Minor Update to Include RPP Area K*  
<https://bit.ly/3ns4ijQ>

Memorial Stadium in November 2020. The first game against the University of Washington is scheduled for Saturday, November 7.<sup>3</sup> While the stadium will be closed to spectators, some lower Panoramic Hill streets could experience localized parking impacts if Cal football fans drive and walk to Charter Hill (aka “Tightwad Hill”), located east of the stadium, to view the game.<sup>4</sup>

The attached Resolution includes Panoramic Hill within the “Enhanced Fine Area.” If needs arise during the 2020 Cal football season, new signage will be installed on a rolling basis based on proximity to the stadium and availability of resources with parking enforcement conducted accordingly.

### BACKGROUND

At the May 14, 2019 Council Meeting, staff presented a package of “mid-term” reforms to the RPP Program.<sup>5</sup> Among these recommendations was a staff response to two Council referrals regarding parking enforcement in neighborhoods closest to campus on UC Berkeley home football game days. At the meeting, Council approved Resolutions No. 68,901-N.S., which established the geographic boundaries for Enhanced Fine Areas, and No. 68,901-N.S., which established a new Parking Fine Schedule including a fine of \$225 for parking in Enhanced Fine Areas without a valid RPP permit.

Language explicitly authorizing new Enhanced Fine tow-away zones on specific residential streets closest to Cal Memorial Stadium on UC home football game days was unintentionally omitted from Resolution No. 68,901-N.S. A subsequent Resolution No. 69,089 approved on September 10, 2019 corrected these minor typos, allowing enforcement of the new “Enhanced Fine Areas” to roll out during the fall 2019 Cal football season.<sup>6</sup>

### ENVIRONMENTAL SUSTAINABILITY

This item has no discernible environmental effects.

### RATIONALE FOR RECOMMENDATION

Expanding “Enhanced Fine” parking enforcement to Panoramic Hill will help alleviate localized parking availability problems for residents on UC Berkeley football game days, particularly when spectators are allowed to return to games.

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<sup>3</sup> UC Berkeley football schedule, accessed October 6, 2020 <https://bit.ly/33yjN1B>

<sup>4</sup> “Tightwad Hill” Wikipedia entry, accessed October 6, 2020 <https://bit.ly/3ljEynB>

<sup>5</sup> May 14, 2019 *City Council Agenda: Residential Preferential Parking (RPP) Program Reform and Expansion Phase II: Recommendations for Increased Staffing, Enhanced Football Game Day Enforcement, and Expansion* <http://bit.ly/2ZW6Ee5>

<sup>6</sup> September 10, 2019 *City Council Agenda: Correction to Resolution No. 68,901-N.S. to Authorize Enhanced Fine Tow Zones on UC Berkeley Football Game Days* <https://bit.ly/3iCbaaH>

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Farid Javandel, Transportation Manager, Public Works (510) 981-7061  
Danette Perry, Parking Services Manager, Public Works (510) 981-7057  
Gordon Hansen, Senior Planner, Public Works (510) 981-7064

Attachments:

- 1: Resolution
- 2: Original Referral Report from September 10, 2019

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

ESTABLISHING THE ZONES FOR “ENHANCED FINE AREAS” AND FOOTBALL GAME DAY VIOLATIONS, AND AUTHORIZING THE CITY MANAGER TO MAKE AN ANNUAL DETERMINATION AND NOTICE OF DATES ON WHICH FOOTBALL DAY VIOLATIONS WILL BE ISSUED; AND RESCINDING RESOLUTION NO. 69,089-N.S.

WHEREAS, City Council Resolution No. 69,089-N.S. restated the geographic area for football game day citations, correcting geographic boundaries for Enhanced Fine tow-away zones requested in the Council action; and

WHEREAS, University of California football games attract a large number of visitors who drive to the game and park in residential neighborhoods to the north and south of campus, which typically makes it difficult for residents to find parking in close proximity to their homes on football game days; and

WHEREAS, current enforcement of the two-hour time limit for vehicles without a valid permit in portions of Residential Preferential Parking (RPP) Zones closest to the stadium is time intensive, reducing the ability of Parking Enforcement to maximize limited staff capacity on game days; and

WHEREAS, the permanent double parking fine program established by Resolution No. 63,800-N.S. has not deterred extended game day parking in portions of RPP Zones B and D, particularly in comparison to private off-street facilities in the vicinity of the stadium offering game day parking for up to \$100; and

WHEREAS, staff have confirmed with Parking Enforcement leadership that new “Enhanced Fine Areas,” in which vehicles without a valid RPP permit would not be permitted to park on football game days, would maximize limited enforcement capacity on football game days; and

WHEREAS, concurrent with this Resolution, the Council is considering adoption of another Resolution establishing a new schedule of parking violations and fines for parking violations, including in new “Enhanced Fine Areas;” and

WHEREAS, the existing “double parking fine” program would continue to be in effect on football game days in addition to the new “Enhanced Fine Areas;” and

WHEREAS, the schedule of parking violations and fines for parking violations may be revised in the future without affecting established zones for football day citations and Enhanced Fine Areas and the City Manager’s authorization to determine and provide public noticing of dates for these violations.



October 27, 2020

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the established zone for the northerly Enhanced Fine Area is north to (not including) Cedar Street, west to (not including) Shattuck Avenue, south to Hearst Avenue, and east to the existing boundary of RPP Zones F and G.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the established zone for the southerly Enhanced Fine Area is north to Dwight Way between Telegraph Avenue and Regent Street, north to Haste Street between Regent Street and Bowditch Street, north to Dwight Way between Bowditch Street and College Avenue; east to (but not including) College Avenue between Dwight Way and Parker Street; north to (but not including) Parker Street between College Avenue and Warring Street; east to Warring Street between Parker Street and Derby Street; north to Derby Street between Warring Street and Belrose Avenue; east to (but not including) Belrose Avenue/Claremont Boulevard between Derby Street and Russell Street; south to (but not including) Russell Street between Belrose Avenue/Claremont Boulevard and Telegraph Avenue; and west to (but not including) Telegraph Avenue between Russell Street and Dwight Way.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the established zone for the easterly Enhanced Fine Area is north to Canyon Road between Prospect Street and the Berkeley-Oakland city limits, inclusive of RPP Zone K; east to the Berkeley-Oakland city limits; south to Dwight Way between the Berkeley-Oakland city limits and Prospect Street; and west to (but not including) Prospect Street between Dwight Way and Channing Way.

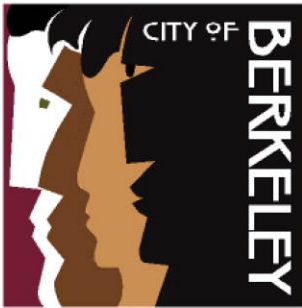
BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the established zone for Enhanced Fine tow-away zones includes the following streets: Channing Way west to (but not including) College Avenue and east to Prospect Street; Haste Street west to (but not including) College Avenue and east to Piedmont Avenue; Dwight Way west to College Avenue and east to Prospect Street; Parker Street west to College Avenue and east to Warring Street; College Avenue north to Dwight Way and south to Parker Street; Etna Street north to Dwight Way and south to Parker Street; Piedmont Avenue north to Channing Way and south to Parker Street; Warring Street north to Dwight Way and south to Parker Street; only the east side of Warring Street north to Channing Way and south to Dwight Way; and Prospect Street north to Channing Way and south to Dwight Way.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the established zone for football day citations is north to (not including) Cedar Street, south and east to the Berkeley-Oakland city limits, and west to Oxford and Fulton Streets (including both sides of these streets).

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the City Manager is directed to annually determine the dates during which there are higher parking fines for football day citations, and provide reasonable notice to the public of these dates.

October 27, 2020

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that Resolution No. 69,089-N.S. is hereby rescinded.



Lori Droste  
Berkeley City Council District 8

CONSENT CALENDAR  
September 10, 2019

To: Honorable Mayor and Members of the City Council  
From: Councilmember Lori Droste and Mayor Jesse Arreguin  
Subject: Game Day Parking - Minor Update to include RPP area K

RECOMMENDATION

Refer to the City Manager the modification of parking restrictions in specified RPP Zones on UC Berkeley home football game days as follows: establish “Enhanced Fine Areas” to prohibit parking without a valid RPP permit to include RPP Zone K; and install new RPP signs in zone K to clearly indicate UC Berkeley home football game day parking prohibitions.

BACKGROUND

On May 14, 2019, Council adopted a [“Residential Preferential Parking Program Reform and Expansion Phase II: Recommendations for Increased Staffing, Enhanced Football Game Day Enforcement, and Expansion”](#) item that included updated fines and expanded prohibitions on UC Berkeley home football game day parking.

These new rules were adopted for portions of RPP areas B, D, F, G, and I. Since that time, there is growing concern that RPP Area K should have been included in those new regulations. This item amends the current rules to include Area K, which encompasses Panoramic Hill, a neighborhood directly east of the football stadium that is negatively impacted on UC Berkeley home football game days.

FISCAL IMPACTS OF RECOMMENDATION

Staff time and signage

ENVIRONMENTAL SUSTAINABILITY

None

CONTACT PERSON

Lori Droste, Berkeley City Council, District 8, 510-981-7180

ATTACHMENTS

MAY 2019 Game Day Parking Item



Office of the City Manager

PUBLIC HEARING

May 14, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Phillip Harrington, Director, Public Works

Subject: Residential Preferential Parking Program Reform and Expansion Phase II: Recommendations for Increased Staffing, Enhanced Football Game Day Enforcement, and Expansion

RECOMMENDATION

Conduct a public hearing and upon conclusion:

1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 14.72 to allow Residential Preferential Parking (RPP) in areas zoned Mixed Use-Light Industrial;
2. Adopt a Resolution to expand and enhance the RPP Program, raising permit fees for cost neutrality while increasing parking enforcement staff and equipment to augment RPP enforcement, improving UC Berkeley home football game parking enforcement, allowing more residents to opt-in, and rescinding Resolution 68,344-N.S.;
3. Adopt a Resolution modifying parking restrictions in specified RPP Zones on UC Berkeley home football game days as follows: establish "Enhanced Fine Areas" to prohibit parking without a valid RPP permit in portions of RPP Zones B, D, F, G, and I; and install new RPP signs in zones B, D, F, G, and I to clearly indicate UC Berkeley home football game day parking prohibitions; and
4. Adopt a Resolution establishing a new Parking Fine Schedule, including parking fines of \$225 per violation of BMC 14.40.090 in new Enhanced Fine Areas on posted UC football game days, and rescinding Resolution No. 68,466-N.S.

SUMMARY

The recommended actions constitute a package of "mid-term" changes to the RPP Program, developed in response to previous Council direction. These changes include: 1) hiring (7) seven more parking enforcement personnel to augment enforcement in existing and new RPP Zones, particularly on UC Berkeley home football game days; 2) instituting new parking restrictions and increased fines on football game days; 3) allowing blocks currently ineligible for RPP to opt-in to the Program; and 4) increasing permit fees to make the Program cost-neutral.



**FISCAL IMPACTS OF RECOMMENDATION**

The recommendation would provide staffing to increase enforcement of RPP Program parking restrictions, including during UC Berkeley football games, and allow many currently ineligible residents to opt-in to the Program. The capital and operational cost and revenue elements associated with these changes are summarized below. These are new obligations, in addition to existing costs to operate the program.

**Football Game Day Enforcement Cost**

Implementing the recommendation for the 2019 football season will incur a one-time capital cost of \$80,000, including:

- Approximately 500 new Residential Preferential Parking (RPP) signs specifying new parking restrictions, at a unit cost of \$100 per sign, and 250 person hours to install the new signs for a one-time labor cost of \$25,000; and
- Approximately 500 decals to identify football game dates (replaced annually) at cost of \$5,000. Initial decal installation included with sign installation cost. Annual decal replacement requires 100 person hours at a cost of \$10,000.

Staff calculates the ongoing cost to be \$15,000 annually. Initial and annual costs are summarized in the table below:

|              |           | <b>Initial Cost</b>            | <b>Ongoing Annual Cost</b> |
|--------------|-----------|--------------------------------|----------------------------|
| Signs        | Materials | \$50,000                       | N/A                        |
|              | Labor     | \$25,000                       | N/A                        |
| Decals       | Materials | \$5,000                        | \$5,000                    |
|              | Labor     | Included in sign installation. | \$10,000                   |
| <b>Total</b> |           | <b>\$80,000</b>                | <b>\$15,000</b>            |

Currently, the UC Berkeley Athletics Department reimburses the City for signs produced and installed to manage football game day traffic. The current signs are over 20 years old; in 2017, UC paid approximately \$18,600 for sign and decal maintenance costs. Staff recommend that City leadership coordinate with UC Berkeley to fund the recommended one-time signage/decal upgrades, plus ongoing annual costs.<sup>1</sup>

**RPP Program Enforcement Enhancement and Expansion Cost**

The fiscal impact of all of these recommendations will be realized in the General Fund (011). All permit fees and citation revenues, including revenue from new enforcement staff, will be deposited in the General Fund. In turn, all new staff and equipment costs will come out of the General Fund. Costs include:

- Six (6) Parking Enforcement Officers (\$124,818 per FTE; total \$748,908/year), and one (1) Parking Enforcement Supervisor at \$138,065/year;

<sup>1</sup> If UC Berkeley is unable to pay this cost, then the funding would come from the General Fund.

- Six (6) parking enforcement vehicles (\$210,000 total), each equipped with standard automated license plate recognition (ALPR) systems at \$78,363 each (\$470,178), annualized over a five-year period;<sup>2</sup> and
- New RPP sign installation, including labor and materials, at \$23,000 per year.<sup>3</sup>

#### Estimated New Revenue

During the 2018 season, football-related RPP citations resulted in \$49,100 in revenue, and staff anticipates the new “Enhanced Fine Areas” to generate an additional \$31,650. More significantly, hiring six (6) more PEOs is expected to increase citation revenue in both new and existing RPP areas. Staff estimate that each new PEO would issue up to \$75,000/year in RPP citations, for a total of \$450,000/year.

#### Incremental Fiscal Impact in FY 2020

Hiring of new PEOs and procurement of associated enforcement equipment would take place over the course of FY 2020, resulting in incremental increases in new citation revenue as new staff are selected, trained, and deployed. Similarly, each opt-in petition for new areas will take time to verify and bring to Council for approval, resulting in delayed revenues from permits purchased in expansion areas. Therefore, the full fiscal impact of the Program’s expansion and enhancement will not be seen in FY 2020. Staff will continue to monitor the Program’s costs and revenues as new enforcement staff are hired.

#### User Fee Increases for Cost Neutrality

Per Council Budget Policies,<sup>4</sup> the RPP Program should pay for itself. As of March 2019, the RPP Program still runs a deficit of approximately \$124,675. The deficit has shrunk by \$71,125 since FY 2017, when the deficit was approximately \$195,800. This deficit reduction, but not elimination, may be due in part to a decline in permit revenues following the 20% fee increase on April 1, 2018. Customers may also have reevaluated their needs in light of the new maximum of three (3) annual permits per address.

The proposed fee structure would go into effect June 1, 2019, to support increasing enforcement in FY 2020. It is estimated to generate approximately \$368,280 of additional revenue, including \$21,600 from annual permit sales in potential new opt-in areas, for the General Fund (Fund 011). The following table reflects increases for each type of permit in the RPP fee structure to result in a cost-neutral Program.

<sup>2</sup> Proposed permit fees incorporate half of PEO salary costs, and half of the one-time vehicle and equipment costs, as RPP enforcement accounts for approximately half of all parking enforcement duties. Remaining costs are expected to be covered by new revenues resulting from new staff enforcing other duties, such as street sweeping, parking meter payments, and school zones.

<sup>3</sup> Up to twenty blocks in new areas would be allowed to join the Program per year. Staff assumes six RPP signs per block (three signs on each side of the block), and approximately \$1,150 per block.

<sup>4</sup> “Council Budget Policies”: <http://bit.ly/2z4UiFY>



| Permit Type                                                                   | Current Fee | Proposed Fee | \$ Increase | % Increase |
|-------------------------------------------------------------------------------|-------------|--------------|-------------|------------|
| Annual Residential & In-Home Care                                             | \$66.00     | \$90.00      | \$24.00     | 36.4%      |
| 1-Day Visitor                                                                 | \$3.00      | \$4.00       | \$1.00      | 33.3%      |
| 14-Day Visitor                                                                | \$34.00     | \$47.00      | \$13.00     | 38.2%      |
| Semi-Annual Residential & In-Home Care                                        | \$33.00     | \$45.00      | \$12.00     | 36.4%      |
| Community-Serving Facility                                                    | \$83.00     | \$114.00     | \$31.00     | 37.3%      |
| Merchant                                                                      | \$185.00    | \$253.00     | \$68.00     | 36.8%      |
| 1-Day Senior Center                                                           | \$1.00      | \$1.00       | N/A         | N/A        |
| Replacement of Annual, 14-Day, Community-Serving Facility, & Merchant Permits | \$15.00     | \$21.00      | \$6.00      | 40.0%      |

The proposed fee structure is estimated to generate approximately \$1,305,240 in revenue for the General Fund in FY 2021, once all new staff have been hired and anticipated expansion has occurred. This increase of \$368,280 in revenue would close the projected deficit, resulting in a cost-neutral Program (the \$600 difference is within the margin of approximation). With the proposed fee increase, the total Program revenue is projected to be \$3.41 million including revenue resulting from an increase in RPP-related citations due to higher staffing levels and new football fines.

| RPP Program Financial Components      | April 2018-<br>March 2018<br>Actuals | FY 2021<br>Projections |
|---------------------------------------|--------------------------------------|------------------------|
| Total RPP Permit Fee Revenue          | \$936,960                            | \$1,305,240            |
| RPP-Related Citation Revenue          | \$1,573,840                          | \$2,023,840            |
| Football RPP-Related Citation Revenue | \$49,100                             | \$80,750               |
| <b>Total Revenue</b>                  | <b>\$2,559,910</b>                   | <b>\$3,409,830</b>     |
| <b>Total RPP Program Costs</b>        | <b>\$2,684,580</b>                   | <b>\$3,409,230</b>     |
| <b>RPP Program Deficit/Surplus</b>    | <b>(\$124,670)</b>                   | <b>\$600</b>           |

CURRENT SITUATION AND ITS EFFECTS

This report represents “mid-term” changes to the RPP Program as part of ongoing RPP Program Reform & Expansion. Building on the initial “short-term” changes enacted by Council in February 2018, described in the accompanying Information Report on this Agenda, this report recommends “mid-term” changes that respond to remaining resident requests and Council referrals.

UC Berkeley Football Game Day Parking Demand

The UC Berkeley football season typically spans twelve (12) games between September and November. Up to seven (7) games per year are played at California



Memorial Stadium (“stadium”), near the eastern end of Bancroft Avenue. Most home games occur on Saturday afternoons or evenings. Neighborhoods surrounding UC Berkeley currently have RPP. South of campus, RPP Zones A, B, D, and K are enforced Monday to Saturday, with the exception of Zones I (Telegraph) and L (Claremont), which are not enforced on Saturday. North of campus, RPP Zones F and G are enforced Monday through Friday.

Game attendees who drive and park in surrounding neighborhoods can make it difficult for some residents to find parking near their homes during games. In fall 2017, the City analyzed game day parking south of campus.<sup>5</sup> The analysis found that parking occupancy in the study area increased by about 25% on a game day compared to a non-game day, with increases of approximately 35-50% closest to campus (RPP Zones B, D, and I). Anecdotal evidence from residents also suggests poor parking by visitors may impede access to residential driveways at times.

Existing Game Day Parking Restrictions

Special parking restrictions and enforcement on football game days currently includes:

- Increased fines for certain parking violations<sup>6</sup> within the boundaries of Cedar Street (north), Berkeley-Oakland city limits (south and east), and Oxford and Fulton Streets (west), with double fines in RPP Zones A, B, and D; and
- Tow-away zones for all vehicles on certain streets close to campus,<sup>7</sup> and additional no-parking areas at metered parking spaces in the Southside and Northside areas.

The Berkeley Police Department (BPD) requires substantial staff time and resources for football game day duties. BPD typically assigns sworn officers on overtime to patrol areas near the stadium to discourage bad behavior.<sup>8</sup> Any staffing gap is filled by parking enforcement personnel. Between five and seven PEOs may be reassigned to game day duty, with one PEO specifically assigned to regulate access to the Panoramic Hill neighborhood (RPP Zone K). That leaves between two and four PEOs to enforce meter payments, curb markings, or RPP time limits elsewhere in the City. As shown in the table below, the City does not have enough PEOs to provide regular Saturday enforcement in addition to football duties on game days.

| Enforcement Duties | Number of Assigned PEOs |
|--------------------|-------------------------|
|--------------------|-------------------------|

<sup>5</sup> Specifically, Zones A, B, D, I, and L. While not explicitly studied, staff assume neighborhoods north of campus experience similar game day parking demand patterns.

<sup>6</sup> Football game day defined as 9:30 a.m. to 11 p.m., regardless of game start time. Most football game day citation rates are 150% of non-game day citation rates. For example, a citation for a vehicle parked in a No Parking Zone (red curb) that is normally \$64 costs \$96 on a game day.

<sup>7</sup> For example: Piedmont Avenue between the stadium and Channing Way, Bancroft Way between Warring Street and Bowditch Street, and College Avenue between Bancroft Way and Dwight Way.

<sup>8</sup> UC Berkeley reimburses the City for BPD overtime costs.

|                                             | <b>Non-Game Days</b> | <b>Football Game Days</b> |
|---------------------------------------------|----------------------|---------------------------|
| Game Day Activities                         | 0                    | 5-7                       |
| Parking Meters, Curbs, Time Limits, and RPP | 7-9                  | 2-4                       |

Requests for Further Program Expansion

In the past year, staff received four (4) opt-in requests from residents outside of the current RPP eligibility area, all of them in northwest Berkeley.<sup>9</sup> In the previous five years, staff have received another five (5) requests from residents outside of the program boundaries.<sup>10</sup> A map depicting these requests is provided as Attachment 5.

Recommendation: Increase and Enhance RPP Enforcement, Including on Football Game Days, and Expand RPP Eligibility

1. Enhanced Enforcement in Existing RPP Areas

Due to staffing constraints discussed in the accompanying Information Report on this Agenda, enforcement in existing RPP areas occurs only once per day. Staff recommend hiring sufficient parking enforcement staff to resume morning and afternoon patrols of existing RPP areas. This will help reinforce RPP time limits, particularly on streets near popular destinations such as public facilities or commercial districts. Increased patrols may also reduce the amount of one-off requests from residents who do not observe enforcement as frequently, which reduce PEOs’ ability to conduct regularly-scheduled beat patrols.

To further increase parking enforcement capacity, staff also recommend that PEOs should no longer accompany street sweeping vehicles. Instead, beat officers would enforce restrictions during the three-hour restriction window, before the sweeper cleans the street, to allow time for other responsibilities.<sup>11</sup> Additionally, staff strongly recommend against introducing additional permit types for resident services, e.g., ‘nanny permits’, or ‘gardener permits’, which serve as exemptions from RPP restrictions. In addition to further increasing already high parking demand in some areas, adding new permits for non-residents dilutes the Program’s effectiveness for all existing permit holders and encourages more driving, which is contrary to the City’s

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<sup>9</sup> Requests received in FY 2019 include: 10th Street between Cedar and Jones Streets; 10th Street from University Avenue to Allston Way, Addison Street from 10th Street to San Pablo Avenue, and Allston Way from 10th Street to San Pablo Avenue; Camelia Street from 7th to 8th Street; and Page Street from 8th to 9th Street.

<sup>10</sup> Requests received prior to FY 2019 include: Campus Drive from Avenida Drive to the Berkeley Lab Campus; Spruce Street from Los Angeles Avenue to Eunice Street; Stannage Avenue between Gilman Street and Harrison Street; Stanton Street from Ashby Avenue to Prince Street; and various areas adjacent to Solano Avenue.

<sup>11</sup> In the future, street sweeping vehicles may be equipped with GPS beacons, which would allow residents to check when streets reopen for parking in real-time.



Climate Action Plan goals of reducing vehicular emissions.

## 2. Enhanced Game Day Parking Management and Enforcement

In response to Council referrals, staff has prepared a proposal for the 2019 football season to improve parking availability for residents in neighborhoods closest to campus. Illustrated in Attachment 6, this proposal builds on existing game day restrictions by adding tougher penalties for non-residents closer to the stadium:

- **New tow-away areas for vehicles without a valid RPP permit** on streets within one quarter-mile of the stadium (including portions of RPP Zones D and I), where demand was heaviest on the game day analyzed in fall 2017.
- **New “Enhanced Fine Areas”** on streets within one half-mile of the stadium (including portions of RPP Zones F and G north of campus and portions of Zones B and D south of campus), where vehicles without a valid RPP permit will be subject to a one-time fine of \$225.<sup>12</sup>

This proposal maximizes game day staff capacity and effectiveness in areas where residents experience the most inconvenience. While current enforcement requires two passes to determine whether a non-permitted vehicle exceeds the time limit, under this proposal a PEO will need to check only once to verify whether a vehicle has a permit.

Signage is critical to effective enforcement of parking restrictions. In addition to clearly defining expectations for visitors, signage justifies the issuance of citations that violate posted restrictions. Details about the costs and content of new signage required to implement this proposal is provided in the Fiscal Impacts section of this report.

## 3. Additional Strategies to Increase Parking Availability on Game Days

While some street parking spaces near the stadium are restricted on game days, metered parking is available for visitors in Downtown, Southside/Telegraph, and the Northside area.<sup>13</sup> Staff will return to Council later this year with options for special events, including adjusting special event rate setting ability at City parking garages, and piloting demand-responsive special event pricing at goBerkeley parking meters.

## 4. Further Expansion of RPP Program Eligibility

Although there have been relatively few opt-in requests from outside the current Program boundary, they still represent a customer need that the City cannot meet with existing staffing levels. To maximize enforcement resources, currently ineligible residents would be able to opt-in under the following conditions:

<sup>12</sup> Staff are sensitive to low income residents and visitors who may not be able to afford this fine. Options include a payment plan (AB 503), as well as applying to perform Community Service in lieu of paying for parking citations.

<sup>13</sup> Meters operate 9 a.m. to 6 p.m. Monday to Saturday. On the Northside, Hearst Avenue between Euclid Avenue and La Loma Avenue is a tow-away zone on game days.

- A. Meet all existing requirements, including petitioner obtaining agreement of 51+% of all housing units in an area, and staff verifying limited parking availability in the mid-morning and mid-afternoon;
- B. Parcels must be located within two (2) blocks of a major commercial corridor (e.g., San Pablo Avenue or Gilman Street); or be adjacent to existing RPP boundaries; and
- C. In residentially-zoned areas, at least one full block (i.e., two sides of a street) must be included in the petition.

Petitioners in areas zoned Mixed Use-Residential or Mixed-Use Light Industrial will be subject to restrictions approved by Council in 2018 for Mixed Use Area P, including a reduced maximum of two (2) annual permits available per address. While slightly more restrictive than current requirements, this expansion approach would allow all petitioners who have submitted opt-in requests to date to be eligible for RPP.

#### 5. Staffing Requirements

Enhanced enforcement, including new football game day restrictions, requires five (5) new PEOs and one (1) Parking Enforcement Supervisor, plus standard equipment. Expansion requires one (1) additional PEO for every twenty full blocks (i.e., both sides of a street) added to the Program, plus standard equipment.

#### BACKGROUND

The RPP Program began in 1980 (1) to protect Berkeley residential neighborhoods from an influx of non-resident vehicles and related traffic; (2) to assure continued quality of life for residents; and (3) to provide neighborhood parking for residents. The Program limits parking for vehicles not displaying an RPP permit in most RPP areas to two hours, and reserves available daytime parking for residents, between 9:00 a.m. and 7:00 p.m. Monday through Friday, and on some blocks Saturday.

In March 2014,<sup>14</sup> Council directed staff to evaluate expanding the RPP Program beyond its then-current geographic boundaries. At a September 2017 Council Worksession, staff discussed several challenges with the RPP Program, and proposed incremental solutions to be implemented over the next three years.<sup>15</sup> In February 2018, staff returned to Council with a first set of “short-term” policy reforms, including increased permit fees for Program cost neutrality, a limit of three (3) annual permits per address, and an expansion of RPP eligibility to two new zones in West Berkeley.<sup>16</sup> Improving the effectiveness of the RPP Program is a Strategic Plan Priority Project, advancing the City’s goals to:

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<sup>14</sup> March 11, 2014 *City Council Agenda: Expansion of Permit Parking to Impacted Areas*: <http://bit.ly/2vTgnqD>

<sup>15</sup> September 19, 2017 *City Council Agenda: Residential Preferential Parking (RPP) Program Recommendations*: <https://bit.ly/2iWaPDa>

<sup>16</sup> February 27, 2018 *City Council Agenda: Residential Preferential Parking (RPP) Program Reform and Expansion*: <https://bit.ly/2Yq6tYB>.



- Provide an efficient and financially-healthy City government; and
- Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

### Football Game Day Enforcement

On April 5, 2016, Councilmembers Capitelli, Droste, and Wengraf sponsored a Referral to the Transportation Commission to review game day parking fines in RPP areas around campus, and to recommend higher fees to deter visitors from parking in those areas.<sup>17</sup> On July 25, 2017, the Transportation Commission submitted a Council Report recommending an increase of game day parking fines to \$300 for vehicles without a valid RPP permit in Zones A, B, and D south of campus, but Council did not adopt the Commission's recommendation.<sup>18</sup> On September 25, 2018, Councilmembers Droste, Wengraf, and Mayor Arreguin submitted a referral to the City Manager to implement game day parking restrictions similar to the Transportation Commission's 2017 proposal, but taking into account additional concerns such as parking on the north side of campus.<sup>19</sup>

### ENVIRONMENTAL SUSTAINABILITY

Increasing parking fines for vehicles without valid RPP permits on football game days should increase parking availability for residents in neighborhoods near campus, reducing traffic congestion and vehicle emissions as drivers spend less time searching for parking. Increased fines may also encourage the use of alternative forms of transportation to UC football games.

Expansion of the RPP Program may encourage some drivers who work in commercial areas adjacent to proposed RPP areas to consider using other modes of travel, potentially reducing parking demand and congestion. While use of these other transportation modes may result in a corresponding reduction in traffic and greenhouse gases, staff anticipate the "two-hour shuffle" (i.e., moving a vehicle every two hours to avoid a ticket) may also begin to occur in new RPP areas among commuters who continue to drive. This behavior would have an adverse impact on traffic congestion, air quality, and excess fuel consumption.

### RATIONALE FOR RECOMMENDATION

At the September 19, 2017 Worksession, Council expressed support for a roadmap for RPP reform and expansion, including short-, mid-, and long-term changes to the

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<sup>17</sup> April 5, 2016 *City Council Agenda: Refer to Transportation Commission to Reassess UC Berkeley Game Day Parking Fines in RPP Areas A, B, D, F and G Surrounding Campus* <https://bit.ly/2GRoSzi>

<sup>18</sup> July 25, 2017 *City Council Agenda: Referral Response: Reassess UC Berkeley Game Day Parking Fines in RPP Areas A, B, D, F, and G Surrounding Campus* <https://bit.ly/2fwXaEj>

<sup>19</sup> September 25, 2018 *City Council Agenda: Refer to the City Manager UC Berkeley Game Day Parking Restrictions and Fines in RPP Surrounding Campus* <https://bit.ly/2EwSnfS>

Program. Short-term recommendations were approved by Council in February 2018. The proposals contained in this report comprise staff's "mid-term" recommendations.

In their September 25, 2018 referral, Councilmembers Droste, Wengraf, and Mayor Arreguin supported increasing parking fines to increase parking availability for residents affected by football game demand. Previously, the Transportation Commission has also supported higher fines.

ALTERNATIVE ACTIONS CONSIDERED

The following table summarizes four alternatives considered by staff:



| Alternative                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Estimated Annual Permit Fee |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| <u>Option 1: Staff Recommendation, Enhanced RPP and Football Enforcement, and Expansion, Without Changing Saturday Enforcement.</u>                                                                                                                                                                                                                                                                                                                                                      | \$90/year<br>(+36% / +\$24) |
| <u>Option 2: Saturday Enforcement in All Areas, Enhanced RPP and Football Enforcement, and Expansion</u> <ul style="list-style-type: none"> <li>• Implement Saturday patrols of all RPP Zones,<sup>20</sup> plus increased RPP and football enforcement, and expansion as in Option 1</li> <li>• Increase permit fees to eliminate deficit and add seven (7) PEOs and one (1) supervisor for increased RPP enforcement, one (1) PEO per twenty new blocks/year, and equipment</li> </ul> | \$97/year<br>(+47% / +\$31) |
| <u>Option 3: Expansion and Enhanced Football Enforcement</u> <ul style="list-style-type: none"> <li>• Implement enhanced football enforcement and expansion as in Option 1</li> <li>• No change to existing RPP enforcement levels/frequency</li> <li>• Increase permit fees to eliminate deficit and add three (3) PEOs and one (1) supervisor for football, one (1) PEO per twenty new blocks/year, and equipment</li> </ul>                                                           | \$88/year<br>(+34% / +\$22) |
| <u>Option 4: Expansion Only</u> <ul style="list-style-type: none"> <li>• Expand RPP Program eligibility per guidelines in Option 1</li> <li>• No changes to existing RPP and football enforcement levels</li> <li>• Increase permit fees to eliminate deficit and add one (1) new PEO and equipment per twenty new blocks/year</li> </ul>                                                                                                                                                | \$82/year<br>(+24% / +\$16) |

Council could also reject all options, which would maintain the status quo RPP Program, including its structural deficit.

**CONTACT PERSON**

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 Gordon Hansen, Senior Planner, Public Works (510) 981-7064

**Attachments:**

- 1: Ordinance
- 2: Resolution: Fees: Residential Preferential Parking Permits
- 3: Resolution: Establish “Enhanced Fine Area” and Double Fine Locations
- 4: Resolution: Modify Parking Violation Fine Schedule
  - Exhibit A: Schedule of Fines and Late Payment Penalties for Parking Violations
  - Exhibit B: List of New Parking Violations

<sup>20</sup> Adding enforcement at streets with RPP restrictions in Zones C, E, F, G, H, I, J, L, M, O, and P.

- 5: Public Hearing Notice
- 6: FY 2019 and Prior Out of Area RPP Opt-In Requests
- 7: Proposed 2019 UC Berkeley Football Game Day Parking Restrictions



ORDINANCE NO. #,###-N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 14.72 TO ALLOW FURTHER EXPANSION OF THE RESIDENTIAL PREFERENTIAL PARKING (RPP) PROGRAM

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 14.72.030 is amended to read as follows:

**14.72.030 Definitions.**

A. "Designated residential parking permit area" means any contiguous area upon which the Council imposes parking limitations pursuant to the authority granted by this chapter.

B. "Block front" means all of the property on one side of a street between two consecutive intersecting streets.

BC. "Mixed use" means the use of a lot or building with two or more different land uses including, but not limited to, residential, commercial, retail, office or manufacturing, in a single structure or a group of physically integrated structures; in a neighborhood context, it means blocks containing single-use residences interspersed with other land uses, such as commercial or industrial.

DG. "Mixed Use-Residential" and "Mixed Use-Light Industrial" refers to the zoning designations so defined in Berkeley Municipal Code Chapters 23E.84 and 23E.80, respectively.-

ED. "Assessor's Use Code" means the code used by the Alameda County Assessor to assess property for property tax purposes. These codes cover a range of building descriptions and uses, including a variety of residential uses.

FE. "Nonresidential vehicle" means a motor vehicle not eligible to be issued a residential parking permit, pursuant to the terms and conditions of this chapter, for the specific area in which it is parked. However, it could be eligible for a local business parking permit, or any other parking permit the council shall designate.

GF. "Residential parking permit" means a permit issued under this chapter which, when displayed upon a vehicle, as described herein, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.

HG. "Local business parking permit" means a permit issued under this chapter which, when displayed upon a motor vehicle, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.

IH. "Trapped resident" means: 1) any resident whose dwelling is on a block that may not legally opt-in because less than 80% of the block fronts are residentially zoned and

either: a) whose address is on a block front adjacent to and/or surrounded by block fronts that are already included in the RPP program; or b) whose address is within the general boundary of a designated RPP area; or 2) any resident whose dwelling abuts controlled curb parking and either: a) whose address is on a block front adjacent to and/or surrounded by RPP areas; or b) whose address is within the general boundary of a designated RPP area.

**JJ.** "Neighborhood-service community facility" means churches, schools and senior centers located wholly within the general boundary of an RPP designated area.

**KJ.** "Neighborhood-serving business and establishment" means any business or establishment located in a neighborhood commercial district as defined in the Zoning Ordinance Section Cl a, Cl b, Cl c, Cl b(E).

**LK.** "One-day visitor permit" means a parking permit issued pursuant to this chapter or an ordinance enacted pursuant to authority granted herein, which shall exempt the vehicle from parking time restrictions pursuant to this chapter, for the date indicated upon the face of said permit.

**LM.** "Two-week visitor permit" shall mean a parking permit issued pursuant to this chapter or an ordinance enacted pursuant to authority granted herein, which shall exempt the vehicle from parking time restrictions established pursuant to this chapter for a period of 14 consecutive calendar days, beginning upon the date indicated upon the face of said permit.

**NM.** "Motor vehicle" shall be an automobile, truck, motorcycle or other self-propelled form of transportation not in excess of 8,000 pounds gross weight and not in excess of 20 feet in length. A trailer, trailer coach, utility trailer, motor home/(RV), or any other type of vehicle as defined in the California Vehicle Code that is not self-propelled, is not eligible for an RPP permit.

**ON.** "Controlled curb parking" means any on-street parking with existing parking limitations, such as meters, time restrictions, red zone, etc.

**PO.** "Schools" shall mean any school or other place of learning providing a pre-school, elementary or secondary level of study, and which regularly employs a staff of at least 15 certificated persons regularly employed as a classroom teacher.

**QP.** "Senior centers" means the three senior centers affiliated with the City: North Berkeley Senior Center, South Berkeley Senior Center and the West Berkeley Senior Center.

Section 2. That Berkeley Municipal Code Section 14.72.050 is amended to read as follows:

**14.72.050 Designation of a residential permit parking area.**



A. There shall be two alternative processes by which City Council could consider any area for designation as a residential permit parking area:

1. Residents petition. The City Council shall consider for designation as a residential permit parking area any proposed area for which a petition has been submitted which meets and satisfies the following requirements:

a. Prior to obtaining signatures, neighborhood organizers shall consult with City staff to assure that the proposed area meets guidelines set in the administrative regulations for the establishment of permit parking boundaries.

b. The petition shall contain a description or a map showing the proposed residential permit parking area.

c. Said description or map shall be followed in the petition by a statement describing the residential permit parking program and the current residential permit fees.

d. The statement shall be followed by a signature, printed name, address, and date of signing of the application by a number of adult residents including at least 51% of the housing units within the area.

e. For applicants in areas zoned ~~Mixed Use-Residential~~ or Mixed Use-Light Industrial, a petition shall only be deemed valid if at least 51% of the housing units on each block ~~face-front~~ have an address that has a residential Assessor's Use Code.

f. All petitions shall be the same as the standard petition form developed by City staff. Any petition form different from the standard petition form shall be deemed invalid for the purposes of this chapter.

g. In the proposed residential permit parking area, at least 80% of the block fronts with unlimited on-street parking must be residentially zoned, and at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

h. In areas zoned ~~Mixed Use-Residential~~ or Mixed Use-Light Industrial, at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

2. City Council initiation. City Council shall consider for designation as a residential permit parking area any area for which the following requirements have been met:

a. City Council shall initiate the area as a residential permit parking area.

b. For areas zoned ~~Mixed Use-Residential~~ or Mixed Use-Light Industrial, Council shall only initiate the area as a residential permit parking area if at least 51% of the housing

units on each block face-front have an address that has a residential Assessor's Use Code.

c. In the proposed residential permit parking area at least 80% of the block fronts with unlimited on-street parking must be residentially zoned, and at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m. or unlimited on-street parking is projected to be impacted by parking spillover from a more congested residential permit parking area.

d. In areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

e. A notice of intent to establish permit parking shall be sent to all addresses within the proposed residential parking permit area.

B. Upon receipt by the City Council of a petition as described in subsection A.1 of this section, or after Council has initiated a residential permit parking area as described in subsection A.2 of this section, the Council shall:

1. Undertake or cause to be undertaken such surveys or studies which it deems necessary.

2. Cause to be drafted a resolution which would establish a residential permit parking area based upon the aforementioned proposal and studies, including all regulations and time restrictions determined by the Council to be reasonable and necessary in such area.

C. The Council shall thereafter conduct a public hearing on said draft resolution. Notice of the hearing shall be posted at least ten days prior to the hearing on all block fronts proposed to be included in the residential permit parking area. Following the hearing, the City Council may enact, amend or reject said draft resolution in any manner, including but not limited to, modification of boundaries of the proposed area and the restrictions imposed on such proposed area. In order to grant permit parking designation, Council shall find that the designation will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the area of designation. In reaching this decision, consideration shall be given to the residents' support for residential permit parking, the existing parking conditions, the expected effectiveness of residential permit parking in improving parking conditions, and the location and size of the residential permit parking area.

Section 3. That Berkeley Municipal Code Section 14.72.090 is amended to read as follows:

**14.72.090 Residential parking permit.**



A. The City Manager and/or his/her designee shall issue residential parking permits with a term not to exceed one year to motor vehicles which comply with the requirements set forth in this section.

1. No more than three (3) permits may be purchased for each residential address. Applicants may request a waiver if additional permits are needed.

2. In areas zoned Mixed Use-Residential (MU-R) or Mixed Use-Light Industrial (MULI), no more than two (2) permits may be purchased for each residential address. Applicants may request a waiver if additional permits are needed.

3. The City Traffic Engineer is authorized to issue such rules and regulations necessary to grant waivers to the annual permit limits.

B. A residential parking permit may be issued for a motor vehicle only upon application of the following person:

1. The applicant must demonstrate that he or she is currently a resident of the area for which the permit is to be issued; and

2. The applicant must demonstrate that he or she has ownership or continuing custody of the motor vehicle for which the permit is to be issued; and

3. Any motor vehicle to be issued a permit must have a vehicle registration indicating registration within the area for which the permit is to be issued.

C. A residential parking permit may in addition be issued for any vehicle in the area regularly utilized by a person who owns or leases commercial property and actively engages in business activity within the particular residential permit parking area. However, no more than one parking permit, or any greater number which the City Council may determine appropriate for the particular residential permit parking involved area, may be issued for each business establishment for a motor vehicle registered to or under the control of such a person.

D. A residential parking permit may be issued for any vehicle utilized in the area by a nonresidential nonbusiness enterprise, such as a church, school, or hospital, located wholly or partially within the particular residential permit parking area. However, no more than one parking permit, or any greater number which the City Council may determine appropriate for the particular permit parking area involved, may be issued for each such enterprise within each permit area for a motor vehicle registered to or under the control of such an enterprise.

E. Any person to whom a residential parking permit has been issued pursuant to this section shall be deemed a permit holder.

Section 4. 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.

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

FEES: RESIDENTIAL PREFERENTIAL PARKING PERMITS

WHEREAS, on February 27, 2018, Council adopted Resolution No. 68,344-N.S., establishing a revised fee schedule for parking permits for annual residential preferential parking; 1-Day Visitors, 2-Week Visitors, and annual in-home care, annual community-serving facility, annual merchant, 1-Day Senior Center, Semi-annual residential, and Semi-annual in-home care permits issued for the Residential Preferential Parking (RPP) Program, and rescinded Resolution No. 66,895-N.S.; and

WHEREAS, the current RPP Program is operating at an annual deficit of at least \$124,675; and

WHEREAS, staffing for the RPP Program will be increased to allow for enhanced enforcement activities in existing Program areas, a comprehensive overhaul of University of California, Berkeley football game day parking, and actively managed expansion of opt-in eligibility; and

WHEREAS, increased staffing will incur additional yearly costs, but will also deliver new citation revenue;

WHEREAS, it is necessary to increase RPP permit fees in order to operate the RPP Program as a cost-neutral program in accordance with Council Budget Policies.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following fees for the RPP Program are hereby established:

| Permit Type                                                                                 | Permit Fees |
|---------------------------------------------------------------------------------------------|-------------|
| Annual Residential & In-Home Care                                                           | \$90.00     |
| 1-Day Visitor                                                                               | \$4.00      |
| 14-Day Visitor                                                                              | \$47.00     |
| Semi-Annual Residential & In-Home Care                                                      | \$45.00     |
| Community-Serving Facility                                                                  | \$114.00    |
| Merchant                                                                                    | \$253.00    |
| 1-Day Senior Center                                                                         | \$1.00      |
| Replacement of Annual, 14-Day, Community-Serving Facility, & Merchant Permits               | \$21.00     |
| Surcharge Per Additional Annual Residential Permit Over Maximum, Only If Waiver is Approved | \$100.00    |

BE IT FURTHER RESOLVED that these fees shall be effective June 1, 2019 for FY 2020 permit purchases and shall be deposited into the General Fund.

BE IT FURTHER RESOLVED that Resolution No. 68,344-N.S. is hereby rescinded effective June 1, 2019.



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

ESTABLISHING THE ZONES FOR “ENHANCED FINE AREAS” AND FOOTBALL GAME DAY VIOLATIONS, AND AUTHORIZING THE CITY MANAGER TO MAKE AN ANNUAL DETERMINATION AND NOTICE OF DATES ON WHICH FOOTBALL DAY VIOLATIONS WILL BE ISSUED

WHEREAS, City Council Resolution No. 65,813-N.S. restated the geographic area for football game day citations; and

WHEREAS, University of California football games attract a large number of visitors who drive to the game and park in residential neighborhoods to the north and south of campus, which typically makes it difficult for residents to find parking in close proximity to their homes on football game days; and

WHEREAS, current enforcement of the two-hour time limit for vehicles without a valid permit in portions of Residential Preferential Parking (RPP) Zones closest to the stadium is time intensive, reducing the ability of Parking Enforcement to maximize limited staff capacity on game days; and

WHEREAS, the permanent double parking fine program established by Resolution No. 63,800-N.S. has not deterred extended game day parking in portions of RPP Zones B and D, particularly in comparison to private off-street facilities in the vicinity of the stadium offering game day parking for up to \$100; and

WHEREAS, staff have confirmed with Parking Enforcement leadership that new “Enhanced Fine Areas,” in which vehicles without a valid RPP permit would not be permitted to park on football game days, would maximize limited enforcement capacity on football game days; and

WHEREAS, concurrent with this Resolution, the Council is considering adoption of another Resolution establishing a new schedule of parking violations and fines for parking violations, including in new “Enhanced Fine Areas;” and

WHEREAS, the existing “double parking fine” program would continue to be in effect on football game days in addition to the new “Enhanced Fine Areas;” and

WHEREAS, the schedule of parking violations and fines for parking violations may be revised in the future without affecting established zones for football day citations and Enhanced Fine Areas and the City Manager’s authorization to determine and provide public noticing of dates for these violations.



NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the established zone for the northerly Enhanced Fine Area is north to (not including) Cedar Street, west to (not including) Shattuck Avenue, south to Hearst Avenue, and east to the existing boundary of RPP Zones F and G.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the established zone for the southerly Enhanced Fine Area is north to Dwight Way between Telegraph Avenue and Regent Street, north to Haste Street between Regent Street and Bowditch Street, north to Dwight Way between Bowditch Street and College Avenue; east to (but not including) College Avenue between Dwight Way and Parker Street; north to (but not including) Parker Street between College Avenue and Warring Street; east to Warring Street between Parker Street and Derby Street; north to Derby Street between Warring Street and Belrose Avenue; east to (but not including) Belrose Avenue/Claremont Boulevard between Derby Street and Russell Street; south to (but not including) Russell Street between Belrose Avenue/Claremont Boulevard and Telegraph Avenue; and west to (but not including) Telegraph Avenue between Russell Street and Dwight Way.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the established zone for the easterly Enhanced Fine Area is north to the southern boundary of RPP Zone K between Channing Way and the Berkeley-Oakland city limits; east to the Berkeley-Oakland city limits; south to (but not including) Dwight Way between the Berkeley-Oakland city limits and Prospect Street; and west to (but not including) Prospect Street between Dwight Way and Channing Way.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the established zone for football day citations is north to (not including) Cedar Street, south and east to the Berkeley-Oakland city limits, and west to Oxford and Fulton Streets (including both sides of these streets).

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the City Manager is directed to annually determine the dates during which there are higher parking fines for football day citations, and provide reasonable notice to the public of these dates.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that Resolution No. 65,813-N.S. is hereby rescinded.

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

ESTABLISHING A NEW SCHEDULE OF PARKING VIOLATIONS AND FINES FOR PARKING VIOLATIONS AND LATE PAYMENT PENALTIES; AND RESCINDING RESOLUTION NO. 68,466-N.S.

WHEREAS, the State of California Vehicle Code Section 40203.5 states “the schedule of parking penalties for parking violations and late payment penalties shall be established by the governing body of the jurisdiction where the notice of violation is issued;” and

WHEREAS, University of California football games attract a large number of visitors who drive to the game and park in residential neighborhoods to the north and south of campus, which typically makes it difficult for residents to find parking in close proximity to their homes on football game days; and

WHEREAS, concurrent with this Resolution, the Council is considering adoption of another Resolution establishing new “Enhanced Fine Areas” in portions of Residential Preferential Parking (RPP) Zones F and G north of campus, and in portions of RPP Zones B, D, and I south of campus, wherein vehicles without a valid RPP permit would not be permitted to park on football game days; and

WHEREAS, in May 2018, the City Council adopted Resolution No. 68,466-N.S. establishing a new schedule of fines for parking violations to enable the City to properly cite vehicles in violation of new laws managing parking for electric vehicles.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a new schedule of parking violations and late payment penalties is established, as set forth in Exhibit A, which includes fines and late penalties for violations of BMC Section 14.40.090 pertaining to parking restrictions in new “Enhanced Fine Areas” in effect on football game days only; and

BE IT FURTHER RESOLVED that Resolution No. 68,466-N.S. is hereby rescinded.

Exhibits

- A: Schedule of Fines and Late Payment Penalties for Parking Violations
- B: List of New Parking Violations



## Exhibit A: Schedule of Fines and Late Payment Penalties for Parking Violations

| Code | Section     | Violation Description<br>(For citations issued to a vehicle)<br>FD = Football Game Days 9 a.m. to 11 p.m.<br>FD fines = 50% higher on most violations &<br>100% higher for violations in RPP Zones A,<br>B, D | Fine<br>Amount | On Day 28<br>+\$30 | On Day 47<br>+\$50 |
|------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|--------------------|
| BMC  | 6.24.020    | Off-St Rsrv Pkg No Permit Displayed                                                                                                                                                                           | \$48           | \$78               | \$128              |
| BMC  | 6.24.020    | FD Off-St Rsrv Pkg No Permit Displayed                                                                                                                                                                        |                |                    |                    |
| BMC  | 6.24.020    | Non-Electric Vehicle Parked in Electric<br>Vehicle Space                                                                                                                                                      | \$35           | \$65               | \$115              |
| BMC  | 6.24.060    | Electric Vehicle Exceeding EV Parking<br>Space Time Limit                                                                                                                                                     | \$30           | \$60               | \$110              |
| BMC  | 6.24.020    | Electric Vehicle Not Actively Charging in<br>EV Parking Space                                                                                                                                                 | \$35           | \$65               | \$115              |
| BMC  | 6.24.093    | P&D Dispensing Mach Tkt Not<br>Displayed                                                                                                                                                                      | \$43           | \$73               | \$123              |
| BMC  | 6.24.093    | FD P&D Dispensing Mach Tkt Not<br>Displayed                                                                                                                                                                   | \$65           | \$95               | \$145              |
| BMC  | 6.24.096    | Improper Display of P&D Disp Mach Tkt                                                                                                                                                                         | \$43           | \$73               | \$123              |
| BMC  | 6.24.096    | FD Improper Display of P&D Disp Mach<br>Tkt                                                                                                                                                                   | \$65           | \$95               | \$145              |
| BMC  | 6.24.100 B  | P&D Station Expired Time                                                                                                                                                                                      | \$43           | \$73               | \$123              |
| BMC  | 6.24.100 B  | FD P&D Station Expired Time                                                                                                                                                                                   | \$65           | \$95               | \$145              |
| BMC  | 6.24.103 B  | Time Limits Enforced at Inoperable P&D<br>Sta                                                                                                                                                                 | \$43           | \$73               | \$123              |
| BMC  | 6.24.103 B  | FD Time Limits Enforced at Inoperable<br>P&D Sta                                                                                                                                                              | \$65           | \$95               | \$145              |
| BMC  | 6.24.130    | Off-St Facility: Motorcycle Zone Only                                                                                                                                                                         | \$48           | \$78               | \$128              |
| BMC  | 6.24.130    | Off-St Facility: Pkg Outside Markings                                                                                                                                                                         | \$48           | \$78               | \$128              |
| BMC  | 6.24.130    | FD Off-St Facility: Pkg Outside Markings                                                                                                                                                                      | \$72           | \$102              | \$152              |
| BMC  | 6.24.130    | Off-St Facility: Disabled Zone                                                                                                                                                                                | \$288          | \$318              | \$368              |
| BMC  | 6.24.130    | FD Off-St Facility: Disabled Zone                                                                                                                                                                             | \$288          | \$318              | \$368              |
| BMC  | 6.24.130    | Off-St Facility: Restricted Load Zone                                                                                                                                                                         | \$48           | \$78               | \$128              |
| BMC  | 6.24.130    | FD Off-St Facility: Restricted Load Zone                                                                                                                                                                      | \$72           | \$102              | \$152              |
| BMC  | 6.24.130    | Off-St Facility: Unmarked Space                                                                                                                                                                               | \$48           | \$78               | \$128              |
| BMC  | 6.24.130    | FD Off-St Facility: Unmarked Space                                                                                                                                                                            | \$72           | \$102              | \$152              |
| BMC  | 6.24.140    | Off-St Facility: Backed-In                                                                                                                                                                                    | \$48           | \$78               | \$128              |
| BMC  | 9.52.140    | Unattended Taxi Over 5 Min                                                                                                                                                                                    | \$91           | \$121              | \$171              |
| BMC  | 13.52.040   | Unauth Pkg on Private Property                                                                                                                                                                                | \$41           | \$71               | \$121              |
| BMC  | 14.24.070   | Unauth Vehicle on Private Prop                                                                                                                                                                                | \$64           | \$94               | \$144              |
| BMC  | 14.36.030 A | No Parking on Divisnl Islands                                                                                                                                                                                 | \$55           | \$85               | \$135              |
| BMC  | 14.36.030 A | FD No Parking on Divisnl Islands                                                                                                                                                                              | \$83           | \$113              | \$163              |
| BMC  | 14.36.030 C | No Parking Zone (Sign Posted)                                                                                                                                                                                 | \$64           | \$94               | \$144              |
| BMC  | 14.36.030 C | FD No Parking Zone (Sign Posted)                                                                                                                                                                              | \$96           | \$126              | \$176              |
| BMC  | 14.36.030 C | No Parking Zone (Red Curb)                                                                                                                                                                                    | \$64           | \$94               | \$144              |
| BMC  | 14.36.030 C | FD No Parking Zone (Red Curb)                                                                                                                                                                                 | \$96           | \$126              | \$176              |

| Code | Section     | Violation Description<br>(For citations issued to a vehicle)<br>FD = Football Game Days 9 a.m. to 11 p.m.<br>FD fines = 50% higher on most violations &<br>100% higher for violations in RPP Zones A,<br>B, D | Fine<br>Amount | On Day 28<br>+\$30 | On Day 47<br>+\$50 |
|------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|--------------------|
| BMC  | 14.36.030 D | No Parking Street Sweeping (sign)                                                                                                                                                                             | \$49           | \$79               | \$129              |
| BMC  | 14.36.030 E | No Parking on Railroad Tracks                                                                                                                                                                                 | \$64           | \$94               | \$144              |
| BMC  | 14.36.030 F | Hazard Obstructing Traffic                                                                                                                                                                                    | \$64           | \$94               | \$144              |
| BMC  | 14.36.030 F | FD Hazard Obstructing Traffic                                                                                                                                                                                 | \$96           | \$126              | \$176              |
| BMC  | 14.36.030 G | Construct: No Permit on Dashboard                                                                                                                                                                             | \$64           | \$94               | \$144              |
| BMC  | 14.36.030 G | FD Construct: No Permit on Dashboard                                                                                                                                                                          | \$96           | \$126              | \$176              |
| BMC  | 14.36.050   | On Street 72 or More Consec hrs                                                                                                                                                                               | \$60           | \$90               | \$140              |
| BMC  | 14.36.060   | Repair Vehicle on Street                                                                                                                                                                                      | \$52           | \$82               | \$132              |
| BMC  | 14.36.080   | Vehicle Parked in School Zone                                                                                                                                                                                 | \$51           | \$81               | \$131              |
| BMC  | 14.36.090   | Pkg on Grade Brake/Block Wheels                                                                                                                                                                               | \$55           | \$85               | \$135              |
| BMC  | 14.36.110   | Emerg Prkg w/o Permit (Tow CVC<br>22651)                                                                                                                                                                      | \$52           | \$82               | \$132              |
| BMC  | 14.40.010   | 3 min Limit Zone Overtime                                                                                                                                                                                     | \$43           | \$73               | \$123              |
| BMC  | 14.40.010   | FD 3 min Limit Zone Overtime                                                                                                                                                                                  | \$65           | \$95               | \$145              |
| BMC  | 14.40.010   | 5 min Limit Zone Overtime                                                                                                                                                                                     | \$43           | \$73               | \$123              |
| BMC  | 14.40.010   | FD 5 min Limit Zone Overtime                                                                                                                                                                                  | \$65           | \$95               | \$145              |
| BMC  | 14.40.010   | 10 min Limit Zone Overtime                                                                                                                                                                                    | \$43           | \$73               | \$123              |
| BMC  | 14.40.010   | FD 10 min Limit Zone Overtime                                                                                                                                                                                 | \$65           | \$95               | \$145              |
| BMC  | 14.40.010   | 12 min Limit Zone Overtime                                                                                                                                                                                    | \$43           | \$73               | \$123              |
| BMC  | 14.40.010   | 15 min Limit Zone Overtime                                                                                                                                                                                    | \$43           | \$73               | \$123              |
| BMC  | 14.40.010   | 24 min Limit Zone Overtime                                                                                                                                                                                    | \$43           | \$73               | \$123              |
| BMC  | 14.40.010   | FD 24 min Limit Zone Overtime                                                                                                                                                                                 | \$65           | \$95               | \$145              |
| BMC  | 14.40.020   | 30 min Limit Zone Overtime                                                                                                                                                                                    | \$43           | \$73               | \$123              |
| BMC  | 14.40.020   | FD 30 min Limit Zone Overtime                                                                                                                                                                                 | \$65           | \$95               | \$145              |
| BMC  | 14.40.030   | 1 hr Limit Zone Overtime                                                                                                                                                                                      | \$43           | \$73               | \$123              |
| BMC  | 14.40.030   | FD 1 hr Limit Zone Overtime                                                                                                                                                                                   | \$65           | \$95               | \$145              |
| BMC  | 14.40.030   | Faulty Meter Over 1 hr Limit                                                                                                                                                                                  | \$43           | \$73               | \$123              |
| BMC  | 14.40.040   | 2 hr Limit Zone Overtime                                                                                                                                                                                      | \$43           | \$73               | \$123              |
| BMC  | 14.40.040   | FD 2 hr Limit Zone Overtime                                                                                                                                                                                   | \$65           | \$95               | \$145              |
| BMC  | 14.40.040   | Faulty Meter Over 2 hr Limit                                                                                                                                                                                  | \$43           | \$73               | \$123              |
| BMC  | 14.40.050 A | Parallel Pkg Veh Outside Markers                                                                                                                                                                              | \$48           | \$78               | \$128              |
| BMC  | 14.40.050 B | Veh Facing Wrong Way 1-way St                                                                                                                                                                                 | \$48           | \$78               | \$128              |
| BMC  | 14.40.050 B | FD Veh Facing Wrong Way 1-way St                                                                                                                                                                              | \$72           | \$102              | \$152              |
| BMC  | 14.40.050 B | Pkg Over 18" from Curb 1-way St                                                                                                                                                                               | \$51           | \$81               | \$131              |
| BMC  | 14.40.050 B | FD Pkg Over 18" fr Curb 1-way St                                                                                                                                                                              | \$77           | \$107              | \$157              |
| BMC  | 14.40.060 A | Diagonal Pkg Veh Outside Markers                                                                                                                                                                              | \$51           | \$81               | \$131              |
| BMC  | 14.40.060 B | Diagonal Pkg FW Over 6" from Curb                                                                                                                                                                             | \$51           | \$81               | \$131              |
| BMC  | 14.40.070 A | No Stopping 4-6pm (Tow CVC 22651)                                                                                                                                                                             | \$64           | \$94               | \$144              |
| BMC  | 14.40.070 A | FD No Stopping 4-6pm (Tow CVC<br>22651)                                                                                                                                                                       | \$96           | \$126              | \$176              |
| BMC  | 14.40.070 A | No Stopping 7-9am (Tow CVC 22651)                                                                                                                                                                             | \$64           | \$94               | \$144              |



| Code | Section     | Violation Description<br>(For citations issued to a vehicle)<br>FD = Football Game Days 9 a.m. to 11 p.m.<br>FD fines = 50% higher on most violations &<br>100% higher for violations in RPP Zones A,<br>B, D | Fine<br>Amount | On Day 28<br>+\$30 | On Day 47<br>+\$50 |
|------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|--------------------|
| BMC  | 14.40.070 A | No Stopping 9pm-6am (Tow CVC 22651)                                                                                                                                                                           | \$64           | \$94               | \$144              |
| BMC  | 14.40.070 A | Posted No Stopping Tow Away                                                                                                                                                                                   | \$64           | \$94               | \$144              |
| BMC  | 14.40.090   | RPP Zone No RPP Permit Displayed                                                                                                                                                                              | \$49           | \$79               | \$129              |
| BMC  | 14.40.090   | FD RPP Zone A,B,D No Permit Dsply                                                                                                                                                                             | \$98           | \$128              | \$178              |
| BMC  | 14.40.090   | RPP Zone K No Permit Displayed                                                                                                                                                                                | \$57           | \$87               | \$137              |
| BMC  | 14.40.090   | RPP Zone RPP Permit Expired                                                                                                                                                                                   | \$49           | \$79               | \$129              |
| BMC  | 14.40.090   | FD RPP Zone A,B,D Permit Expired                                                                                                                                                                              | \$98           | \$128              | \$178              |
| BMC  | 14.40.090   | RPP Zone Permit Improper Display                                                                                                                                                                              | \$49           | \$79               | \$129              |
| BMC  | 14.40.090   | FD RPP A,B,D Permit Impropr Dsply                                                                                                                                                                             | \$98           | \$128              | \$178              |
| BMC  | 14.40.090   | No RPP Permit Displayed in Enhanced Fine Area (Football Game Days)                                                                                                                                            | \$225          | \$255              | \$305              |
| BMC  | 14.40.130   | Pkg/Standing in City Lots/Spaces                                                                                                                                                                              | \$55           | \$85               | \$135              |
| BMC  | 14.40.130 A | City Lot No Permit Displayed                                                                                                                                                                                  | \$57           | \$87               | \$137              |
| BMC  | 14.40.130 C | Reserved Pkg No Permit Displayed                                                                                                                                                                              | \$49           | \$79               | \$129              |
| BMC  | 14.40.130 E | Reserved City Hall Pkg Towable                                                                                                                                                                                | \$64           | \$94               | \$144              |
| BMC  | 14.40.150 A | Car Parking in Motorcycle Area                                                                                                                                                                                | \$51           | \$81               | \$131              |
| BMC  | 14.40.150 B | Motorcycle Zone Overtime                                                                                                                                                                                      | \$51           | \$81               | \$131              |
| BMC  | 14.40.160   | DbI-Pkd Commer Vehicle Center St                                                                                                                                                                              | \$60           | \$90               | \$140              |
| BMC  | 14.44.020 B | Commer Zone No Permit (yellow)                                                                                                                                                                                | \$57           | \$87               | \$137              |
| BMC  | 14.44.020 B | FD Commer Zone No Permit (yellow)                                                                                                                                                                             | \$86           | \$116              | \$166              |
| BMC  | 14.44.020 A | Commercial Zone Overtime                                                                                                                                                                                      | \$57           | \$87               | \$137              |
| BMC  | 14.44.020 A | FD Commercial Zone Overtime                                                                                                                                                                                   | \$86           | \$116              | \$166              |
| BMC  | 14.44.030   | Passenger Load Zone (white curb)                                                                                                                                                                              | \$57           | \$87               | \$137              |
| BMC  | 14.44.030   | FD Passgr Load Zone (white curb}                                                                                                                                                                              | \$86           | \$116              | \$166              |
| BMC  | 14.44.040   | No Stopping Bicycle Zone                                                                                                                                                                                      | \$55           | \$85               | \$135              |
| BMC  | 14.44.040   | FD No Stopping Bicycle Zone                                                                                                                                                                                   | \$83           | \$113              | \$163              |
| BMC  | 14.44.050   | Special Passenger Load Zone only                                                                                                                                                                              | \$57           | \$87               | \$137              |
| BMC  | 14.44.060   | Parking in Coach (bus) Zone                                                                                                                                                                                   | \$64           | \$94               | \$144              |
| BMC  | 14.44.060   | FD Parking in Coach (bus) Zone                                                                                                                                                                                | \$96           | \$126              | \$176              |
| BMC  | 14.44.070   | Unauthorized Use of Funeral Zone                                                                                                                                                                              | \$51           | \$81               | \$131              |
| BMC  | 14.44.080   | Taxicab Parking Only                                                                                                                                                                                          | \$51           | \$81               | \$131              |
| BMC  | 14.44.080   | Unauthorized Taxicab Stand Pkg                                                                                                                                                                                | \$51           | \$81               | \$131              |
| BMC  | 14.46.040 B | Non-Electric Vehicle Parked in EV Space                                                                                                                                                                       | \$49           | \$79               | \$129              |
| BMC  | 14.46.050 B | Electric Vehicle Exceeding EV Space Time Limit                                                                                                                                                                | \$43           | \$73               | \$123              |
| BMC  | 14.46.050 C | Electric Vehicle Not Actively Charging in EV Space                                                                                                                                                            | \$43           | \$73               | \$123              |
| BMC  | 14.52.050 A | Meter Street: Expired Meter                                                                                                                                                                                   | \$43           | \$73               | \$123              |
| BMC  | 14.52.050 A | FD Meter Street: Expired Meter                                                                                                                                                                                | \$65           | \$95               | \$145              |
| BMC  | 14.52.050 B | Pay & Display Station Expired Time                                                                                                                                                                            | \$43           | \$73               | \$123              |

| Code | Section     | Violation Description<br>(For citations issued to a vehicle)<br>FD = Football Game Days 9 a.m. to 11 p.m.<br>FD fines = 50% higher on most violations &<br>100% higher for violations in RPP Zones A,<br>B, D | Fine<br>Amount | On Day 28<br>+\$30 | On Day 47<br>+\$50 |
|------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|--------------------|
| BMC  | 14.52.050 B | FD Pay & Display Sta Expired Time                                                                                                                                                                             | \$65           | \$95               | \$145              |
| BMC  | 14.52.060 A | Meter St: Extending Meter Time                                                                                                                                                                                | \$43           | \$73               | \$123              |
| BMC  | 14.52.060 A | FD Meter St: Extending Meter Time                                                                                                                                                                             | \$65           | \$95               | \$145              |
| BMC  | 14.52.060 B | Pay & Display Station Extend Time                                                                                                                                                                             | \$43           | \$73               | \$123              |
| BMC  | 14.52.060 B | FD Pay & Display Sta Extend Time                                                                                                                                                                              | \$65           | \$95               | \$145              |
| BMC  | 14.52.063   | P&D Dispensing Mach Tkt Not<br>Displayed                                                                                                                                                                      | \$43           | \$73               | \$123              |
| BMC  | 14.52.063   | FD P&D Dispens Mach Tkt Not<br>Displayed                                                                                                                                                                      | \$65           | \$95               | \$145              |
| BMC  | 14.52.066   | Improper Display of P&D Disp Mach Tkt                                                                                                                                                                         | \$43           | \$73               | \$123              |
| BMC  | 14.52.066   | FD Improper Display of P&D Disp Mach<br>Tkt                                                                                                                                                                   | \$65           | \$95               | \$145              |
| CVC  | 4000        | No Evidence Current Registration                                                                                                                                                                              | \$50           | \$80               | \$130              |
| CVC  | 4000        | Expired Registration                                                                                                                                                                                          | \$50           | \$80               | \$130              |
| CVC  | 4461 B      | Improper Lending of DP Placard or Plate                                                                                                                                                                       | \$550          | \$580              | \$630              |
| CVC  | 4461 C      | Improper Display of DP Placard or Plate                                                                                                                                                                       | \$550          | \$580              | \$630              |
| CVC  | 4461 D      | Improper Use of DP Placard or Plate                                                                                                                                                                           | \$550          | \$580              | \$630              |
| CVC  | 4463 C      | Use of Forged, Counterfeit, or False DP<br>Placard or Plate                                                                                                                                                   | \$550          | \$580              | \$630              |
| CVC  | 5200        | Missing License Plates                                                                                                                                                                                        | \$25           | \$55               | \$105              |
| CVC  | 5201        | Lic Plates Improperly Positioned                                                                                                                                                                              | \$25           | \$55               | \$105              |
| CVC  | 5202        | Hanging/Detached License Plate                                                                                                                                                                                | \$25           | \$55               | \$105              |
| CVC  | 5204 A      | Expired Tags (read back)                                                                                                                                                                                      | \$25           | \$55               | \$105              |
| CVC  | 5204 A      | Missing Tags                                                                                                                                                                                                  | \$25           | \$55               | \$105              |
| CVC  | 21113 A     | Parking on Public Grounds                                                                                                                                                                                     | \$54           | \$84               | \$134              |
| CVC  | 21211 B     | Vehicle Blocking Bicycle Lane                                                                                                                                                                                 | \$54           | \$84               | \$134              |
| CVC  | 21718       | Parking on Freeway                                                                                                                                                                                            | \$54           | \$84               | \$134              |
| CVC  | 22500 A     | Parking in an Intersection                                                                                                                                                                                    | \$60           | \$90               | \$140              |
| CVC  | 22500 A     | FD Parking in an Intersection                                                                                                                                                                                 | \$86           | \$116              | \$166              |
| CVC  | 22500 B     | Parking in Crosswalk                                                                                                                                                                                          | \$60           | \$90               | \$140              |
| CVC  | 22500 B     | FD Parking in Crosswalk                                                                                                                                                                                       | \$90           | \$120              | \$170              |
| CVC  | 22500 C     | Parking in Safety Zone                                                                                                                                                                                        | \$60           | \$90               | \$140              |
| CVC  | 22500 C     | FD Parking in Safety Zone                                                                                                                                                                                     | \$90           | \$120              | \$170              |
| CVC  | 22500 D     | Parking within 15' of Fire Station                                                                                                                                                                            | \$60           | \$90               | \$140              |
| CVC  | 22500 D     | FD Parking within 15' of Fire Station                                                                                                                                                                         | \$90           | \$120              | \$170              |
| CVC  | 22500 E     | Parking in Driveway                                                                                                                                                                                           | \$60           | \$90               | \$140              |
| CVC  | 22500 E     | FD Parking in Driveway                                                                                                                                                                                        | \$90           | \$120              | \$170              |
| CVC  | 22500 F     | Parking On/Across Sidewalk                                                                                                                                                                                    | \$60           | \$90               | \$140              |
| CVC  | 22500 F     | FD Parking On/Across Sidewalk                                                                                                                                                                                 | \$90           | \$120              | \$170              |
| CVC  | 22500 G     | Parking Construction No Permit                                                                                                                                                                                | \$60           | \$90               | \$140              |
| CVC  | 22500 G     | FD Parking Construction No Permit                                                                                                                                                                             | \$90           | \$120              | \$170              |
| CVC  | 22500 H     | Double-Parked                                                                                                                                                                                                 | \$60           | \$90               | \$140              |



| <b>Code</b> | <b>Section</b> | <b>Violation Description</b><br>(For citations issued to a vehicle)<br>FD = Football Game Days 9 a.m. to 11 p.m.<br>FD fines = 50% higher on most violations &<br>100% higher for violations in RPP Zones A,<br>B, D | <b>Fine<br/>Amount</b> | <b>On Day 28<br/>+\$30</b> | <b>On Day 47<br/>+\$50</b> |
|-------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|----------------------------|----------------------------|
| CVC         | 22500 H        | FD Double-Parked                                                                                                                                                                                                     | \$90                   | \$120                      | \$170                      |
| CVC         | 22500 I        | Parking/Stopping in Coach Zone                                                                                                                                                                                       | \$263                  | \$293                      | \$343                      |
| CVC         | 22500 I        | FD Parking/Stopping in Coach Zone                                                                                                                                                                                    | \$263                  | \$293                      | \$343                      |
| CVC         | 22500 J        | Parking in Tunnel                                                                                                                                                                                                    | \$54                   | \$84                       | \$134                      |
| CVC         | 22500 K        | Parking on Bridge                                                                                                                                                                                                    | \$54                   | \$84                       | \$134                      |
| CVC         | 22500 L        | Blocking Disabled Ramp                                                                                                                                                                                               | \$288                  | \$318                      | \$368                      |
| CVC         | 22502 A        | Parking Over 18" from Curb 2-Way St                                                                                                                                                                                  | \$69                   | \$99                       | \$149                      |
| CVC         | 22502 A        | FD Parking Over 18" from Curb 2-Way St                                                                                                                                                                               | \$104                  | \$134                      | \$184                      |
| CVC         | 22503 E        | Parking Over 10" from Curb 1-Way St                                                                                                                                                                                  | \$58                   | \$88                       | \$138                      |
| CVC         | 22507.8 A      | Parking in Disabled Zone                                                                                                                                                                                             | \$317                  | \$347                      | \$397                      |
| CVC         | 22507.8 B      | Obstructing Access Disabled Zone                                                                                                                                                                                     | \$317                  | \$347                      | \$397                      |
| CVC         | 22507.8 B      | FD Obstructing Access Disabled Zone                                                                                                                                                                                  | \$317                  | \$347                      | \$397                      |
| CVC         | 22514 a        | Parking within 15' of Fire Hydrant                                                                                                                                                                                   | \$78                   | \$108                      | \$158                      |
| CVC         | 22514 a        | FD Parking within 15' of Fire Hydrant                                                                                                                                                                                | \$117                  | \$147                      | \$197                      |
| CVC         | 22521          | Parking within 7.5' of Railroad Tracks                                                                                                                                                                               | \$54                   | \$84                       | \$134                      |
| CVC         | 22522          | Parking within 3' of Wheelchair Ramp                                                                                                                                                                                 | \$317                  | \$347                      | \$397                      |
| CVC         | 22522          | FD Parking within 3' of Wheelchair Ramp                                                                                                                                                                              | \$317                  | \$347                      | \$397                      |
| CVC         | 22523 a        | Abandon Vehicle on Highway                                                                                                                                                                                           | \$168                  | \$198                      | \$248                      |
| CVC         | 22523 b        | Abandon Vehicle on Pub/Prvt Prop                                                                                                                                                                                     | \$168                  | \$198                      | \$248                      |

Note: In addition to citation placed on vehicle, "Notice of Violation" is mailed to registered owner seven (7) days after citation and indicated when the fine penalty increases will occur: On Day 28 after citation issuance, the fine increases by \$30. If payment is not received within 45 days after issuance, on Day 47, the fine increases by an additional \$50.

Exhibit B: List New Parking Violations

| Code | Section   | <b>Violation Description</b><br>(For citations issued to a vehicle)<br>FD = Football Game Days 9 a.m. to 11 p.m.<br>FD fines = 50% higher on most violations &<br>100% higher for violations in RPP Zones A,<br>B, D | <b>Fine Amount</b> | <b>On Day 28<br/>+\$30</b> | <b>On Day 47<br/>+\$50</b> |
|------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------------|----------------------------|
| BMC  | 14.40.090 | No RPP Permit Displayed in Enhanced Fine Area (Football Game Days)                                                                                                                                                   | \$225              | \$255                      | \$305                      |



**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**FEES: RESIDENTIAL PREFERENTIAL PARKING PERMITS**

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said city council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Department of Public Works is proposing to increase the cost of annual Residential Preferential Parking (RPP) permits, effective June 1, 2019, for permits purchased for FY 2020, as summarized below:

| Permit Type                                                                         | Current Fee | Proposed Fee |
|-------------------------------------------------------------------------------------|-------------|--------------|
| Annual Residential & In-Home Care                                                   | \$66.00     | \$90.00      |
| 1-Day Visitor                                                                       | \$3.00      | \$4.00       |
| 14-Day Visitor                                                                      | \$34.00     | \$47.00      |
| Semi-Annual Residential & In-Home Care                                              | \$33.00     | \$45.00      |
| Community-Serving Facility                                                          | \$83.00     | \$114.00     |
| Merchant                                                                            | \$185.00    | \$253.00     |
| 1-Day Senior Center                                                                 | \$1.00      | \$1.00       |
| Replacement of Annual, 14-Day, Community-Serving Facility, & Merchant Permits       | \$15.00     | \$21.00      |
| Surcharge Per Additional Annual Residential Permit Over Maximum, If Waiver Approved | \$100.00    | \$100.00     |

The hearing will be held on Tuesday, May 14, 2019 at 6:00 p.m. in the School District Board Room, 1231 Addison Street.

For further information, please contact Farid Javandel, Transportation Division Manager, at (510) 981-7061.

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 May 2, 2019.

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**

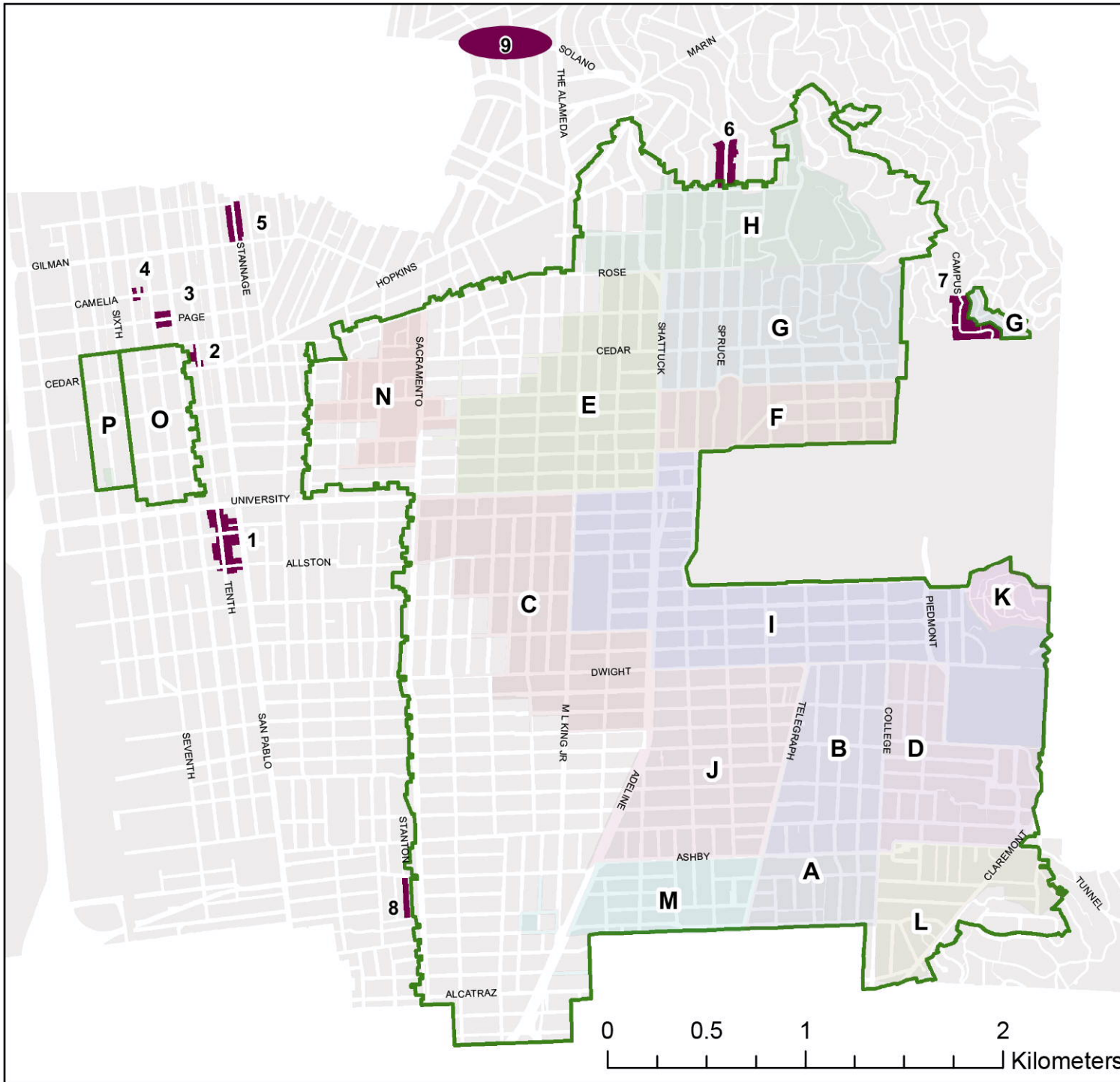
**part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

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 12 days prior to the public hearing.

**Published:** May 3 and May 10, 2019 – The Berkeley Voice

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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 May 2, 2019.

Mark Numainville, City Clerk



ATTACHMENT 6

EXISTING ELIGIBILITY AND INELIGIBLE OPT-IN REQUESTS

- Existing RPP Area Extents
- Current Eligibility Boundary
- Out of Area Opt-In Requests

FY 2019 Requests

1. 10th between University and Allston with adjacent side streets
2. 10th between Jones and Cedar
3. Page between 8th and 9th
4. Camelia between 7th and 8th

Requests Prior to FY 2019

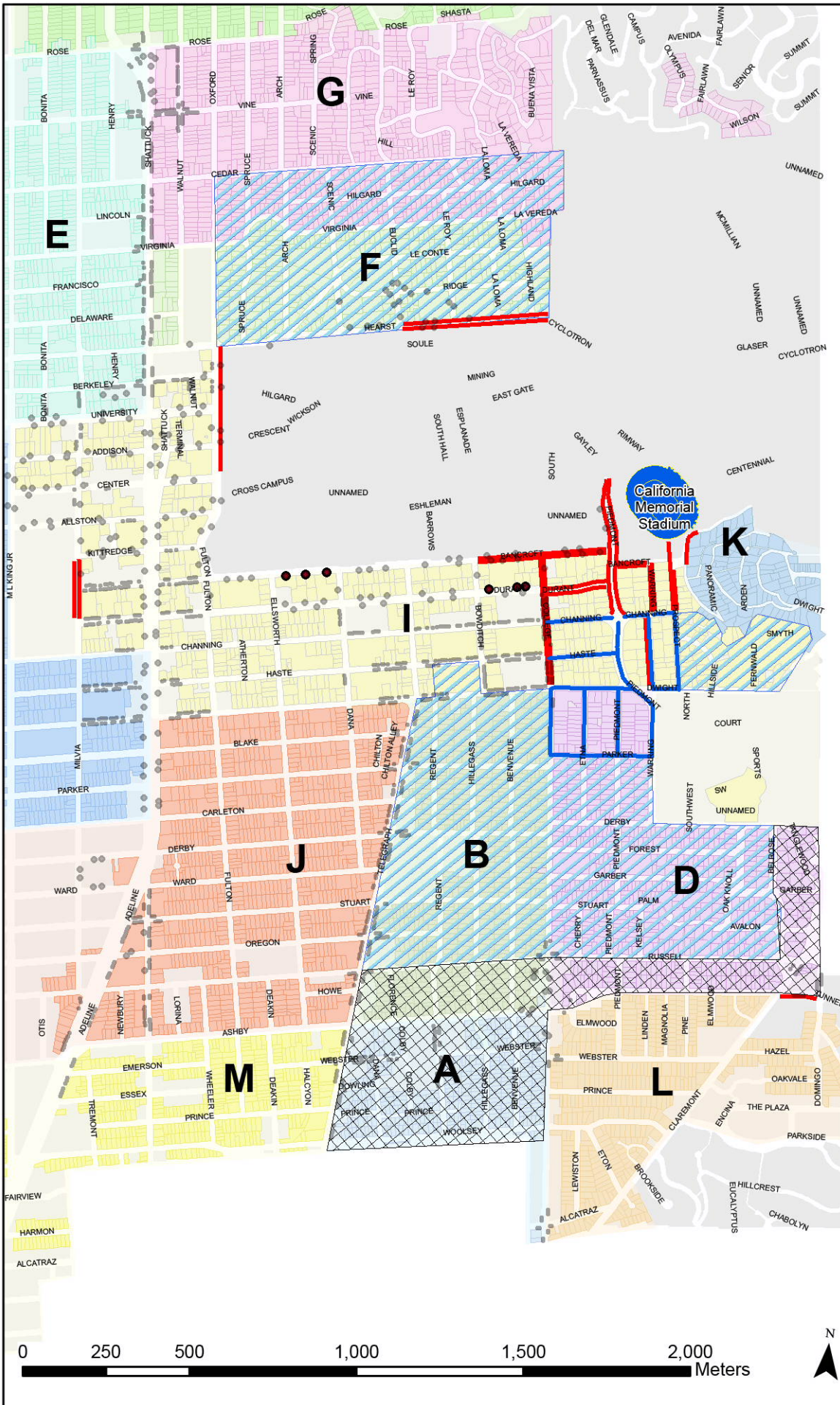
5. Stannage between Gilman and Harrison
6. Spruce between Los Angeles to Eunice
7. Campus between Avenida and LBL Campus
8. Stanton between Ashby and Prince
9. Multiple requests from Solano neighborhood

This map is for reference purposes only.

Care was taken in the creation of this map, but it is provided "AS IS". Please contact the City of Berkeley to verify map information or to report any errors.
March 20, 2019



ATTACHMENT 7: PROPOSED 2019 UC BERKELEY FOOTBALL GAME DAY PARKING RESTRICTIONS



- Existing Restrictions**
- Single Space Meters (9AM-6PM)
 - Pay And Display Meters (9AM-6PM)
 - Meters With Additional No Parking Restrictions
 - Double Fine Area (200%)
 - Existing Football Tow Zones
- Proposed Restrictions**
- Enhanced Fine Area for Non-Permit Holders (\$225)
 - Proposed New Tow Zone For Non-Permit Holders

This map is for reference purposes only. Care was taken in the creation of this map, but it is provided "AS IS". Please contact the City of Berkeley to verify map information or to report any errors. March 20, 2019





Elmwood BID Advisory Board

CONSENT CALENDAR
October 27, 2020

To: Honorable Mayor and Members of the City Council
 From: Elmwood Business Improvement District Advisory Board
 Submitted by: Joseph Aguiar, Chair, Elmwood BID Advisory Board
 Subject: Renewal of the Elmwood Avenue BID for Calendar Year 2021

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.

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. 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.) the City Council must approve an Annual Report prepared by the BID Advisory Board with a proposed budget for the next year as a requirement to levy new assessments. Accordingly, at its meeting of August 21, 2020, the Elmwood BID Advisory Board voted to recommend that the City Council approve the Annual Report and budget for 2021 and adopt a Resolution of Intention to renew the assessment for that year (M/S-Aguiar/Hunka; Ayes: Aguiar, Hunka, Leyhe; Nays: none). The Resolution of Intention also sets a public hearing date for November 17, 2020 where affected Elmwood businesses can express support or opposition to renewal of the BID for 2021. If written and/or oral protests are received

from businesses proposed to pay a majority of the assessment, Council cannot vote to levy assessments for 2021. If no majority protest is received the Council may renew the assessment.

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.

RATIONALE FOR RECOMMENDATION

State law requires that the City Council annually renew the Elmwood BID by first passing a resolution stating Council's intention to levy an annual assessment and scheduling a public hearing on the proposed renewed assessment for the coming year.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Kieron Slaughter, Secretary to the Elmwood BID Advisory Board, 510-981-2490

Attachments:

1: Resolution

- Exhibit A: Elmwood BID Annual Report and proposed budget for 2021
- Exhibit A1: Map of the Elmwood BID
- Exhibit A2: Assessment Rates

RESOLUTION NO. -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.

Exhibits

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

A1: Map of the Elmwood BID

A2: Assessment Rates

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

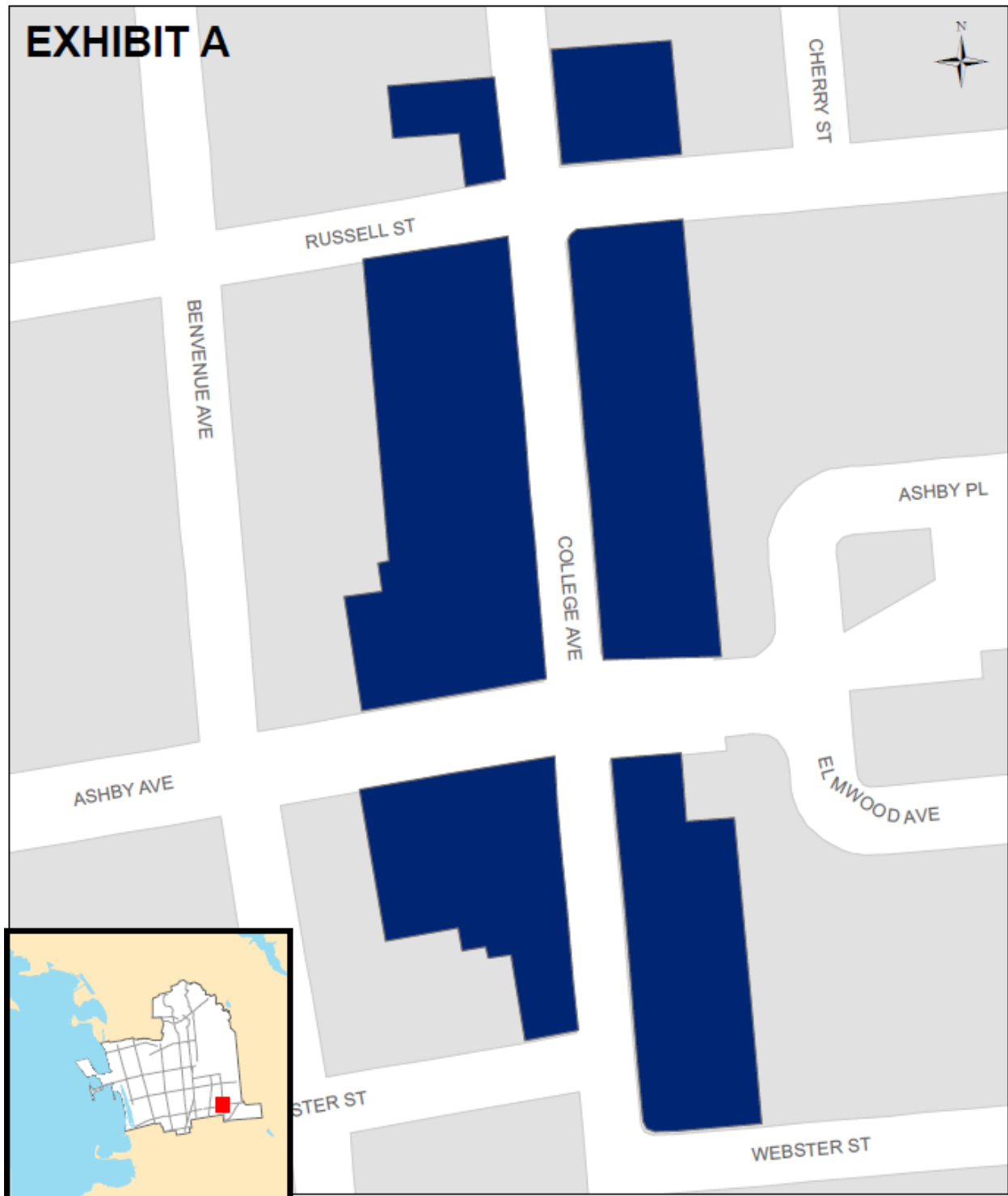


Exhibit A2: Elmwood Business Improvement District, Assessment Rates

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 Cares 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.



Office of the City Manager

CONSENT CALENDAR

October 27, 2020

To: Honorable Mayor and Members of the City Council

From: Solano Avenue Business Improvement District Advisory Board

Submitted by: Kate King, Chair, Solano Avenue BID Advisory Board

Subject: Renewal of the Solano Avenue BID for Calendar Year 2021

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.

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. To the extent that the work of the Solano BID enhances the economic development of Solano Avenue 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

Renewal of the Solano BID is a Strategic Plan Priority Project, advancing our goal to foster a dynamic, sustainable, and locally-based economy. Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code section 36500 et.seq.) the City Council must approve an Annual Report prepared by the Solano BID Advisory Board with a proposed budget for the next year as a requirement to levy new assessments. Accordingly, at its meeting of September 15, 2020, the Solano BID Advisory Board voted to recommend that the City Council approve the Report for the Solano Avenue Business Improvement District for 2020-21 and adopt a Resolution of Intention to renew the assessment for that year (Ayes: Campbell, Smith; Nays: Andrews). The Resolution of Intention also sets a public hearing date for November 17, 2020 where affected Solano businesses can express support or opposition to renewal of the BID for calendar year 2021. If written and/or oral

protests are received from businesses proposed to pay a majority of the assessment, Council cannot vote to levy assessments for 2021. If no majority protest is received the Council may renew the assessment.

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 also plans to establish an expanded landscaping program for merchants to clean and level tree wells. Also, the BID will support local marketing and local merchants impacted by COVID-19 with support of group outdoor commerce installations. BID expenditures are to be made through an established fiscal agency contract with Telegraph Property and Business Management Corporation (Telegraph PBMC).

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, parklet, 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 first passing a resolution stating Council's intention to levy an annual assessment and scheduling a public hearing on the proposed renewed assessment for the coming year.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Eleanor Hollander, Secretary to the Solano BID Advisory Board, (510) 981-7536.

Attachments:

1: Resolution

Exhibit A: Report for the Solano Avenue Business Improvement District 2020-21

Exhibit A1: Map of the Solano BID

Exhibit A2: Assessment Rate

RESOLUTION NO. ##,###-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 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 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.

Exhibits

A: Report for the Solano Avenue Business Improvement District 2020-21

A1: Map of the Solano BID

A2: Assessment Rates

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	(\$5,710.00)
<i>Unallocated as of 9/13/2020</i>	<i>\$9,881.00</i>

Renewal of the Solano Avenue BID for Calendar Year 2021

CONSENT CALENDAR
October 27, 2020

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.

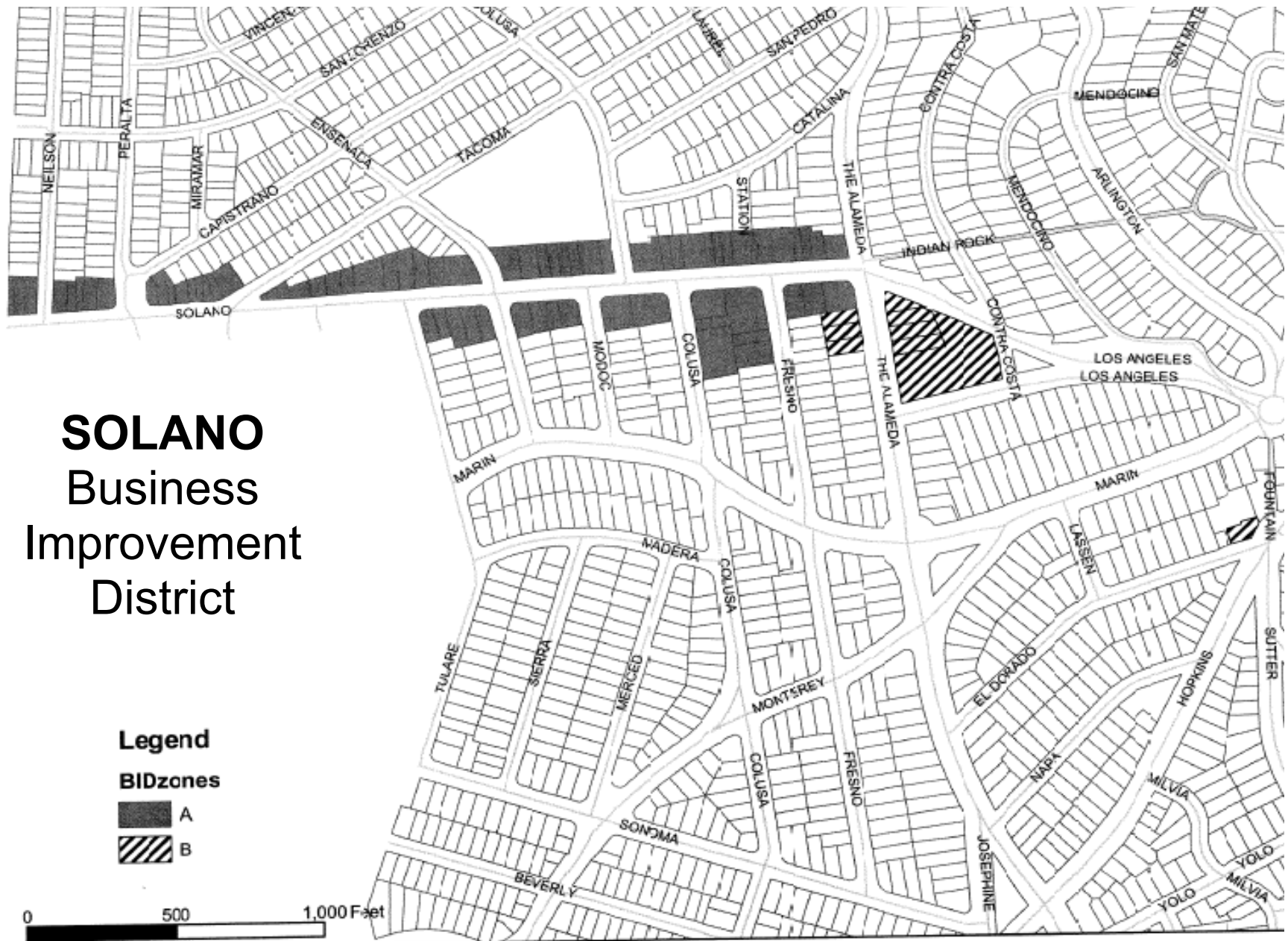
The Advisory Board recommends that the Council make no changes in the boundaries of the Solano Business Improvement District or in the two Benefit Zones, A & B.

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



October 27, 2020

Exhibit A2

Berkeley Solano Avenue Business Improvement District Annual Assessment Formula

Type of Business		Annual Assessments	
		Zone A	Zone 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



Housing Advisory Commission

CONSENT CALENDAR

October 27, 2020

To: Honorable Mayor and Members of the City Council
 From: Housing Advisory Commission
 Submitted by: Xavier Johnson, Chairperson, Housing Advisory Commission
 Subject: Smoke-Free Multi-Unit Housing Ordinance Policy and Enforcement Modifications

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.

POLICY COMMITTEE RECOMMENDATION

On September 29, 2020, the Health, Life Enrichment, Equity & Community Committee adopted the following action: M/S/C (Hahn/Bartlett) to send to Council a qualified positive recommendation 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.

Vote: Ayes – Bartlett, Hahn; Noes – None; Absent – Kesarwani; Abstain – None.

SUMMARY

This recommendation proposes changes to the Berkeley Municipal Code to increase enforcement and information about the residential smoking policies by improving enforcement and regulation of our current policies.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impacts for this recommendation are unknown at this time.

CURRENT SITUATION AND ITS EFFECTS

Under the current laws within the City of Berkeley, multi-unit residential property owners are required to provide signage as well as informational brochures. Despite these requirements, code enforcement and other city programs do not presently cite property owners for the failure to provide adequate signage or information to the tenants.

In addition, there are numerous inconsistencies between the ordinance, the informational materials, and administrative processes that the City of Berkeley utilizes. The recommendations in this report are designed to ensure more effective enforcement while at the same time balancing the due process rights of all parties involved.

At its October 3, 2019 meeting the Housing Advisory Commission made the following recommendations:

Action: M/S/C (Sharenko/Lord) to recommend 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. Details of the contradictions between policy and law are explained below. Additionally, modify BMC 12.70.035 to require 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.

Vote: Ayes: Berg, Johnson, Lord, Mendonca, Sargent, Sharenko, Simon-Weisberg, Wolfe and Wright. Noes: None. Abstain: None. Absent: Owens (excused).

BACKGROUND

The Housing Advisory Commission has received numerous complaints of the pitfalls and challenges present in our current system of enforcing the no smoking ordinance. Namely, there appears to be little means of recourse available to tenants, and little advertisement that the City even has a no-smoking policy. Over a number of meetings the HAC has discussed various ideas and strategies to address these concerns. This report presents a number of approaches approved by the Commission after much thought.

ENVIRONMENTAL SUSTAINABILITY

There is a net improvement to the environment by advancing these policies as they will help to ensure better air quality for residents specifically and more generally in the City of Berkeley as more enforcement will lead to reduced smoking in residential areas.

RATIONALE FOR RECOMMENDATION

1. Aligning enforcement policy with the law

The complaint form on the City's website contains a statement of policy (in an "Information Sheet") that is not consistent with ordinance. Item 5 on the information sheet reads (emphasis in the original):

"If it is the second complaint within a six month period a note is made and no additional notice will be sent to the person(s) responsible. The second complaint can be made by the same resident as the first complaint or by a resident in another unit in the same building. **The second complaint must be dated at least 10 days after the date of the notice sent by City of Berkeley to the person(s) responsible.** You may call the Tobacco Prevention Program (see #10) for this information."

The highlighted section is the problem. BMC 12.70.035(D) says:

“If within a six-month period following issuance of a notice under subdivision C, the City receives at least two complaints from residents of at least two separate units of the same multi-unit residence [...] *the person(s) responsible for the violation shall be guilty of an infraction* [...]” [emphasis added].

The 10-day delay rule, imposed by policy, contradicts the plain language of the law which contains no such delay period.

Presumably the delay period is meant to ensure that the person(s) responsible for the violation have time to receive, read, and act upon the warning. It may in fact be a reasonable ground for appeal that the second and third complaints arrived too quickly for the person(s) accused to have corrected the problem. Nevertheless, in individual circumstances, it might also be an unreasonable ground for appeal.

In any event, the ordinance does not support the 10-day delay policy.

It may be helpful to modify BMC 12.70.035(D) to make it clear that second and third complaints must refer to a violation or violations that occur after section (C) notice has been made.

It may be helpful to modify BMC 12.70.035(D) to use the date of delivery of a notice, and for the City to send notices using the USPS confirmed delivery service.

Returning to the policy declarations on the "Information Sheet", the City declares in item 6 (emphasis in the original):

If it is the third complaint, information about the person(s) responsible is sent to the City Enforcement team and a citation may be issued. ***Please note that the issuance of a citation is an absolutely discretionary process based on the City's resources, competing time constraints, and whether it is clear that the complaints are being filed in good faith.*** Only two complaints may be made by tenants in the same unit. All three complaints may not be made by tenants in the same unit.

The Code Enforcement Officer and City Attorney no doubt enjoy broad prosecutorial discretion but the statement above declares a policy wide open for prosecutorial abuse.

Criteria such as "competing time constraints" and "based on the City's resources" are so vague as to mean nothing more than "we'll enforce it if we feel like it". Further, there are no criteria or checks on the judgment of whether or not a complaint was made in good faith.

Such reservations of discretion are intimidating and excessive for what should be, in many cases, a nearly ministerial process of checking the complaint forms and issuing a citation.

The City Manager should form policy that if the Code Enforcement team decides not to issue an infraction, they must clearly state the reasons for their decision and inform the complaint filers of these reasons. Complaint filers must have a right to appeal and, if appropriate, amend their complaints with further evidence.

2. Enforce signage violations under the Residential Safety Program

Smoke free housing is a safety issue and the signage is part of how that condition is maintained. Since such signage is unambiguously part of the condition of the physical structure, it should be treated as a building code requirement enforced under the Residential Safety program.

3. Enforcing brochure requirements

Evidence from the Berkeley Considers survey and heard by HAC commissioners strongly suggests that in many cases, making everyone aware of the ordinance is enough for some tobacco smokers to change their behavior.

The City should take that seriously, and take steps to boost awareness of the ordinance.

Based on anecdotal evidence, tenants seem generally to have never received the brochure that informs them of their rights and responsibilities under the ordinance. In the Berkeley Considers survey, several respondents indicated their surprise at learning there is such an ordinance.

Making systematic violations of the brochure requirement an infraction provides tenants with an alternative mode of complaint that can potentially help resolve ongoing violations without risking personal retaliation for pointing the finger at a particular tobacco smoker or smokers.

Here, prosecutorial discretion can be again aided by policy. Upon credible evidence that a landlord is in violation, the Code Enforcement Officer might (by policy) issue a first warning to the property owner or landlord, and send the brochure to all units.

Finally, in one instance, an ad for tenants advises potential applicants that the building is "slowly transitioning" to non-smoking, implying that smoking is permitted and lawful by existing tenants. Systematically misinforming potential tenants of their rights should be treated as a violation of the brochure provision.

ALTERNATIVE ACTIONS CONSIDERED

The Commission considered allowing the first complaint, the complaint which triggers a warning, to be made in confidence. The commission also considered affirmatively stating that City enforcement officials may provide evidence of violations based on their

personal observations. Objections were raised that such provisions might be unconstitutional and, even if not, would be used to unfairly evict tenants.

CITY MANAGER

See companion report.

CONTACT PERSON

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



Office of the City Manager

CONSENT CALENDAR
October 27, 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: Companion Report: Smoke-Free Multi-Unit Housing Ordinance Policy and Enforcement Modifications

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.

POLICY COMMITTEE RECOMMENDATION

On September 29, 2020, the Health, Life Enrichment, Equity & Community Committee adopted the following action: M/S/C (Hahn/Bartlett) to send to Council a qualified positive recommendation 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.

Vote: Ayes – Bartlett, Hahn; Noes – None; Absent – Kesarwani; Abstain – None.

FISCAL IMPACTS OF RECOMMENDATION

The modifications proposed by the Housing Advisory Commission could require an increase in staffing and resources for Public Health's Tobacco Prevention Program and

the City Manager's Code Enforcement Division. A feasibility analysis will provide more insight to the costs of revised program administration as proposed.

CURRENT SITUATION AND ITS EFFECTS

On July 11, 2019, the Housing Advisory Commission (HAC) adopted a multi-pronged recommendation to modify the Smoke-free Multi-Unit Housing (SFMUH) ordinance. These recommendations were focused on improving the administration and enforcement of the SFMUH ordinance. On October 29, 2019, Council referred these recommendations and a staff companion report to the Health, Life Enrichment, Equity and Community Policy Committee.

On October 3, 2019, the HAC adopted additional recommendations related to improving the ordinance's administration and enforcement. These recommendations are meant to supplement the initial recommendations made on July 11, 2019 and should be considered by Council together. Staff's current recommendation is consistent with analysis provided in the October 29, 2019 companion report. These proposed modifications vary in their scope and will require additional analysis prior to adoption. The staff recommendation aligns with the Strategic Plan Priority goal to provide an efficient and financially-healthy City government.

Staff support the HAC's intent to improve the City's ability to enforce the SFMUH ordinance. However, as stated in the June 26, 2018 Audit performed by the City Auditor's Office, the Code Enforcement Unit is chronically understaffed for the increasing workload. The Audit recommends that, prior to adoption, ordinances should be "evaluated to determine the impact on current City resources and the feasibility of making the intended impact." The analysis should take place before the policy is presented to Council for adoption and include considerations of:

- Staff time and other City resource needs, including the fiscal impact of those resource needs;
- Opportunity cost, i.e. consideration of other activities that may be deprioritized in order to meet new demands; and
- Feasibility impact to determine how best to implement the new legislation.

A feasibility analysis will assist in determining how to prioritize the Unit's heavy caseload. This analysis is imperative to determine how to use limited staffing and resources effectively, especially in context of life and safety issues. It will also assist understanding of supplemental resources for the Tobacco Prevention Program, which currently operates with funding from the State and Alameda County.

Staff provided some more detailed feedback on specific recommendations outlined in HAC's report in addition to the general assessment above. This analysis is intended to guide the feasibility analysis and Council's understanding of implementation and enforcement.

HAC Recommendation #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.

This recommendation is targeted at the City's policies related to code enforcement and administration standards.

The City's approach to enforcing SFMUH ordinance is consistent with how staff manage all code enforcement activities. Rationale for the City's approach to code enforcement and use of its discretionary powers are outlined below.

Code Enforcement Practices

The HAC's recommendations related to enforcement are inconsistent with the City's progressive approach to code enforcement. The City's approach emphasizes voluntary compliance in the first instance, followed by progressively more punitive enforcement measures when a property owner refuses to voluntarily comply. In addition, the recommendations outlined in the report would lead to inconsistencies in the process of enforcing Municipal Code and could improperly delegate the City's police power to private third parties.

Discretionary Enforcement

The HAC recommends Code Enforcement must notify reporting parties when enforcement does not take place. This practice would be inconsistent with the Unit's approach in all other enforcement categories, and would add significant time to the workload of the division (which at the time of this writing has one staff person and two vacancies). Decisions made by Code Enforcement staff to pursue enforcement measures, based on their investigations, are not appealable. Further, the City currently has no process in place to appeal a non-action.

Code Enforcement throughout the City is given discretion to determine whether sufficient violations exist. If violations do exist, Staff's initial approach is to educate the violator in pursuit of voluntary compliance. Enforcement as a method to compel compliance is used only after efforts to elicit voluntary compliance have failed. The HAC recommendation would compel staff to pursue enforcement as a primary method, and would empower the reporting party to determine whether enforcement is appropriate, rather than the Code Enforcement Team.

The second part of the recommendation calls to modify BMC 12.70.035 to require that second and third complaints must refer to a violation or violations that occur after the 12.70.035.C notice has been made. This recommendation is related to how the ordinance is implemented via a 10-day administrative period. Staff established this period for processing multiple complaints at one property. This period provides a

reasonable amount of time once the City receives a complaint to 1) process the complaint; 2) notify and educate the alleged violator of the ordinance; and 3) provide the alleged violator the opportunity to come into compliance before a seconded complaint is filed.

Staff agree the second and third complaints must refer to a violation or violations that occur after Section C notice has been made to the person(s) responsible. Second and third complaints can be made after 10 days of the City officially receiving (time stamped) the initial complaint since it takes approximately 10 business days after the City receives the complaint to send out notices and inform to the alleged violators. The fact sheet can be amended to reflect this change. This is consistent with the City's voluntary compliance approach prior to issuing punitive measures.

As an ancillary recommendation to improve this process, the HAC recommended modifying BMC 12.70.035.D to use the date of delivery of a notice, and for the City to send notices using the USPS confirmed delivery service. This recommendation should also encompass BMC 12.70.035.C, which is the process for an initial reported violation at a property. Subsection D addresses additional reported violations.

The Tobacco Prevention Program currently timestamps every complaint received and logs the complaints. Using a USPS mail tracking service to verify delivery of violation notifications and other mailing requirements required by the ordinance should be considered in terms of capacity and administrative costs for increased mailing costs.

The information sheet can be edited to remove the following statement, "Please note that the issuance of a citation is an absolutely discretionary process based on the City's resources, competing time constraints, and whether it is clear that the complaints are being filed in good faith." A policy to communicate the reasons for not issuing an infraction to complaint filers and provide an option to appeal (if appropriate) could be included in the proposed feasibility analysis although Code Enforcement has reported that this would differ from the process for all other complaints.

HAC Recommendation #3: 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.

There is currently no outlined infractions in the SFMUH ordinance around signage. This would potentially increase Code Enforcement's duties and should be included as part of a feasibility analysis.

HAC Recommendation #4: 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.

Staff understand the importance and responsibility to increase awareness of the ordinance with Berkeley residents. The Tobacco Prevention Program incorporates building awareness of the SFMUH through regularly conducted outreach and education activities. The Tobacco Prevention Program maintains a copy of the brochure on the City website and consistently has copies at their office (1947 Center Street) for any requests from residents and landlords alike. These activities can continue and, in the future, the Tobacco Prevention Program can also provide copies of the brochure on an ongoing basis to the public-facing zoning and permitting counters and any other applicable City Departments. Staff support increasing accessibility to property owners and managers and all Berkeley residents.

The Tobacco Prevention staff's scope of work is contingent on grant funding from the State and Alameda County. This scope of work does not include enforcement or education activities related to the SFMUH ordinance. Additional resources would be needed to expand outreach and provide more targeted and sustained education initiatives.

HAC Recommendation #5: Obtain an analysis of the financial impacts of the recommended modifications to the BMC.

This is consistent with staff's recommendation for a feasibility analysis.

BACKGROUND

On December 3, 2013, the Berkeley City Council adopted Ordinance No. 7,321-N.S. regulating second hand smoke in all multi-unit residences common areas. As of May 1, 2014, smoking tobacco products is prohibited in 100% of multi-unit housing with two or more units (i.e. apartments, co-ops, condominiums, common interest developments, etc.). This also includes common areas such as private decks, balconies, and porches of units.

ENVIRONMENTAL SUSTAINABILITY

Providing smoke-free housing improves the local air quality of Berkeley's housing stock.

RATIONALE FOR RECOMMENDATION

Staff appreciate the commission's efforts to respond to community concerns and ensure the City has the most effective and accessible ordinance possible to serve our residents. Due to the varied, multi-pronged nature of the HAC recommendations, staff recommend that a feasibility analysis be done first to better understand the potential impacts and needs associated with effectively administering the proposed ordinance modifications so that the goals it engenders can be actualized.

Certain recommendations may have unanticipated impacts on City practices. The City uses a proactive approach to Code Enforcement. Modifications to enforcement practices as prescribed by the HAC's recommendations may create inconsistencies in

the process of enforcing Municipal Code and could improperly delegate the City's police power to private third parties. These impacts should be considered as part of a feasibility study.

ALTERNATIVE ACTIONS CONSIDERED

The City Council may consider to maintain the current enforcement mechanisms that fall within the City's established legal and administrative protocol.

CONTACT PERSON

Mike Uberti, Community Development Project Coordinator, HHCS, (510) 981-5114



Housing Advisory Commission

CONSENT CALENDAR
October 27, 2020

To: Honorable Mayor and Members of the City Council
 From: Housing Advisory Commission
 Submitted by: Xavier Johnson, Chairperson, Housing Advisory Commission
 Subject: Recommendation to Modify Policies Related to the Enforcement of the Berkeley Smoke-Free Multi-Unit Housing Ordinance

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.

POLICY COMMITTEE RECOMMENDATION

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.

SUMMARY

At its July 11, 2019 meeting, the HAC took the following actions:

Action: M/S/C (Tregub/Sharenko) to recommend that City Council modify certain 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; and
- 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).

Vote: Ayes: Johnson, Lewis, Sargent, Tregub, and Wright. Noes: Lord and Sharenko. Abstain: None. Absent: Mendonca (excused), Owens (unexcused), Simon-Weisberg (excused), and Wolfe (excused).

Action: M/S/C (Tregub/Sharenko) to recommend that City Council modify certain policies related to the enforcement of the Smoke-Free Multi-Unit Housing Ordinance, as follows:

- 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.

Vote: Ayes: Johnson, Sargent, Sharenko, Tregub, and Wright. Noes: Lewis and Lord. Abstain: None. Absent: Mendonca (excused), Owens (unexcused), Simon-Weisberg (excused), and Wolfe (excused).

FISCAL IMPACTS OF RECOMMENDATION

Unknown direct costs. Staff time would be needed to implement these recommendations and to administer a possibly increased volume of complaints should the process of filing a complaint become less onerous. However, savings in staff time would potentially be realized as a result of implementing the efficiencies being proposed.

CURRENT SITUATION AND ITS EFFECTS

The HAC’s recommendation to modify certain policies related to the enforcement of the Berkeley Smoke-Free Multi-Unit Housing Ordinance is a Strategic Plan Priority Project,

advancing our goal to create affordable housing and housing support service for our most vulnerable community members.

Ordinance No. 7,321-N.S., The Berkeley Smoke-Free Multi-Unit Housing Ordinance was adopted in early 2014 and, as of May 1, 2014, prohibits smoking in 100% of multi-unit housing with two or more units. This also includes common areas such as private decks, balconies, and porches of units.¹ Enforcement of the ordinance is complaint-based and modeled after the “Events” section of the Community Noise Ordinance² and Barking Dog Ordinance, in that the standard for enforcement is “two non-anonymous citizen noise complaints.” In the case of the Smoke-Free Housing Ordinance, the City must “[receive] at least two complaints from residents of at least two separate units of the same multi-unit residence, or in the case of a two-unit multi-unit residence, from a resident of the other unit of a violation of [the Ordinance] by the same person provided notice...” in order for the complaints to be sustained. Further, both of these notices must be received within “a six month period following issuance of a [first] notice” to the resident allegedly in violation of the Ordinance.³ The existing complaint form appears to only be available in English on the City website⁴ and includes the following information that a complainant is required to acknowledge:

1. I am a resident in a multi-unit residence within the City of Berkeley;
2. This Complaint is not confidential and may be shared with the person responsible for the violation;
3. If this is the 3rd complaint, City of Berkeley Code Enforcement staff will review the complaint and if they find the complaint contains enough information to move forward, they will consider the matter for further action;
4. If an administrative citation is issued, and the recipient(s) appeals, I will be called to testify at an administrative appeal hearing. I agree to make myself available to testify, and understand that if I fail to testify, the citation may be dismissed.”⁵

As part of the declaration, the complainant must also attest to the following statement: “I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.”⁶

BACKGROUND

Over the prior twenty months, the Berkeley Housing Advisory Commission (HAC) received and heard several concerns from members of the public about the difficulty

¹ https://www.cityofberkeley.info/Health_Human_Services/Public_Health/Smoke_Free_MUH.aspx

² https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/2009/1n2Dec/2009-12-08_Item_01_Ordinance_7122.pdf

³ https://www.cityofberkeley.info/uploadedFiles/Health_Human_Services/Level_3_-_Public_Health/TobaccoFreeMultiUnitOrdinance.pdf

⁴ https://www.cityofberkeley.info/Health_Human_Services/Public_Health/Smoke_Free_MUH.aspx

⁵ https://www.cityofberkeley.info/uploadedFiles/Health_Human_Services/Level_3_-_Public_Health/SFMUH-ComplaintForm-02-28-18.pdf

⁶ *Ibid.*

they encountered in an attempt to bring the City of Berkeley to enforce its Smoke-Free Multi-Unit Housing Ordinance. The HAC recommended to the City Council that a Berkeley Considers survey be conducted, an action that was adopted and completed.

The survey results point to similar challenges, primarily associated with:

- 1) The real or perceived difficulty of having a complaint sustained due to the standard applied to the complaint in order for the City to process it;
- 2) The real or perceived onerous nature of filling out and submitting the present complaint form in the manner required by the City;
- 3) The undesirable nature of pursuing action under the Ordinance against a neighboring property owner or tenant, particularly since the complaint is required to be non-anonymous; and
- 4) The perception that, even if the complaint process is followed as required, the City will not enforce it due to the high standard associated with enforcement and complaint-based nature of the enforcement mechanism.

At its March 2019 meeting, the HAC convened a Smoke-Free Housing Ordinance Subcommittee which met in April 2019. Members of the subcommittee reached consensus on several recommendations to the HAC, which were discussed at the April 2019 HAC meeting. Additional feedback was solicited from HAC members as well as members of the public at that meeting. Although the subcommittee did not meet a second time to finalize these recommendations, one of the members of the subcommittee discussed these recommendations with the Eviction Defense Center and the East Bay Community Law Center and modified the draft recommendations so that the idea of empowering inspectors to integrate proactive inspections at the same time that they are conducting other city-mandated inspections (e.g., the Rental Housing Safety Program), exploring the legality of allowing anonymous complaints to be processed, and relaxing the requirement of having to provide two separate complaints within a six-month period in buildings of *all* unit counts were removed from the proposed recommendations that were discussed and approved at the July meeting.

ENVIRONMENTAL SUSTAINABILITY

Insofar as the ability of every occupant of multi-family housing to reside in a smoke-free environment has a nexus to environmental sustainability and environmental justice, these recommendations support the City of Berkeley's environmental sustainability goals.

RATIONALE FOR RECOMMENDATIONS

The recommendations above address the primary challenges associated with enforcement that have been previously described. A brief rationale for each recommendation is presented below.

- 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;

The recommendations above were made at the request of several members of the public who credibly claimed that the current staffing level to enforce the ordinance and required signage are inadequate to meet the goals of this ordinance.

- 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; and
- 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).

These four recommendations would address the following concerns that the HAC noted from members of the public as well as from survey responses:

- 1) The real or perceived difficulty of having a complaint sustained due to the standard applied to the complaint in order for the City to process it;
- 2) The real or perceived onerous nature of filling out and submitting the present complaint form in the manner required by the City;
- 3) The undesirable nature of pursuing action under the Ordinance against a neighboring property owner or tenant, particularly since the complaint is required to be non-anonymous; and
- 4) The perception that, even if the complaint process is followed as required, the City will not enforce it due to the high standard associated with enforcement and complaint-based nature of the enforcement mechanism.

The current process requires an extremely high bar of evidence and effort for a complainant, and in a situation in which the complainant resides in close quarters with the allegedly offending party, may expose the complainant to possible retaliation (due to the lack of anonymity of the complaint). In addition, while the correctness of a complaint is fundamental to its ability to be processed, using the same language in the complaint form that is seen in a sworn affidavit is likely to intimidate some would-be complainants from undergoing the process of completing and submitting the form.

Furthermore, while the Smoke-Free Multi-Unit Housing Ordinance page on the City of Berkeley website currently includes several forms in Spanish as well as English, the complaint form itself is only available in English. No other languages besides English and Spanish were found anywhere on the site.⁷ The requirement that only a hard copy can be submitted and that electronic submission mechanisms are not accepted is overly burdensome, in an age where even police reports can be filed online. The provision that three separate complaints (two of them from separate individuals) must be received within the span of six months shifts the burden of policing onto the complainants rather than City, which is charged with enforcing this ordinance. Each of these recommendations addresses these and related concerns mentioned above.

The final recommendation approved by a separate vote by the HAC is as follows:

- 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.”

The Smoke-Free Housing Subcommittee and several additional members of the HAC and public felt that, with the recent relaxation of state law around the use of recreational (non-medical) cannabis, it would be worthwhile for these two commissions, both comprised of subject matter experts in their respective fields, to study this question. Only further study rather than any concrete actions is recommended at this time.

ALTERNATIVE ACTIONS CONSIDERED

Members of the HAC Smoke-Free Housing Subcommittee briefly discussed but dismissed the notion of making changes to the underlying Berkeley Smoke-Free Multi-Unit Housing Ordinance itself. Based on discussions with the eviction defense community, several elements were removed from the initial recommendations. These recommendations that are no longer proposed included the following:

⁷ https://www.cityofberkeley.info/Health_Human_Services/Public_Health/Smoke_Free_MUH.aspx

- 1) Empowering inspectors to integrate proactive inspections regarding the smoke-free Ordinance enforcement at the same time that the inspectors are conducting other city-mandated inspections (e.g., the Rental Housing Safety Program);
- 2) Exploring the legality of allowing anonymous complaints to be processed;
- 3) Relaxing the requirement of having to demonstrate two separate complaints within a six-month period in buildings of *all unit sizes*.

Therefore, though some of the recommended actions, if approved, may trigger the need to provide subtle adjustments to the enforcement of the Ordinance, none of the actions above alter the fundamental architecture of the Ordinance.

CITY MANAGER

See companion report.

CONTACT PERSON

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



Office of the City Manager

CONSENT CALENDAR
October 27, 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: Companion Report: Recommendation to Modify Policies Related to the Enforcement of the Berkeley Smoke-Free Multi-Unit Housing Ordinance

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.

POLICY COMMITTEE RECOMMENDATION

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.

FISCAL IMPACTS OF RECOMMENDATION

The modifications proposed by the Housing Advisory Commission could require increase in staffing and resources for Public Health's Tobacco Prevention Program and the City Manager's Code Enforcement Division. A feasibility analysis will provide more insight to the costs of revised program administration as proposed.

CURRENT SITUATION AND ITS EFFECTS

On July 11, 2019, the Housing Advisory Commission adopted a multi-pronged recommendation to modify the SFMUH ordinance. The proposed modifications vary in their scope and will require additional analysis prior to adoption, which fits with the Strategic Plan Priority goal to provide an efficient and financially-healthy City government.

The commission's recommendations are outlined below with proposed analysis by staff. The proposed analysis would include:

Commission Recommendation 1: Increase staffing to implement enforcement of the ordinance as part of the next budget.

Staff should analyze how the proposed modifications, if adopted, will impact current demands on staff time and determine how many Full Time Equivalent (FTE) employees would be needed. The Public Health Division's Tobacco Prevention Program manages the administration of the ordinance, including processing and monitoring complaints and correspondence with potential violators and landlords. Enforcement of this ordinance is managed by the City Manager's Code Enforcement Division in coordination with the PH Tobacco Prevention Program.

This request for analysis aligns with a recommendation of the June 2018 City Audit of the Neighborhood Services' Code Enforcement Unit. The audit states any proposed legislation that creates additional workload for the Neighborhood Services Code Enforcement Unit should undergo a resource analysis by City Council to evaluate the proposed fiscal and workload impacts and determine the opportunity cost and implementation approach. The Audit also notes that new code enforcement areas may require significant staff time and resources, which may take away from the unit's ability to meet its other enforcement obligations. Additions to the unit's workload could result in loss of revenue generated from fines and enforcement fees, as well as an increased risk to lawsuits brought on by those who claim the City failed to meet its enforcement obligations.

Commission Recommendation 2: Improve signage related to the ordinance in residential buildings.

The City's Tobacco Prevention Program provides property owners/managers with "No Smoking" signage for common areas consistent with the signposting requirements of Berkeley Municipal Code Section 12.70.060. Staff could consult with the Community Health Commission to seek information and determine any potential improvements.

Commission Recommendation 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.

Staff appreciates the Commission's efforts to make the complaint process more user-friendly. An electronic complaint submission system would considerably ease the complaint process (which requires signature authentication) as well as administrative tasks. At the same time, some of the Commission's suggestions could raise potential unintended consequences that would need to be considered and thought through. For instance, several departments—including the City Attorney's office—would need to provide an opinion on the City's ability to accept signatures electronically and the implications of removing requirements for sworn statements. Additionally, electronic forms and signatures should be considered as a part of the City's ongoing website redesign.

Staff currently has a limited capacity for language translation. A feasibility analysis would have to determine criteria for what languages should be included and funding needed to provide these services, as well as changes to the language in the ordinance to simplify the process.

Commission Recommendation 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).

Again, we support efforts to ease the process for complainants, and would work with the City Attorney on any liabilities or legal implications associated with the proposed modifications.

Commission Recommendation 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.

Staff are currently working on amendments to the current SFMUH ordinance (and other parts of the Berkeley Municipal Code) to clarify that it includes cannabis. Proposition 64 legalized adult-use of cannabis in California by creating limited exceptions to the state Uniform Controlled Substances Act. But Proposition 64 specifically provided that it did not permit smoking of “cannabis or cannabis products in a location where smoking tobacco is prohibited.” (Health & Safety Code, § 11362.3.) Thus, cannabis smoking is still unlawful in places where tobacco smoking is prohibited, including under local laws like the SFMUH ordinance.

BACKGROUND

The Berkeley City Council adopted Ordinance No. 7,321-N.S. regulating second hand smoke in all multi-unit residences common areas. As of May 1, 2014, smoking tobacco products is prohibited in 100% of multi-unit housing with two or more units (i.e. apartments, co-ops, condominiums, common interest developments, etc.). This also includes common areas such as private decks, balconies, and porches of units.

ENVIRONMENTAL SUSTAINABILITY

Providing smoke-free housing improves the local air quality of Berkeley’s housing stock.

RATIONALE FOR RECOMMENDATION

Staff appreciate the commission’s efforts to respond to community concerns and ensure the City has the most effective and accessible ordinance possible to serve our residents. Due to the varied, multi-pronged nature of their recommendations, staff are recommending a feasibility analysis is first considered to better understand the potential impacts and needs associated with the proposed ordinance modifications.

ALTERNATIVE ACTIONS CONSIDERED

The City Council may consider to maintain the current enforcement mechanisms that fall within the City's established legal and administrative protocol.

CONTACT PERSON

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



Office of the Mayor

CONSENT CALENDAR
October 27, 2020

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín and Councilmember Susan Wengraf

Subject: Budget Referral: \$50,000 to UC Theatre Concert Career Pathways Education Program

RECOMMENDATION

Refer to the November 2020 AAO budget process the allocation of \$50,000 to the UC Theatre Concert Career Pathways Education Program.

BACKGROUND

The UC Theatre is an independent non-profit music venue with youth education programs operated by the Berkeley Music Group (BMG). The UC Theatre Concert Career Pathways Education Program (CCP) develops critical and creative thinking skills necessary to become successful in the workplace, offering youth passionate about music jobs an opportunity to develop a career in the field. CCP teaches young people ages 17 to 25 the technical, creative, and business aspects of concert and event promotion. This nine-month program provides a hands-on work-based learning model in combination with free workshops and paid internships. UC Theatre offers these programs to youth attending local schools, underserved youth through partnerships with established non-profit community organizations, and to the public.

Over the last few years, the City Council has voted to provide funding to this program. In FY 2020, the City Council allocated \$40,000 to the UC Theatre Concert Career Pathways Education Program. Due to the City's contribution, UC Theatre was able to receive matching funds. The 2019/20 cohort represented a diverse range of identities and education levels, including 57% women, 9% nonbinary people, 62% people of color, 19% LGBTQ+ individuals, 19% people with disabilities, and 66% from low-income households.

While the COVID-19 crisis has dramatically and disproportionately impacted the live entertainment industry, UC Theatre is continuing its commitment to the community through continuing this program. Their goal for the 2020/21 Cohort is to deliver the most productive and rewarding internship training experience for participants by transitioning to a hybrid learning model. Starting in October they are rolling out a new Mentorship Education Program to complement their CCP Internship Program – effectively broadening the range of communities they engage and train.

When reaching out to partners to support this program, a commonly asked question is “what is the level of support you are currently receiving from the City of Berkeley?”, which serves as a barometer for the feasibility of the program. Increased support from the City of Berkeley will help them leverage additional Foundation support for their youth education programming.

FINANCIAL IMPLICATIONS

\$50,000

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with adopting this recommendation.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100



Office of the Mayor

CONSENT CALENDAR
October 27, 2020

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín, Councilmember Sophie Hahn, and
Councilmember Susan Wengraf

Subject: Treatment of Horses at Golden Gate Fields

RECOMMENDATION

Send a letter to the California Horse Racing Board to investigate the treatment and welfare of horses at Golden Gate Fields.

BACKGROUND

Opening in 1941, Golden Gate Fields is the only remaining thoroughbred racetrack in Northern California. The site sits on 140 acres of bayfront property along the Berkeley/Albany border, with the racetrack, stands, and parking located on the Albany side and the stables on the Berkeley side. The stables hold 1,200 horses who are cared for by 400 workers.

As of October 5, 2020, twenty-two (22) horses at Golden Gate Fields have died in 2020, the most recent death occurring on October 1. The latest death is also the 84th horse death in California. In 2019, twenty (20) horses died at Golden Gate Fields. Horse racing resumed in May after being paused in March due to COVID-19, although the stadium remains closed to spectators. A horse died as a result of racing during the first day that races resumed.

The racetrack is owned by The Stronach Group, which also operates Santa Anita Park in Arcadia, California. Recently, Santa Anita Park came under scrutiny after 38 horses died there in 2019. In March 2019, The Stronach Group announced some changes to improve safety conditions, including a ban on race day medications, limiting the use of whips, and installing a new safety rail on the track. However, with more horses dying this year it is clear that more must be done to address the health and safety of horses.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with adopting this recommendation.

Golden Gate Fields Horse Wellbeing

CONSENT CALENDAR
October 27, 2020

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

1:Letter to the California Horse Racing Board

Gregory L. Ferraro, DVM – Chairman
C/O CHRB Headquarters
1010 Hurley Way, Suite 300
Sacramento, CA 95825

October 27, 2020

Re: Treatment and Welfare of Horses and Golden Gate Fields

Dear Chairman Ferraro,

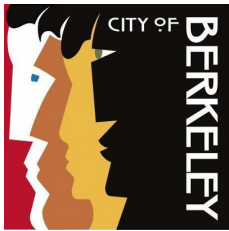
We are writing to express concern over the twenty-two (22) horse deaths that have been reported at Golden Gate Fields this year, as of October 5th. Golden Gate Fields, located along the border of the Cities of Berkeley and Albany, is the last thoroughbred racetrack in Northern California and was a popular destination for Bay Area residents before COVID-19 prohibited spectators at the site.

Golden Gate Fields is operated by The Stronach Group, which also operates Santa Anita Park in Arcadia, California. In 2019, 38 horses died at that location, prompting investigations. In response, The Stronach Group implemented new measures at both sites, such as a ban on race day medications, limiting the use of whips, and installing a new safety rail on the track. While we appreciate efforts undertaken last year by The Stronach Group, the fact that more deaths have occurred this year, compared to 2019, shows that more must be done to address the treatment and welfare of racehorses.

Residents have reached out to our offices to express concern over the situation. We respectfully request the California Horse Racing Board investigate this matter. What is causing the deaths of these horses? What measures can be done to prevent such deaths from occurring? The City of Berkeley has long supported the wellbeing of animals, so hearing of these reports of multiple deaths is alarming. Please keep us informed of any actions you take to ensure the safe treatment and wellbeing of horses at Golden Gate Fields.

Sincerely,

The Berkeley City Council



Councilmember Ben Bartlett
City of Berkeley, District 3

CONSENT CALENDAR

October 27th, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett and Councilmember Kate Harrison

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

RECOMMENDATION

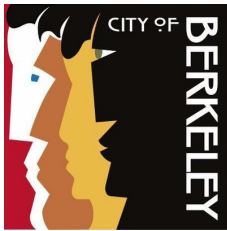
Refer to the November AAO budget process to allocate \$500,000 from the General Fund to require biweekly (once every two weeks) cleaning of populated encampment sites, major corridors, and encampments adjacent to residential neighborhoods throughout the City of Berkeley for approximately one year. The 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.

CURRENT SITUATION

On September 21, 2020, Councilmember Bartlett submitted an item that would require bi-weekly (once every two weeks) cleaning of populated encampment sites and adjacent residential neighborhoods in Berkeley. On September 29, the Agenda and Rules Committee approved the Consent Calendar item to be discussed at the October 13 Council meeting. However, the aforementioned item does not specify if the City has the appropriate staff and financial capacity to implement additional street cleaning measures at this time. This item serves as a budgetary companion piece that will allocate \$500,000 from the General Fund to fund the costs of essential staff and supplies for these street cleaning services for at least one year.

Specifically, the goals of this equitable street cleaning initiative are to:

1. Promote public health and safety by mitigating trash hot spots and addressing the increased amount of trash in our community;
2. Reduce trash loads from municipal storm water sewer systems by complying with the San Francisco Regional Water Quality Board's MRP and trash requirements;
3. Create work opportunities for homeless residents and build staff capacity by partnering with non-profit organizations.



Councilmember Ben Bartlett
City of Berkeley, District 3

BACKGROUND

The City of Berkeley currently mandates residential cleaning once a month and follows a sweeping schedule according to the street name. Residents are encouraged to rake their leaves for composting and avoid sweeping materials into streets or curbsides where debris could impede people's ability to safely travel along the sidewalks. However, our current sweeping schedule has not been sufficient in addressing issues of littering, illegally dumped materials, and encampments in certain areas throughout Berkeley, especially in the South Berkeley neighborhood.

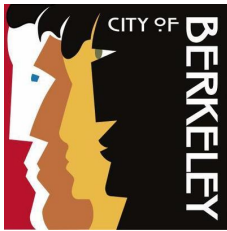
According to South Berkeley residents, their neighborhood has been littered with trash, which has become a safety and sanitary concern. Reports of discarded clothing and illegally dumped materials, such as couches and televisions, are common in South Berkeley, especially along the block of Martin Luther King Jr. Way in the corner between Alcatraz Avenue and 62nd Street. Other encampments, trash, and debris have also been located in the BART-owned area.

To promote health, safety, and cleanliness in Berkeley, the Council should allocate sufficient funding to hire additional street sweeping staff and provide more frequent residential cleaning services throughout the City. Since each neighborhood has different needs, the City and the street sweeping staff must use an equity lens to prioritize their cleaning services for areas with a greater number of encampments, such as South Berkeley. In addition to cleaning the surrounding area of encampments, the proposed biweekly (once every two weeks) cleaning services should focus on cleaning the individual camps as well. The City should also partner with non-profit organizations to build staff capacity, create work opportunities for homeless residents, and provide additional services to adjacent residential neighborhoods.

The City should also employ its services at encampments on nearby non-City owned property, such as Caltrans. However, in these cases, the City should have the authority to bill the appropriate agency for the cost of staff and materials.

REVIEW OF EXISTING LAWS

The California State Water Board is one of six environmental entities operating under the authority of the California Environmental Protection Agency. The Board includes the



Councilmember Ben Bartlett
City of Berkeley, District 3

State Water Resources Control Board and nine Regional Boards, including the San Francisco Regional Water Quality Control Board.¹

In 2009, the San Francisco Regional Board issued a Municipal Regional Stormwater NPDES Permit (MRP).² The MRP covers stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun City, and Vallejo. Specifically, the permit requires local governments to implement best management practices to control pollutants in stormwater. In addition, the permit includes Provision C.10, which requires permittees to implement trash load reduction control actions. The goal of this provision is to help reduce trash loads from municipal separate storm sewer systems by 40% by 2014, 70% by 2017, 80% by July 1, 2019, and 100% by 2022.³

The Regional Board has specified two methods for reducing trash discharge. The most direct means is the installation and maintenance of full trash capture devices, such as storm drain inlet screens and in-ground hydrodynamic separators. The other approach is to implement cleanup actions, such as street sweeping, installing and maintaining trash receptacles, and regularly sending crews to pick up litter.

In order to comply with the MRP and meet the trash requirements of Provision C.10, the Council must adopt this equitable street cleaning initiative and work towards reducing the debris and litter in our communities.

RATIONALE FOR RECOMMENDATION

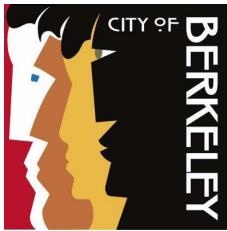
Debris and illegal dumping have exacerbated the safety, sanitary, and environmental issues of the Berkeley community. To protect the safety and health of our residents, residential cleaning of the camps and the adjacent neighborhoods of the encampments in the city should be conducted at least once every two weeks. Equitable residential cleaning services would ensure that Berkeley residents, especially those in South Berkeley, have safe and sanitary areas for residential and commercial purposes.

In addition, the City must comply with the San Francisco Regional Water Quality Board's MRP and effectively control pollutant discharge. Compliance with the MRP will

¹ https://www.waterboards.ca.gov/waterboards_map.html

² https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/mrp.html

³ https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/Prov_C10.html



Councilmember Ben Bartlett
City of Berkeley, District 3

mitigate trash hot spots, enhance water quality, and benefit our city's ecosystems and surrounding communities.

FISCAL IMPACTS OF RECOMMENDATION

Staff time and General Fund impact of \$500,000. The funding is expected to cover the cost of staff and supplies for additional cleaning services for at least one year. For encampments on non-City owned property, the City would save on financial resources by billing the appropriate agency for the cost of staff and materials.

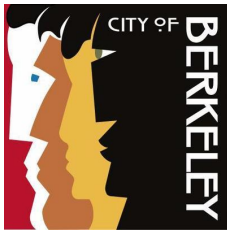
ENVIRONMENTAL SUSTAINABILITY

Bi-weekly (once every two weeks) residential cleanings would remove the litter populating the camps and streets, which would reduce the risk of trash clogging storm drain systems or polluting the waterways. This initiative works towards meeting the trash requirements of the San Francisco Regional Water Quality Board's MRP. Compliance with the MRP will enhance water quality, benefit the City's ecosystems and surrounding communities, and minimize the impacts of trash discharges on our environment. Litter can also carry unsanitary germs and thus, increase the ability to contract diseases. These issues must be prevented and mitigated, especially during a time when people are vulnerable to becoming infected with coronavirus.

CONTACT PERSON

Councilmember Ben Bartlett
James Chang
Katie Ly

510-981-7130
jchang@cityofberkeley.info
kly@cityofberkeley.info



Councilmember Ben Bartlett
City of Berkeley, District 3

CONSENT CALENDAR
October 27, 2020

To: Honorable Mayor and Members of the City Council

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

Subject: Convert 62nd Street between King St, and Adeline St. into a One-Way Line that exits in the direction of Adeline St.

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.

CURRENT SITUATION

At the intersection of 62nd Street between Adeline and King Streets, dangerous driving behavior has been observed threatening pedestrians, cyclists, and motorists. These observed behaviors include speeding, not stopping at stop signs, and not yielding for pedestrians, all of which have led to near-miss collisions. Though there are stop signs and traffic circles to deter speeding, many drivers ignore the stop signs off of Adeline Street and through 62nd Street, especially during rush hours. Delivery trucks, such as UPS, have also been spotted running these stop signs. Furthermore, it has been difficult to report these incidents as many cars driving these streets lack license plates.

These conditions increase the risks of car accidents and endanger pedestrians and bicyclists. The risk to bicyclists is especially dangerous in this area because 62nd Street feeds directly into the bicycle thoroughfare on King Street. Residents at this intersection have observed near misses almost every day, particularly during rush hours when both cars and bicyclists commute through the 62nd Street and King Street intersection on a regular basis. This area also receives a lot of traffic by pedestrians, cars, and bicyclists on Farmers Market Days (Tuesdays), and furthermore, there are a total of seventeen children and numerous families with pets that live on 62nd Street. Multiple pedestrians and bicyclists have already been injured as a result of these traffic issues. By sheer luck, none of these accidents have been fatal, but the City must support infrastructure that promotes pedestrian safety and reduces traffic collisions in order to avoid a tragedy.

BACKGROUND

The intersection of 62nd Street and King Street, which is located near the border of Oakland, has had numerous issues with crime. In recent years, illegal dumping, gunfire, and various traffic violations have proliferated. This year alone, there have already been

at least three reported cases of gun-related crimes at this intersection. Most recently, there have been reports of gunfire on August 12, 2020¹.

In order to deter traffic violations, traffic circles and stop signs have been installed. Unfortunately, as mentioned previously, these measures have been insufficient in curbing the issue of reckless driving and preventing traffic collisions and confusion. Further work needs to be done in order to deter traffic violations and ensure pedestrian and bike safety.

Based on community consultations, many people have supported transitioning this busy intersection into a one-way block, including all the residents who are at the most dangerous parts of the 62nd Street corridor between Adeline and King Street. Doing this would contain the traffic flow, make it easier for pedestrians to cross the street, and decrease the number of traffic violations. Those wishing to access the neighborhood can do so a half block from 62nd and Adeline by making a right turn at Adeline and King St. Here, the turn is more likely to slow traffic coming into the neighborhood because it is a sharper right turn rather than a gentle turn that does not promote slowing down. Although this item is not a silver bullet in addressing all of the problems, it is a needed step in order to bring some order to the area.

The Council should refer to the Public Works Department to formulate a plan that would convert 62nd Street into a one-way lane between King St. and Adeline St. to block off motorists who enter from Adeline St. If this item passes, the Department should move forward with this request once its staff has addressed their immediate priorities.

RATIONALE FOR RECOMMENDATION

In Berkeley, street safety is a priority. Based on consultations with constituents and reported crimes, action must be taken to substantially decrease traffic violations and prevent the potential for serious injury at this intersection. The urgency for this action is particularly high given the number of young children who live at or near this intersection as well as patrons of the Farmers Market, and cyclists who use the King St. bike boulevard.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

In December of 2013, the City Council adopted the Complete Streets Policy which is determined to create a “comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel”² for all users. This includes pedestrians, persons with disabilities, motorists, bicyclists, users, and operators of public transportation, seniors, children, youth, and families.

The Complete Streets Policy goal is to “provide safe, comfortable, and convenient travel along and across streets.”³ If the City is dedicated to creating a community of traffic

¹ <https://www.dailycal.org/2020/08/17/berkeley-police-department-responds-to-reports-of-gunfire/>

² <https://www.cityofberkeley.info/completestreetspolicy/>

³ https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley%20Complete%20Street%20Resolution%2012%2011%2012.pdf

safety that protects all pedestrians from auto-related accidents, the Council should look into transitioning parts of 62nd Street into a one-way lane.

CONSULTATION OVERVIEW

The District 3 Office and the Berkeley Police Department have met with constituents to discuss the rampant issues in this neighborhood. Constituent concerns with safety, along with their demands on converting 62nd Street into a one-way lane, have informed this recommendation.

ENVIRONMENTAL SUSTAINABILITY

No adverse effects on the environment. A one-way lane conversion will help mitigate traffic, promote pedestrian safety, and create a safer intersection.

FISCAL IMPACTS

Staff time and additional costs to be determined by the Public Works Department.

CONTACT PERSON

Councilmember Ben Bartlett:

James Chang

Katie Ly

Jerry Wong

510-981-7130

jchang@cityofberkeley.info

kly@cityofberkeley.info

jzwong@cityofberkeley.info



Kate Harrison
Councilmember District 4

CONSENT CALENDAR
October 27, 2020

To: Honorable Mayor and Members of the City Council
From: Councilmember Harrison and Councilmember Bartlett
Subject: Resolution Adopting the 2020 Traffic Circle Vegetation Policy and Maintenance Plan

RECOMMENDATION

1. Adopt the 2020 Traffic Circle Vegetation Policy and Maintenance Plan as revised by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee.

POLICY COMMITTEE RECOMMENDATION

On September 16, 2020, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Harrison/Robinson) to send the item to Council with a positive recommendation, 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. Vote: All Ayes.

BACKGROUND

On November 12, 2019, the City Council referred the following language from the proposed Traffic Circle Policy to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee for consideration: "New trees proposed by traffic circle coordinators or volunteers will be approved by the City Forester, with a preference for natives and a focus on maximizing ecosystem services. The Task Force recommends revisiting trunk size considerations every five years as the implications of climate change and autonomous vehicles become clearer. In the interim, large trunked trees such as redwoods will not be planted."

The Public Works Department together with key community members of the former Traffic Circle Policy Task Force have completed their work on developing an additional

Traffic Circle Policy entitled the *2020 Traffic Circle Vegetation Policy and Maintenance Plan*.

The *2020 Traffic Circle Vegetation Policy and Maintenance Plan* addresses the referral by including the frequency of inspection and the requirements for consideration of new trees utilizing the Urban Forestry Unit's current process and requirements.

On September 16, 2020, the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee voted to send the policy to Council with a positive recommendation, as submitted by staff, and as further revised by the committee to include:

1. a requirement that the policy will be reviewed every five (5) years;
2. clarification that if a tree must be removed from a circle and can be transplanted it shall be transplanted.
3. Clarification that the City's policy shall be to place a more location-appropriate tree in the circle where a tree has been removed, if possible; and,
4. clarification that Tree Planting Location Standards shall be refined over time to be more specific for traffic circle locations.

Public Works staff indicate that they are in the process of recruiting new volunteers for unadopted circles by sending mailers to all addresses within 300 feet of the unadopted circle. Staff will also work with existing volunteers to ensure compliance with the new Policy and address any traffic circle issues on a case by case basis (see Attachment 2).

In addition, staff indicate that the City's Adopt-a-Spot website will serve as resource for this program and as a starting point for future volunteer opportunities including adopting and maintaining storm drains. The Public Works Department will continue to work with the City Manager's Office on a long term funding strategy of the Adopt-a-Spot program and with other Departments to identify opportunities to support Community Common Space Stewardship.

ENVIRONMENTAL SUSTAINABILITY

Healthy trees sequester carbon dioxide and support myriad species. The revised policy seeks to avoid tree removal wherever possible and supports safe tree maintenance and planting procedures, in support of City climate and ecological goals.

FISCAL IMPACTS OF RECOMMENDATION

Staff time will be necessary to administer the new policy.

CONTACT PERSON

Councilmember Kate Harrison
510-981-7140

ATTACHMENTS

1. Resolution Adopting the 2020 Traffic Circle Vegetation Policy and Maintenance Plan
2. September 8, 2020 Memo to the FITES Committee from Public Works Director Liam Garland Re: Traffic Circle Policy and Program Recommendations
3. Traffic Circle Policy Task Force Traffic Circle Policy and Program Recommendations

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

ADOPTING THE 2020 TRAFFIC CIRCLE VEGETATION POLICY AND
MAINTENANCE PLAN

WHEREAS, The City Council established the Traffic Circle Task Force on February 26, 2019 with the charge of evaluating the current traffic circle vegetation policy, recommending appropriate characteristics for allowed plantings, and a policy that ensures sight lines for visibility, pedestrian, bicycle and vehicle safety, as well as beautification of the circles; and

WHEREAS, The City Council adopted the Traffic Circle Policy, Resolution No. 69,164-N.S., on November 12, 2019 and referred to the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee to further consider certain traffic circle policies; and

WHEREAS, The Public Works Department together with key community members of the former Traffic Circle Policy Task Force have completed their work on developing an additional Traffic Circle Policy entitled the *2020 Traffic Circle Vegetation Policy and Maintenance Plan*; and

WHEREAS, the Committee voted on September 16, 2020 to send the plan to Council with a positive recommendation, as submitted by staff, and as further revised by the committee; and

WHEREAS, The purpose of the 2020 Traffic Circle Vegetation Policy and Maintenance Plan is to identify the appropriate type of vegetation and its maintenance for traffic circles that provide traffic calming, beautification, environmental, and other benefits while promoting visibility and enhancing neighborhood safety; and

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council adopts the 2020 Traffic Circle Vegetation Policy and Maintenance Plan in Exhibit A.

Exhibits:

A: 2020 Traffic Circle Vegetation Policy and Maintenance Plan



City of Berkeley – Public Works

2020 Traffic Circle Vegetation Policy and Maintenance Plan

Based on Resolution 69,164-N.S. and the Annotated Agenda of the Special Meeting of the Berkeley City Council on 11/12/2019¹, and replaces the 2012 Traffic Circle Planting Policy

The purpose of this new policy is to identify the appropriate type of vegetation and its maintenance for traffic circles that provide traffic calming, beautification, environmental, and other benefits while maintaining pedestrian safety. The goal of this policy is to develop guidelines ensuring that traffic circle vegetation and trees are maintained to conform to safety standards to promote visibility and enhance neighborhood safety. This policy will be reviewed every five (5) years.

Ongoing Vegetation Maintenance:

Vegetation shall be maintained to not exceed a maximum height of 24 inches from the top of the traffic circle planter curb.

Vegetation Maintenance includes:

- Weeding
- Debris and trash removal
- Pruning to maintain 24" height

New Vegetation Plantings:

Traffic Circle plantings should be durable, diverse, and attractive. New plantings must be drought-tolerant and fully grown be 24 inches or less above the traffic circle curb. Good examples are plants from California and other Mediterranean climates around the world. Plantings should conform to Bay-Friendly Landscape Guidelines² and support pollinators. Plantings with spines or thorns (e.g. cacti), vegetables, or fruits are not permitted. Hoses are considered a trip hazard and a road hazard, and are not permitted for irrigation of traffic circles. No use of pesticides or herbicides will be allowed for maintenance.

Traffic circles should be planted with consideration of sightlines and vegetation size and shape at maturity. In addition, a simple Planting Guide for native and pollinator friendly plants was created by the Traffic Circle Task Force. Plants that are on the Planting Guide do not require submittal of a plant list for approval. New proposed Planting List must be submitted to adoptaspot@cityofberkeley.info for review and approval when significant revegetation of an existing traffic circle is proposed.

¹ The adopted resolution was based on community input gathered before and as part of the Traffic Circle Policy Task Force who met regularly from June 2019 through November 2019 and included subcommittees on Vegetation, Operation and Maintenance, and Policy Alignment.

² Bay-Friendly Landscape Guidelines from ReScape can be found here: <https://rescapeca.org/resources/for-community-leaders-landscape-professionals/landscape-standards/>

Traffic circles with Green Infrastructure³ will be planted and maintained by the City of Berkeley or their designated representatives to ensure compliance with engineered planting plans to support water quality. Future green infrastructure installations will be communicated to the neighboring community with opportunities for community input.

Vegetation Maintenance and Planting activities will be performed according to the Traffic Circle Vegetation Policy and Maintenance Agreement and Resolution 69,194-N.S. from the City of Berkeley. Traffic Circles are in the public right of way and may require traffic control for volunteer safety. Maintenance and planting activities can be performed as part of scheduled volunteer events and on an as needed basis. Additionally, in some Traffic Circles, there is City and other Utility infrastructure including maintenance holes. To avoid any incidental damage to plantings, the 1.5 feet around the maintenance hole should be free of vegetation and crews will need a clear path to walk to the maintenance hole. In addition, prior to planting, volunteers will need to contact 811 to avoid disturbing underground utilities - <https://www.usanorth811.org/>.

Ongoing Existing Tree Maintenance:

All tree work will be performed by City Staff or their contractors. Trees with trunks wider than 20 inches will be evaluated for structural safety every three (3) years. Mature tree canopies will be trimmed to provide a minimum height of 7 feet above the top of the traffic circle planter curb. Tree Limbs that extend beyond the curb will be trimmed to provide a minimum height of 14 feet above the road surface.

Traffic Circles with single tree trunks that are less than 20 inches in width, as measured at the point 4 feet above the ground, do not require any additional traffic calming devices at this time. Single tree trunks wider than 20 inches may be permitted with additional traffic calming measures.

Low branches on young trees and/or flower stalks extending above the 24 inch maximum height above the traffic circle curb shall be permitted as long as the total visual obstruction above 24 inches is no more than 20 inches across the circle. If a tree must be removed from a circle and can be transplanted it shall be transplanted. In any event, the City's policy shall be to place a more location-appropriate tree in the circle where a tree has been removed, if possible.

City of Berkeley will inspect Traffic Circles every six (6) months for compliance with this policy, and will inspect community complaints regarding Traffic Circles within two (2) business days of receipt of complaint.

New Trees:

Planting of new trees will be considered for traffic circles that do not have utility conflicts. In addition, any proposed locations must adhere to the [Tree Planting Location Standards](#). These standards shall be refined over time to be more specific for traffic circle locations. A [Tree](#)

³ Green Infrastructure maintenance and planting guidelines are identified in the City's Green Infrastructure Plan as required by the City's Municipal Regional Stormwater Permit. https://www.cityofberkeley.info/Clerk/City_Council/2019/06_June/Documents/2019-06-18_WS_Item_01_City_of_Berkeley_Green_Infrastructure_pdf.aspx

[Planting Application](#) must be completed and submitted to adoptaspot@cityofberkeley.info for initial review before it is forwarded on to Forestry for final review.

Volunteer Maintenance and Requirements:

Landscaped neighborhood traffic circles in Berkeley add beauty, support the environment, and help slow down traffic to make Berkeley a safer place to live. The City wants to continue to engage existing and new community volunteers to maintain traffic circles. All existing volunteers will be required to sign a Volunteer Agreement and Release from Liability within 30 days from publication of this plan and submit to adoptaspot@cityofberkeley.info . All new volunteers will also be required to sign the volunteer agreement and release before performing any maintenance activities at a traffic circle.

Traffic Circle volunteers will be responsible for caring for the traffic circle vegetation including weeding, pruning and other routine maintenance; being cautious and visible to traffic while in or near the traffic circle; comply with requirements outlined in this document; ensure traffic circle vegetation adheres to sightline requirements; and adopt a traffic circle for at least six months.

Traffic Circles without volunteers will be planted and maintained by the City until volunteers are in place following the Planting Guide.

City will notify volunteers via mail and a courtesy email if corrective action is needed. Volunteers will have seven (7) days⁴ from the date on the mailed notification letter from the City to bring the Traffic Circle into compliance. For any questions, the volunteer should email adoptaspot@cityofberkeley.info If not corrected, City Staff or their designee will take corrective action to bring the vegetation into compliance, which may include pruning or removal of vegetation that violates this policy.

In keeping with Title 20 of the Berkeley Municipal Code, no signs are permitted in a Traffic Circle with the exception of City authorized traffic control devices signs. Traffic Circle volunteers may move temporary signage to the parking strips adjacent to the Traffic Circle.

Traffic Circles primary function is for traffic calming, and they are not to be used as parks or for any form of recreation.

⁴ <https://www.codepublishing.com/CA/Berkeley/html/Berkeley12/Berkeley1244/Berkeley1244070.html>

Adopt a Spot Traffic Circle Volunteers will:

- Call 911 in the event of an emergency or 510-981-5900 for non-emergencies.
- Work only between sunrise and sunset.
- Wear appropriate protective clothing that could include: work gloves, eye protection, sturdy closed toed shoes, and long pants to prevent injury from sharp objects, insect stings, and sunburn.
- Wear a reflective vest required for working in the public right-of-way. The City will provide one to volunteers if requested.
- Will not plant vegetation that is not on the recommended list without prior authorization from the City.
- Will not wear ear buds or headphones while performing maintenance activities.
- Will not use power tools.
- Will not pick up sharp objects with bare hands.
- Will not touch medical or hazardous waste (including hypodermic needles, automotive fluids, unknown fluids and materials). Report hazardous waste in the public right of way to the City of Berkeley Public Works at 510-981-6620.
- Separate collected materials into recycling, green waste, and garbage cart.
- Dispose of recycling in your residential blue recycling cart or agreed upon cart.
- Dispose of small amounts of trash in your residential grey garbage cart or agreed upon cart.
- Larger amounts of trash placed in orange plastic City-issued bags will be picked up by Public Works if requested. Bags will be supplied upon request.
- Dispose of small amounts of green waste, such as leaves and trimmings, in your residential green cart or agreed upon cart. Larger amounts of green waste placed in City-issued paper bags will be picked up by Public Works. Bags will be supplied upon request.
- Will provide adult supervision at all times to any volunteer under the age of 18.
- Individuals who have not signed a volunteer agreement are prohibited from the Traffic Circle.

Note: The City reserves the right to immediately withdraw support for any volunteer if, at the sole discretion of the City, the volunteer's conduct while participating in volunteer activities on City property or right-of-way is determined to be inconsistent with this Policy or violates any local, state or federal law.



Public Works Department

September 8, 2020

To: Members of the City Council Facilities, Infrastructure, Transportation, Environment & Sustainability Committee

From: Liam Garland, Director of Public Works

Re: Traffic Circle Policy and Program Recommendations

The Public Works Department together with key community members of the former Traffic Circle Policy Task Force have completed their work on developing a new Traffic Circle Policy entitled *2020 Traffic Circle Vegetation Policy and Maintenance Plan* (attached).

On November 12, 2019, the City Council referred the following language from the proposed Traffic Circle Policy to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee for consideration: “New trees proposed by traffic circle coordinators or volunteers will be approved by the City Forester, with a preference for natives and a focus on maximizing ecosystem services. The Task Force recommends revisiting trunk size considerations every five years as the implications of climate change and autonomous vehicles become clearer. In the interim, large trunked trees such as redwoods will not be planted.”

The *2020 Traffic Circle Vegetation Policy and Maintenance Plan* addresses the referral by including the frequency of inspection and the requirements for consideration of new trees utilizing the Urban Forestry Unit’s current process and requirements which can be found here https://www.cityofberkeley.info/tree_planting/.

In addition, the Traffic Circle Task Force members created for the City and the community a wonderful *Planting Guide* (attached) to encourage the planting of native species in Traffic Circles

As previously requested attached is a copy of the traffic controls and existing crash data¹ for the Traffic Circles. The City does not have traffic volumes, condition of tree at time of collisions, condition of vegetation, or other conditions impacting visibility, which inhibits the ability to draw conclusions regarding the impact of vegetation or trees.

¹ <https://www.chp.ca.gov/programs-services/services-information/switrs-internet-statewide-integrated-traffic-records-system>

Page 2
September 9, 2020
Re: Traffic Circle Policy and Program Recommendations

Public Works staff will now begin the process of recruiting new volunteers for unadopted circles by sending mailers to all addresses within 300 feet of the unadopted circle. Please see the attached map of adopted and unadopted traffic circles.

Staff will also work with existing volunteers to ensure compliance with the new Policy and address any traffic circle issues on a case by case basis. The Adopt-a-Spot website will be live this month on the City's website as a resource for this program and as a starting point for future volunteer opportunities including adopting and maintaining storm drains.

The Public Works Department will continue to work with the City Manager's Office on a long term funding strategy of the Adopt-a-Spot program and with other Departments to identify opportunities to support Community Common Space Stewardship.

Attachments:

1. 2020 Traffic Circle Vegetation Policy and Maintenance Plan
2. Planting Guide
3. Map of Traffic Circles
4. Crash and Traffic Control data

cc:

Paul Buddenhagen, Deputy City Manager
Mark Numainville, City Clerk



City of Berkeley – Public Works

2020 Traffic Circle Vegetation Policy and Maintenance Plan

Based on Resolution 69,164-N.S. and the Annotated Agenda of the Special Meeting of the Berkeley City Council on 11/12/2019¹, and replaces the 2012 Traffic Circle Planting Policy

The purpose of this new policy is to identify the appropriate type of vegetation and its maintenance for traffic circles that provide traffic calming, beautification, environmental, and other benefits while maintaining pedestrian safety. The goal of this policy is to develop guidelines ensuring that traffic circle vegetation and trees are maintained to conform to safety standards to promote visibility and enhance neighborhood safety.

Ongoing Vegetation Maintenance:

Vegetation shall be maintained to not exceed a maximum height of 24 inches from the top of the traffic circle planter curb.

Vegetation Maintenance includes:

- Weeding
- Debris and trash removal
- Pruning to maintain 24" height

New Vegetation Plantings:

Traffic Circle plantings should be durable, diverse, and attractive. New plantings must be drought-tolerant and fully grown be 24 inches or less above the traffic circle curb. Good examples are plants from California and other Mediterranean climates around the world. Plantings should conform to Bay-Friendly Landscape Guidelines² and support pollinators. Plantings with spines or thorns (*e.g.* cacti), vegetables, or fruits are not permitted. Hoses are considered a trip hazard and a road hazard, and are not permitted for irrigation of traffic circles. No use of pesticides or herbicides will be allowed for maintenance.

Traffic circles should be planted with consideration of sightlines and vegetation size and shape at maturity. In addition, a simple Planting Guide for native and pollinator friendly plants was created by the Traffic Circle Task Force. Plants that are on the Planting Guide do not require submittal of a plant list for approval. New proposed Planting List must be submitted to

¹ The adopted resolution was based on community input gathered before and as part of the Traffic Circle Policy Task Force who met regularly from June 2019 through November 2019 and included subcommittees on Vegetation, Operation and Maintenance, and Policy Alignment.

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adoptaspot@cityofberkeley.info for review and approval when significant revegetation of an existing traffic circle is proposed.

Traffic circles with Green Infrastructure³ will be planted and maintained by the City of Berkeley or their designated representatives to ensure compliance with engineered planting plans to support water quality. Future green infrastructure installations will be communicated to the neighboring community with opportunities for community input.

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New Trees:

Planting of new trees will be considered for traffic circles that do not have utility conflicts. In addition, any proposed locations must adhere to the [Tree Planting Location Standards](#). A [Tree Planting Application](#) must be completed and submitted to adoptaspot@cityofberkeley.info for initial review before it is forwarded on to Forestry for final review.

Volunteer Maintenance and Requirements:

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Traffic Circles without volunteers will be planted and maintained by the City until volunteers are in place following the Planting Guide.

City will notify volunteers via mail and a courtesy email if corrective action is needed. Volunteers will have seven (7) days⁴ from the date on the mailed notification letter from the City to bring the Traffic Circle into compliance. For any questions, the volunteer should email adoptaspot@cityofberkeley.info . If not corrected, City Staff or their designee will take corrective action to bring the vegetation into compliance, which may include pruning or removal of vegetation that violates this policy.

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Adopt a Spot Traffic Circle Volunteers will:

- Call 911 in the event of an emergency or 510-981-5900 for non-emergencies.
- Work only between sunrise and sunset.
- Wear appropriate protective clothing that could include: work gloves, eye protection, sturdy closed toed shoes, and long pants to prevent injury from sharp objects, insect stings, and sunburn.
- Wear a reflective vest required for working in the public right-of-way. The City will provide one to volunteers if requested.
- Will not plant vegetation that is not on the recommended list without prior authorization from the City.
- Will not wear ear buds or headphones while performing maintenance activities.
- Will not use power tools.
- Will not pick up sharp objects with bare hands.
- Will not touch medical or hazardous waste (including hypodermic needles, automotive fluids, unknown fluids and materials). Report hazardous waste in the public right of way to the City of Berkeley Public Works at 510-981-6620.
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- Will provide adult supervision at all times to any volunteer under the age of 18.
- Individuals who have not signed a volunteer agreement are prohibited from the Traffic Circle.

Note: The City reserves the right to immediately withdraw support for any volunteer if, at the sole discretion of the City, the volunteer's conduct while participating in volunteer activities on City property or right-of-way is determined to be inconsistent with this Policy or violates any local, state or federal law.

Suggestions for Traffic Circle Plantings

In an effort to support city staff, contractors hired to maintain unadopted circles, and the public, members of the former Traffic Circles Task Force reviewed and culled the original list of suggested plantings for traffic circles. The resulting suggestions below are intended for those circles that the city will plant and maintain or for adopted circles where volunteers might want additional suggestions for plantings that provide valuable habitat for insects and birds.

The plants below are suggestions and do not represent a finite prescriptive list. Volunteers may and can use other plants as long as they adhere to height specifications.

All plants are California natives, often native to our region. They have been selected for height requirements, drought-tolerance, and habitat value. They should thrive in full sun with little- to no-water (once established). All plants were checked to be widely available from local nursery and seed supply resources.

There are two lists of plants: Tier One and Tier Two. Each Tier contains 10 suggestions and has been formatted to print on a single sheet, double-sided.

In line with urgings from the Audubon Society, the Xerces Society, the National Wildlife Federation, the California Native Plant Society, and other organizations addressing alarming species decline, Tier One plants focus heavily on CA-native butterfly (caterpillar, or “larval”) host plants. These plants are also valuable sources of pollen and nectar for native bees and hummingbirds. Like most insects, caterpillars are host-plant specific. Since caterpillars are the primary food of most baby birds, planting for caterpillars supports birds. Tier Two suggestions are less focused on butterfly host plants and offers plants that provide valuable pollen and nectar sources for native bees and hummingbirds.

Suggested Plants for Traffic Circles – Tier One (#1-5 of 10)











	Bloom	Plant	Scientific Name	Height	Width	Notes	Wildlife Supported
1		Buckwheat, Coast	Eriogonum latifolium	12-20in	2ft	Compact mound of softly felted blue grey spoon shaped leaves topped by pale pink 1" clusters of flowers blooming summer into fall. Used for erosion control, drought tolerant. Ground nesting native bees scrape fuzz off leaves to use in nest. Loved by bees, butterflies and many pollinators.	 Acmon Blue
2		Buckwheat, Naked	Eriogonum nudum	12-20in	2-3ft	Another keystone Buckwheat. Late blooming, short growing. Drought tolerant, attractive to butterflies and bees.	 Mormon Metalmark
3		Buckwheat, Red	Eriogonum grande var. rubescens	12-20in	2-3ft	Another keystone Buckwheat. Late blooming, short growing. Drought tolerant, attractive to butterflies and bees.	 Silvery Blue
4		California Aster, Point Saint George	Symphotrichum chilensis, 'Point Saint George'	6in	2ft	A low growing vigorous native perennial, reaching up to 6 inches in height and spreading widely. Covered with soft lavender daisies over a long period, summer through fall, often into winter.	 Field Crescent
5		California Lilac (low growing selections)	ex. Ceanothus hearstiorum - San Simeon Ceanothus	3-12in	6ft	Many species and varieties, choose low growing selections. Ceanothus hearstiorum is flat growing, with dark green crinkled leaves and 1" deep blue flower clusters in the spring.	 Pale Swallowtail

Photo Credits (from Calscape.org unless otherwise noted): (1) **Coast Buckwheat** (2013 John Doyen)/**Acmon Blue** (2008 Ron Wolf); (2) **Naked Buckwheat** (2016 Steve Matson)/**Mormon Metalmark** (Bill Bouton); (3) **Red Buckwheat** (2006 Steve Matson)/**Silvery Blue** (2014 Ron Wolf); (4) **Aster** (2007 Neal Kramer)/**Field Crescent** (Willem9); (5) **Ceanothus** (2007 Stan Shebs)/**Pale Swallowtail** (2013 Ron Wolf)

Suggested Plants for Traffic Circles – Tier One (#6-10 of 10)


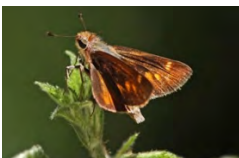



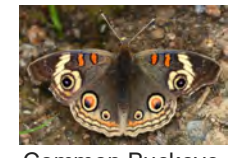


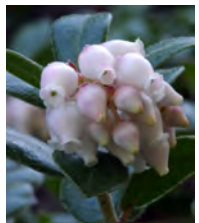

	Bloom	Plant	Scientific Name	Height	Width	Notes	Wildlife Supported
6		California Native Bunch Grasses (ex. Creeping Red Fescue, Blue Grama)	ex. Festuca rubra (Molate Pt), Bouteloua gracilis	1-2ft	2-3ft	CA native and non-native grasses support a wide variety of Skipper butterflies (e.g. Umber Skipper, Fiery Skipper, Rural Skipper, and many more). In urban areas mostly on Bermuda Grass.	 Umber Skipper
7		Gumweed	Grindelia stricta var. platyphylla	1-1.6ft	1-2ft	Low herbaceous perennial, 2" sunny yellow daisies, summer to fall. Drought tolerant, but best with some summer water. Valuable pollen and nectar source.	 Native Bees
8		Lippia	Lippia nodiflora	1-4in	2ft	Evergreen perennial flat groundcover. 1/2" flower clusters like tiny lantana in pink and white. Host for Buckeye Butterfly. Attractive to pollinators.	 Common Buckeye
9		Lupine, dwarf	Lupinus nanus, Lupinus bicolor (or any short lupine)	12-18in	1ft	Also called "Sky Lupine". Annual wildflower that turns California fields blue in the spring. Reseeds. Seeds need moisture to germinate, available at Larners Seeds	 Gray Hairstreak
10		Manzanita	Low growing selections (exs. Arctostaphylos 'Emerald Carpet', Arctostaphylos edmundsii 'Carmel Sur', see Notes for more)	6-12in	6ft	Low tidy evergreen groundcovers that are drought tolerant with pink to white small urn shaped flowers winter into spring provide bees with nectar early in season. Edible red berries good for migrating birds. Low growing selections (Low growing: Arctostaphylos uva ursi 'Point Reyes'- Point Reyes Bearberry)	 Bumble Bee

Photo Credits (from *Calscape.org* unless otherwise noted): ; (6) **California Red Fescue** (2018 Robert Steers/NPS)/**Umber Skipper** (2011 Ron Wolf); (7) **Gumweed** (2008 Stickpen)/**Dianthidium** (Rusty Burlew, honeybeesuite.com); (8) **Lippia** (2013 Ron Wolf)/**Buckeye** (2015 Gary McDonald); (9) **Lupine** (Lynn Watson)/**Gray Hairstreak** (2014 Ron Wolf); (10) **Manzanita** (2006 Steve Matson)/**Bombus vosnesenskii** (LasPalitas Nursery)

Suggested Plants for Traffic Circles – Tier Two (#11-15 of 20)


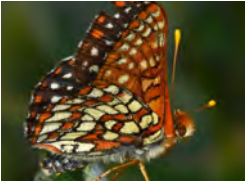
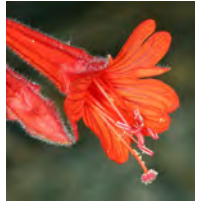







	Bloom	Plant	Scientific Name	Height	Width	Notes	Wildlife Supported
11		Bush Monkey Flower	Mimulus aurantiacus	2-3ft	3ft	Very drought tolerant. No water once established. Copious blooms. Hummingbirds attracted. Tends to lean but may need some pruning to keep low growing. Pinch to encourage more compact growth.	 Variable Checkerspot
12		California Fuchsia	Zauschneria or Epilobium canum. (Use Low growing selections, such as 'Everett's Choice' or 'Cloverdale')	1-2ft	2-3ft	Fine textured gray green to silver leaves, mounding habit and bright red orange tubular flowers in clusters later summer into fall. Can be winter deciduous. Best hummingbird attracting plant. Drought tolerant.	 Allen's Hummingbird
13		California Poppy	Eschscholzia californica	1-1.5ft	1ft	Perennial grown as Annual. Reseeds. Start from seeds or plants. The state flower of California. Mainstay pollen source for many native bees.	 Bumble Bee
14		Checkerbloom	Sidalcea malviflora	2ft	1ft	Perennial wildflower. Dense low 6" mound of small round scalloped leaves, 12-20" spikes of bright to dark pink 1" flowers in spring. Native larval host plant for Westcoast Lady Butterfly.	 West Coast Lady
15		Daisy, Wayne Roderick	Erigeron glaucus 'Wayne Roderick'	1ft	1-2ft	Pollen and Nectar source for bees. Profusion of 2" lavender daisies with golden centers, easy tough and reliably perennial. Long blooming Spring to Fall with some deadheading. Drought tolerant. Better with some summer water.	 Sweat Bee

Photo Credits (from *Calscape.org* unless otherwise noted): (11) **Monkeyflower** (2017 Margo Bors)/**Variable Checkerspot** (2017 Gary McDonald); (12) **Fuchsia** (2015 Steve Matson)/**Allen's Hummingbird** (ca.audubon.org); (13) **Poppy** (2012 Gary McDonald)/**Yellow-faced Bumble Bee** (Sean McCann, ibycter.com); (14) **Checkerbloom** (2010 Gary A. Monroe)/**West Coast Lady** (David Hofmann); (15) **Daisy Wayne Roderick** (2010 Calscape)/**Sweat Bee** (Kathy Keatley Garvey, homeorchard.ucanr.edu)

Suggested Plants for Traffic Circles – Tier Two (#16-20 of 20)




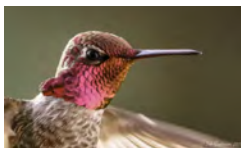






	Bloom	Plant	Scientific Name	Height	Width	Notes	Wildlife Supported
16		Farewell-to-Spring	ex. <i>Clarkia amoena</i> , <i>Clarkia williamsonii</i>	1-2ft	12in	Magenta, lavender, pink silky cup shaped flowers in late Spring into Summer. Annual that actively reseeds. Needs good drainage. Appreciates a little supplemental water.	 Leafcutter Bee
17		Bee's Bliss Sage	<i>Salvia</i> x. <i>Bee's Bliss</i>	1-2ft	6-8ft	A beautiful hybrid sage. Excellent ground cover and habitat plant. Grows to around 2 feet high and 6-8 feet wide. Handsome gray foliage topped with a profusion of lavender flowers. A bee and hummingbird favorite. Drought tolerant once established.	 Anna's Hummingbird
18		Phacelia, Bolander's	<i>Phacelia bolanderi</i>	1-1.5ft	0.5ft	Papery inch wide lavender flowers that bloom later than others, late spring thru summer. Perennial groundcover, appreciates some summer water and some shade. Bee pollen and nectar source.	 Mason Bee
19		Phacelia, Great Valley	<i>Phacelia ciliata</i>	4-18in	16in	Beautiful self-sowing annual. Clusters of cupped lavender blue flowers over ferny foliage. Good for bees.	 Membrane Bee
20		Western Yarrow	<i>Achillea millefolium</i>	1-3ft	1-2ft	Choose low growing cultivars. Usually a low spreading ferny leaved perennial with 3-4" clusters of white to pink flowers. Usually full sun, edge of shade under oaks. Attractive to pollinators. Will need pruning if growth gets too high.	 Long-Horned Bee

Photo Credits (from *Calscape.org* unless otherwise noted): (16) **Clarkia** (2017 John Doyen)/**Leafcutter Bee** (2014 Linda Dahlbert, bugguide.net); (17) **Bee's Bliss Sage** (calfloranursery.com)/**Anna's Hummingbird** (Bob Gunderson, goldengateadubon.org); (18) **Bolander's Phacelia** (2010 Stickpen)/**Mason Bee** (progardentips.com); (19) **Great valley Phacelia** (2006 Steve Matson)/**Membrane Bee** (Colletidae; planetbee.org); (20) **Yarrow** (2009 H. Zell)/**Long-horned Bee** (*Melissodes*, laspilitas.com)



Traffic Circles

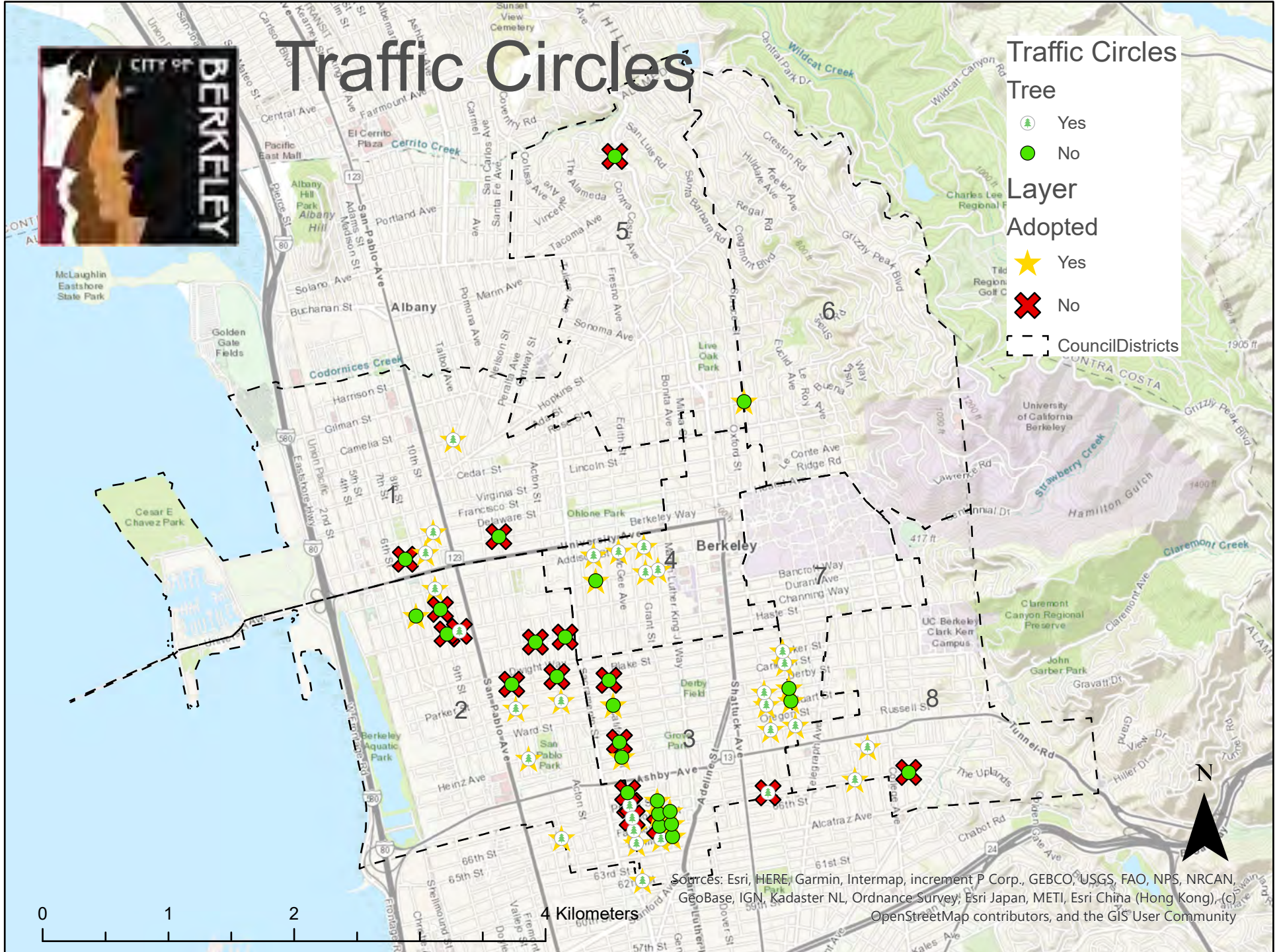
Traffic Circles Tree

- Yes (Green tree icon)
- No (Red 'X' icon)

Layer Adopted

- Yes (Yellow star icon)
- No (Red 'X' icon)

Council Districts



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Traffic Circle	N/S Street	E/W Street	# Crashes	Traffic Volume	Traffic Controls	Presence of Tree	Width of Tree within Sight Line	Height of vegetation at time of crash
1	10th St.	Bancroft Way	1	Unknown	4-way	Yes	Unknown	Unknown
2	10th St.	Delaware St.	1	Unknown	2-way	Yes	Unknown	Unknown
3	7th St.	Allston Way	2	Unknown	4-way	No	Unknown	Unknown
4	7th St.	Hearst Ave.		Unknown	4-way	No	Unknown	Unknown
5	9th St.	Addison St.	2	Unknown	4-way	Yes	Unknown	Unknown
6	9th St.	Allston Way	1	Unknown	4-way	No	Unknown	Unknown
7	9th St.	Bancroft Way	2	Unknown	4-way	No	Unknown	Unknown
8	9th St.	Hearst Ave.	2	Unknown	4-way	Yes	Unknown	Unknown
9	Acton St.	Blake St.		Unknown	4-way	No	Unknown	Unknown
10	Acton St.	Carleton St.		Unknown	2-way	Yes	Unknown	Unknown
11	California St.	62nd St.		Unknown	2-way	Yes	Unknown	Unknown
12	California St.	Addison St.	1	Unknown	4-way	Yes	Unknown	Unknown
13	California St.	Allston Way	6	Unknown	2-way	No	Unknown	Unknown
14	California St.	Derby St.	2	Unknown	4-way	No	Unknown	Unknown
15	California St.	Fairview		Unknown	2-way	Yes	Unknown	Unknown
16	California St.	Harmon		Unknown	4-way	Yes	Unknown	Unknown
17	California St.	Oregon	1	Unknown	4-way	No	Unknown	Unknown
18	California St.	Parker St.		Unknown	4-way	No	Unknown	Unknown
19	California St.	Prince St.		Unknown	4-way	Yes	Unknown	Unknown
20	California St.	Russell St.	2	Unknown	4-way	No	Unknown	Unknown
21	California St.	Tyler St.	2	Unknown	4-way	No	Unknown	Unknown
22	California St.	Woolsey St.		Unknown	4-way	Yes	Unknown	Unknown
23	Chestnut St.	Hearst Ave.	2	Unknown	4-way	No	Unknown	Unknown
24	Cornell	Page/Santa Fe	1	Unknown	4-way	Yes	Unknown	Unknown
25	Edwards St.	Channing Way	3	Unknown	2-way	No	Unknown	Unknown
26	Ellis	Fairview		Unknown	2-way	No	Unknown	Unknown
27	Ellis	Harmon	1	Unknown	2-way	No	Unknown	Unknown
28	Ellis	Woolsey St.		Unknown		No	Unknown	Unknown
29	Ellsworth	Carleton		Unknown	2-way	Yes	Unknown	Unknown
30	Ellsworth	Parker St.	3	Unknown	4-way	Yes	Unknown	Unknown
31	Ellsworth	Russell St.	1	Unknown	4-way	Yes	Unknown	Unknown

Traffic Circle	N/S Street	E/W Street	# Crashes	Traffic Volume	Traffic Controls	Presence of Tree	Width of Tree within Sight Line	Height of vegetation at time of crash
32	Ellsworth	Stuart	1	Unknown	4-way	Yes	Unknown	Unknown
33	Ellsworth	Ward		Unknown	2-way	No	Unknown	Unknown
34	Fulton	Russell St.		Unknown	4-way	Yes	Unknown	Unknown
35	Fulton	Stuart	2	Unknown	2-way	Yes	Unknown	Unknown
36	Fulton	Ward		Unknown	2-way	Yes	Unknown	Unknown
37	Grant St.	Addison St.	2	Unknown	4-way	Yes	Unknown	Unknown
38	Grant St.	Allston Way	2	Unknown	2-way	Yes	Unknown	Unknown
39	Hillegass St.	Webster St.		Unknown	2-way	Yes	Unknown	Unknown
40	King St.	Fairview		Unknown		No	Unknown	Unknown
41	King St.	Harmon	1	Unknown		Yes	Unknown	Unknown
42	King St.	Prince St.	1	Unknown	4-way	No	Unknown	Unknown
43	King St.	Woolsey St.		Unknown		No	Unknown	Unknown
44	Lewiston	Woolsey St.		Unknown	no control	No	Unknown	Unknown
45	Mabel	66th St.		Unknown	T-intersection / 1-way stop	Yes	Unknown	Unknown
46	Mathews St.	Blake St.		Unknown	4-way	No	Unknown	Unknown
47	Mathews St.	Carleton St.		Unknown	2-way	Yes	Unknown	Unknown
48	Mathews St.	Oregon		Unknown	2-way	Yes	Unknown	Unknown
49	McGee Ave.	Addison St.	3	Unknown	4-way	Yes	Unknown	Unknown
50	McKinley Ave.	Allston Way	3	Unknown	4-way	Yes	Unknown	Unknown
51	Regent	Woolsey St.	1	Unknown	no control	Yes	Unknown	Unknown
52	San Ramon Ave.	San Fernando Ave.	1	Unknown	T-intersection / 3-way	No	Unknown	Unknown
53	Spruce	Vine	4	Unknown	4-way	No	Unknown	Unknown
54	West St.	Channing Way		Unknown	2-way	No	Unknown	Unknown
55	Wheeler	Woolsey St.		Unknown	no control	Yes	Unknown	Unknown
56	King St.	62nd Street		Unknown	2-way	No	Unknown	Unknown

OBJECTID	AccidNo	ID	LOCATION	DIST	DIRECTION	DATE	TIME	COLL_TYPE	INVOLVED	EXTENT	TRAVERSE	REPNO	PRIMARY CONTRIBUTING FACTOR	LIGHTING	NUMO_I	NUMO_KL	PARTY1	PARTY2	DOT1	DOT2	MPC1	MPC2	X	Y
															NJ	D								
5818	12246215100009	0	9th St at Addison St	0	Not Stated	7/12/2013	09:51 PM	Rear-End	Other Motor Vehicle	Property Damage Only		6177594	Driving Under Influence	Dark - Street Lights	0	0	Driver	Driver	South	South	Stopped in Road	Proceeding Straight	562097	4191334
5860	12260210000111	0	Parker St at Ellsworth St	0	Not Stated	7/26/2013	09:00 PM	Other	Other Motor Vehicle	Property Damage Only		6177329	Unknown	Dark - Street Lights	0	0	Not Stated	Driver	Not Stated	South	Proceeding Straight	Proceeding Straight	564861	4190844
5964	12301184600137	0	Chestnut St at Hearst Ave	0	Not Stated	9/5/2013	06:46 PM	Hit Object	Fixed Object	Complaint of Pain		6251942	Unsafe Speed	Daylight	1	0	Driver		North		Proceeding Straight		562604	4191754
6078	12334200200016	0	California St at Allston Way	0	Not Stated	10/8/2013	08:02 PM	Vehicle - Pedestrian	Pedestrian	Severe Injury		6294617	Ped R/W Violation	Dark - Street Lights	1	0	Driver	Pedestrian	South	West	Proceeding Straight	Proceeding Straight	563375	4191403
6106	12343115400144	0	California St at Allston Way	0	Not Stated	10/17/2013	11:54 AM	Vehicle - Pedestrian	Pedestrian	Complaint of Pain		6294560	Ped R/W Violation	Daylight	1	0	Driver	Pedestrian	South	Not Stated	Proceeding Straight	Not Stated	563375	4191403
6114	12344143200057	0	California St at Allston Way	0	Not Stated	10/18/2013	02:32 PM	Broadside	Bicycle	Other Visible Injury		6279724	Auto R/W Violation	Daylight	1	0	Bicyclist	Driver	South	East	Proceeding Straight	Proceeding Straight	563375	4191403
6152	12356112100160	0	Bancroft Way at 9th St	0	Not Stated	10/30/2013	11:21 AM	Vehicle - Pedestrian	Pedestrian	Complaint of Pain		6279743	Ped R/W Violation	Daylight	1	0	Driver	Pedestrian	South	West	Proceeding Straight	Proceeding Straight	562192	4190979
6157	12356173500010	0	Stuart St at Fulton St	0	Not Stated	10/30/2013	05:35 PM	Sideswipe	Bicycle	Complaint of Pain		6279746	Auto R/W Violation	Daylight	1	0	Bicyclist	Driver	West	South	Proceeding Straight	Proceeding Straight	564732	4190414
6248	12380100700126	0	Fulton St at Stuart St	0	Not Stated	11/23/2013	10:07 AM	Broadside	Other Motor Vehicle	Property Damage Only		6305855	Unknown	Daylight	0	0	Driver	Driver	East	North	Making Left Turn	Proceeding Straight	564732	4190414
6311	12405184100099	0	Woolsey St at Regent St	0	Not Stated	12/18/2013	06:41 PM	Broadside	Bicycle	Complaint of Pain		6375111	Auto R/W Violation	Dusk - Dawn	1	0	Driver	Bicyclist	East	South	Proceeding Straight	Proceeding Straight	565438	4189817
6316	12407115000057	0	King St at Prince St	0	Not Stated	12/20/2013	11:50 AM	Broadside	Bicycle	Complaint of Pain		6375119	Unknown	Daylight	1	0	Bicyclist	Driver	South	East	Proceeding Straight	Making Right Turn	563865	4189652
6490	12463183700098	0	California St at Allston Way	0	Not Stated	2/14/2014	06:37 PM	Broadside	Bicycle	Complaint of Pain		6450174	Auto R/W Violation	Dark - Street Lights	1	0	Bicyclist	Driver	South	East	Proceeding Straight	Proceeding Straight	563375	4191403
6545	12486194400098	0	Mcgee Ave at Addison St	0	Not Stated	3/9/2014	07:44 PM	Broadside	Bicycle	Complaint of Pain		6526441	Unknown	Daylight	1	0	Driver	Bicyclist	East	South	Proceeding Straight	Not Stated	563556	4191637
6617	12508213900109	0	9th St at Allston Way	0	Not Stated	3/31/2014	09:39 PM	Head-On	Fixed Object	Property Damage Only		6468753	Driving Under Influence	Dark - No Street Lights	0	0	Driver		North		Making Left Turn		562139	4191175
6781	12569055600157	0	Allston Way at Mckinley Ave	0	Not Stated	5/31/2014	05:56 AM	Head-On	Fixed Object	Property Damage Only		6530477	Unsafe Speed	Dark - Street Lights	0	0	Driver		North		Proceeding Straight		563870	4191489
6792	12573142900008	0	Russell St at Ellsworth St	0	Not Stated	6/4/2014	02:29 PM	Broadside	Bicycle	Other Visible Injury		6541992	Auto R/W Violation	Daylight	1	0	Driver	Bicyclist	North	East	Proceeding Straight	Proceeding Straight	564963	4190250
6803	12578082100003	0	Allston Way at Mckinley Ave	0	Not Stated	6/9/2014	08:21 AM	Sideswipe	Parked Motor Vehicle	Property Damage Only		6541894	Other Than Driver or Ped	Daylight	0	0	Driver	Parked Vehicle	East	Not Stated	Proceeding Straight	Parked	563870	4191489
6882	12606200200033	0	Oregon St at California St	0	Not Stated	7/7/2014	08:02 PM	Other	Non-Collision	Complaint of Pain		6594854	Unsafe Speed	Daylight	1	0	Bicyclist		East		Making Left Turn		563563	4190118
7037	12665120400122	0	Mcgee Ave at Addison St	0	Not Stated	9/4/2014	12:04 PM	Sideswipe	Other Motor Vehicle	Property Damage Only		6682823	Improper Turning	Daylight	0	0	Driver	Parked Vehicle	South	South	Parking Maneuver	Parked	563556	4191637
7190	12708231500106	0	Spruce St at Vine St	0	Not Stated	10/17/2014	11:15 PM	Hit Object	Fixed Object	Property Damage Only		6734651	Unsafe Speed	Dark - Street Lights	0	0	Driver		North		Proceeding Straight		564553	4192828
7192	12709093900149	0	Spruce St at Vine St	0	Not Stated	10/18/2014	09:39 AM	Head-On	Fixed Object	Property Damage Only		6734659	Unsafe Speed	Daylight	0	0	Driver		East		Proceeding Straight		564553	4192828
7259	12729184800009	0	Parker St at Ellsworth St	0	Not Stated	11/7/2014	06:48 PM	Sideswipe	Bicycle	Complaint of Pain		6796776	Traffic Signals and Signs	Dark - Street Lights	1	0	Driver	Bicyclist	South	West	Proceeding Straight	Proceeding Straight	564861	4190844
7753	12907130100144	0	Allston Way at Mckinley Ave	0	Not Stated	5/4/2015	01:01 PM	Vehicle - Pedestrian	Pedestrian	Complaint of Pain		6998001	Pedestrian Violation	Daylight	1	0	Driver	Pedestrian	West	West	Making Left Turn	Other	563870	4191489
7769	12912172100128	0	Allston Way at Grant St	0	Not Stated	5/9/2015	05:21 PM	Vehicle - Pedestrian	Pedestrian	Other Visible Injury		6998013	Ped R/W Violation	Daylight	1	0	Driver	Pedestrian	North	East	Proceeding Straight	Proceeding Straight	563771	4191472
7859	12949200400015	0	Channing Way at Edwards St	0	Not Stated	6/15/2015	08:04 PM	Head-On	Fixed Object	Property Damage Only		7003935	Unsafe Speed	Dusk - Dawn	0	0	Driver		West		Proceeding Straight		563131	4190955
7976	12987035400086	0	Delaware St at 10th St	0	Not Stated	7/23/2015	03:54 AM	Broadside	Parked Motor Vehicle	Property Damage Only		7046655	Driving Under Influence	Dark - Street Lights	0	0	Driver	Parked Vehicle	West	Not Stated	Proceeding Straight	Not Stated	562082	4191788
8075	13022110600128	0	Parker St at Ellsworth St	0	Not Stated	8/27/2015	11:06 AM	Sideswipe	Other Motor Vehicle	Property Damage Only		7090937	Improper Passing	Daylight	0	0	Driver	Driver	West	West	Proceeding Straight	Proceeding Straight	564861	4190844
8107	13029073200148	0	Derby St at California St	0	Not Stated	9/3/2015	07:32 AM	Broadside	Bicycle	Complaint of Pain		7117374	Traffic Signals and Signs	Daylight	1	0	Bicyclist	Driver	North	West	Proceeding Straight	Proceeding Straight	563513	4190415
8513	13143155000103	0	Stuart St at Ellsworth St	0	Not Stated	12/26/2015	03:50 PM	Vehicle - Pedestrian	Pedestrian	Other Visible Injury		7181633	Ped R/W Violation	Daylight	1	0	Driver	Pedestrian	West	North	Proceeding Straight	Not Stated	564928	4190448
8547	13156112500026	0	Allston Way at Grant St	0	Not Stated	1/8/2016	11:25 AM	Broadside	Other Motor Vehicle	Property Damage Only		8009365	Unsafe Starting or Backing	Daylight	0	0	Driver	Driver	South	Not Stated	Proceeding Straight	Not Stated	563771	4191472
8611	13181232800149	0	Spruce St at Vine St	0	Not Stated	2/2/2016	11:28 PM	Vehicle - Pedestrian	Pedestrian	Complaint of Pain		8012246	Ped R/W Violation	Dark - Street Lights	1	0	Driver	Pedestrian	South	West	Proceeding Straight	Not Stated	564553	4192828
8670	13200114400128	0	Addison St at Grant St	0	Not Stated	2/21/2016	11:44 AM	Vehicle - Pedestrian	Pedestrian	Other Visible Injury		8319210	Ped R/W Violation	Daylight	1	0	Driver	Pedestrian	South	Not Stated	Making Right Turn	Proceeding Straight	563753	4191671
8782	13234125300038	0	California St at Allston Way	0	Not Stated	3/26/2016	12:53 PM	Head-On	Bicycle	Other Visible Injury		8036930	Traffic Signals and Signs	Daylight	2	0	Bicyclist	Driver	North	West	Proceeding Straight	Proceeding Straight	563375	4191403
8875	13262185700028	0	Tyler St at California St	0	Not Stated	4/23/2016	06:57 PM	Other	Non-Collision	Other Visible Injury		8050057	Unsafe Speed	Dusk - Dawn	1	0	Bicyclist		North		Proceeding Straight		563627	4189714
8993	13297164600066	0	10th St at Bancroft Way	0	Not Stated	5/28/2016	04:46 PM	Rear-End	Parked Motor Vehicle	Property Damage Only		8074835	Driving Under Influence	Daylight	0	0	Driver	Parked Vehicle	North	North	Making Left Turn	Parked	562289	4191004
9476	13454100000051	0	Hearst Ave at Chestnut St	0	Not Stated	11/1/2016	10:00 AM	Sideswipe	Other Motor Vehicle	Property Damage Only		8195465	Unsafe Starting or Backing	Daylight	0	0	Driver	Driver	Not Stated	West	Proceeding Straight	Proceeding Straight	562604	4191754
9477	13454161400009	0	Spruce St at Vine St	0	Not Stated	11/1/2016	04:14 PM	Sideswipe	Parked Motor Vehicle	Property Damage Only		8293275	Unknown	Dark - Street Lights	0	0	Driver	Parked Vehicle	Not Stated	West	Proceeding Straight	Parked	564553	4192828
9515	13466210000015	0	Hillegass Ave at Parker St	0	Not Stated	11/13/2016	09:00 PM	Rear-End	Parked Motor Vehicle	Property Damage Only		8293243	Unsafe Starting or Backing	Dark - Street Lights	0	0	Driver	Parked Vehicle	Not Stated	Not Stated	Backing	Parked	565415	4190925
9574	13484093000002	0	Hearst Ave at 9th St	0	Not Stated	12/1/2016	09:30 AM	Broadside	Bicycle	Complaint of Pain		8293025	Auto R/W Violation	Not Stated	1	0	Driver	Bicyclist	South	West	Proceeding Straight	Proceeding Straight	562022	4191623
9672	13513092900111	0	Grant St at Addison St	0	Not Stated	12/30/2016	09:29 AM	Sideswipe	Parked Motor Vehicle	Property Damage Only		8319273	Improper Turning	Daylight	0	0	Driver	Parked Vehicle	North	Not Stated	Parking Maneuver	Not Stated	563753	4191671
9691	13519120700085	0	9th St at Addison St	0	Not Stated	1/5/2017	12:07 PM	Broadside	Bicycle	Complaint of Pain		8308103	Auto R/W Violation	Daylight	1	0	Driver	Bicyclist	East	South	Stopped in Road	Proceeding Straight	562097	4191334
9706	13525224200035	0	Harmon St at Ellis St	0	Not Stated	1/11/2017	10:42 PM	Broadside	Bicycle	Complaint of Pain		8332365	Traffic Signals and Signs	Dark - No Street Lights	1	0	Bicyclist	Driver	South	East	Proceeding Straight	Not Stated	563983	4189366
9916	13594083600012	0	Cornell Ave at Page St	0	Not Stated	3/21/2017	08:36 AM	Rear-End	Other Motor Vehicle	Property Damage Only		8375743	Unsafe Speed	Daylight	0	0	Driver	Driver	South	South	Stopped in Road	Proceeding Straight	562240	4192524
9939	13599114700111	0	Addison St at Mcgee Ave	0	Not Stated	3/26/2017	11:47 AM	Broadside	Bicycle	Other Visible Injury		8375521	Traffic Signals and Signs	Daylight	1	0	Bicyclist	Driver	Not Stated	South	Proceeding Straight	Proceeding Straight	563556	4191637
9961	13605103900122	0	San Ramon Ave at San Fernando Ave	0	Not Stated	4/1/2017	10:39 AM	Sideswipe	Not Stated	Complaint of Pain		8375781	Unknown	Daylight	1	0	Driver		West		Making Right Turn		563526	4194779
9975	13610201600007	0	Russell St at California St	0	Not Stated	4/6/2017	08:16 PM	Vehicle - Pedestrian	Pedestrian	Complaint of Pain		8375594	Unsafe Speed	Dark - Street Lights	1	0	Driver	Pedestrian	West	Not Stated	Making Right Turn	Not Stated	563581	4189999
9997	13616223900022	0	Allston Way at 7th St	0	West	4/12/2017	10:39 PM	Head-On	Parked Motor Vehicle	Property Damage Only		8398081	Unknown	Dark - Street Lights	0	0	Driver	Parked Vehicle	West	East	Proceeding Straight	Parked	561945	4191122
10001	13617171000047	0	Channing Way at Edwards St	0	Not Stated	4/13/2017	05:10 PM	Broadside	Other Motor Vehicle	Property Damage Only		8398089	Auto R/W Violation	Daylight	0	0	Driver	Driver	West	North	Proceeding Straight	Proceeding Straight	563131	4190955
10030	13627024600006	0	Woolsey St at Regent St	0	Not Stated	4/23/2017	02:46 AM	Overturned	Fixed Object	Complaint of Pain		8398217	Driving Under Influence	Dark -										



Traffic Circle Policy Task Force

ACTION CALENDAR

November 12, 2019

To: Honorable Mayor and Members of the City Council
 From: Traffic Circle Policy Task Force
 Submitted By: Diane Ross-Leech, Chairperson, Traffic Circle Policy
 Subject: Traffic Circle Policy and Program Recommendations

RECOMMENDATIONS

Adopt a resolution to approve the Traffic Circle Policy as outlined below and refer to the traffic engineer for codification.

Integrate the Community Common Space Stewardship Program into the “Adopt a Spot Initiative,” which the City Council approved on April 23, 2019 (Item #33), and request that the City Council refer it to the Traffic Circle Task Force, rather than the Parks and Public Works Commissions, for the purpose of development, outlining criteria and environmental benefits, program costs and staffing.

Refer additional traffic calming measures at Ellsworth for the intersections with Dawn Redwoods to the mid-year budget process and request mitigation funds from EBMUD due to the impact on these streets from their Wildcat Pipeline Project.

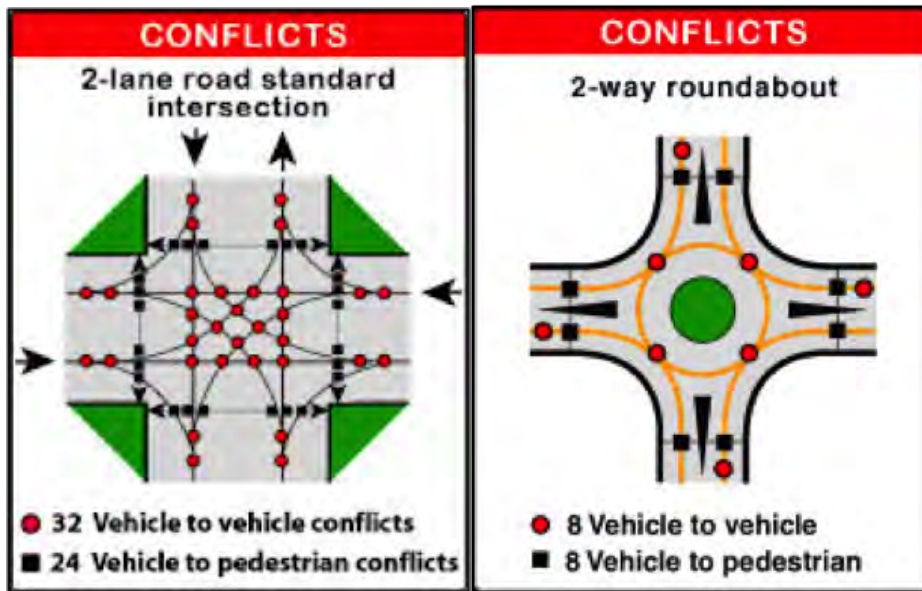
Refer to the City Manager:

1. Create the Community Common Space Stewardship Program as described below
2. Refer the additional staff and material costs of this program to the budget process.

CURRENT SITUATION AND ITS EFFECTS

Berkeley’s traffic circle policy is being revised with the assistance of the Traffic Circle Policy Task Force, which was established by the Mayor of Berkeley on February 26, 2019 (Attachment 2). The Task Force is composed of interested community members from geographically diverse parts of the city, including Berkeley Partners for Parks, who maintain neighborhood traffic circles. The Task Force was charged with evaluating the current traffic circle vegetation policy, recommending appropriate characteristics for allowed plantings, recommending a policy that ensures sight lines for visibility, and working with the community to update the policy to ensure pedestrian, bicycle and vehicle safety, as well as beautification of traffic circles.

Neighborhood traffic circles are islands in the middle of intersections whose primary purpose is to calm and slow traffic. In contrast, larger circles such as the Marin circle, are designed to facilitate traffic flow and efficiency. Neighborhood traffic circles have been shown to reduce the speed of travel as well as reduce the number of collisions and injuries involving vehicles, pedestrians, and bicycles at these intersections. For example, “the Institute of Traffic Engineers (ITE) states that neighborhood traffic circles have been found to reduce...intersection collisions by up to 70%¹ Seattle WA, which has more than 1,200 circles and adds 5 each year, reports a roughly 90% reduction in collisions.² Similarly, Madison WI reports an average decrease of 70%³. A major benefit of traffic circles is that they reduce the number of conflict points, or locations where traffic crosses paths, as illustrated in the figures below. For example, vehicles do not need to cut directly in front of oncoming traffic to make a left turn. This tends to eliminate broadside hits, which are often the deadliest intersection crashes.



Comparing conflict points of a Traditional Intersection (left) with those of a Neighborhood Traffic Calming Circle (right).⁴

¹ Lupfer, Patrick. “Neighborhood Traffic Circles - Intersection of South Street and Intervale Road in Brookline, MA” ([Calm Streets Boston](#), April 24, 2012)

² Marek, John. “Neighborhood Mini Traffic Circles: Seattle Washington” a case study of Countermeasures on the webpages [BIKESAFE](#) ([pedbikesafe.org](#))

³ [Neighborhood Traffic Management Plan](#) (City of Madison WI, November 2004)

⁴ Lupfer, Patrick. “Neighborhood Traffic Circles - Intersection of South Street and Intervale Road in Brookline, MA” ([Calm Streets Boston](#), April 24, 2012)

Berkeley has 62 neighborhood traffic circles; they represent a significant component of our streetscapes, shaping the safety and character of many neighborhoods, and improving public health while removing a half acre of asphalt. From a national perspective, low plantings and central trees are usual and customary practice for neighborhood traffic circles in cities throughout the country. These cities' policies recommend, encourage and support the inclusion of traffic circles with well-maintained trees and vegetation for their benefits to traffic calming, making traffic circles more visible and contributing to beautification, neighborhood character, and other benefits urban greening provides. Berkeley has numerous policies and plans that support traffic circles for traffic calming and other environmental and community benefits. Traffic circle trees and low vegetation are also recommended in national guidance by the Federal Highway Association and the National Association of City Transportation Officials.

Traffic circles provide many important benefits, including traffic calming and street safety. They also make important contributions to the City's climate, quality of life and social equity goals. Districts 2 and 3 which have the highest number of traffic circles⁵ are also the City's most densely populated neighborhoods⁶ and have the lowest ratio of parks and open space. Traffic circles ameliorate some of these inequities in urban greening by 1) reducing stormwater runoff and the Urban Heat Island Effect; 2) ameliorating current and projected increases in Extreme Heat Events⁷; and 3) increasing the tree canopy⁸ and vegetation diversity in south-side areas. In light of the City's Declaration of a Climate Emergency⁹ the Task Force wishes to emphasize that traffic circles contribute to the planted green space of our densely populated City neighborhoods.

⁵ For a map of Berkeley traffic circles, see Appendix B in the Vegetation Subcommittee Report, Attachment 3.

⁶ [Population Density in Berkeley](#) (Zip Atlas)

⁷ "Extreme heat events are a newly-introduced hazard of concern for the 2019 LHMP... By the end of the century, Bay Area residents may average six heat waves annually, which will average a length of ten days... Berkeley's urban forest...helps to mitigate the impacts of extreme heat events by shading buildings and paved and dark-colored surfaces, such as roads and parking lots that absorb and store heat..." From the first complete draft of the [2019 Local Hazard Mitigation Plan](#) (p. ES-10, B-139, B-149; City of Berkeley)

⁸ See Map 34 illustrating the inequitable distribution of tree canopy in Berkeley. "The areas shaded in darker green, predominately in the hills in east Berkeley, have the greatest percentage of tree canopy, while west and south Berkeley have the least, meaning that these buildings and communities will likely not benefit from reduced temperatures provided by urban tree cover." From the first complete draft of the [2019 Local Hazard Mitigation Plan](#) (p. B-154, B-155; City of Berkeley). Or page 6 of the attached Vegetation Subcommittee Report, Attachment 3.

⁹ [Endorsing the Declaration of a Climate Emergency](#), Resolution No. 68-486-N.S. (June 12, 2018; City of Berkeley)

In the last five years there have been at least two serious collisions involving cars and pedestrians in the vicinity of traffic circle intersection.¹⁰ In a lawsuit against the City of Berkeley in one case, the plaintiff's attorney alleged that the traffic circle vegetation obstructed the view of an approaching driver and contributed to the collision with a pedestrian. These accidents are the major reason the Task Force was established to develop an updated and well-founded set of policies to guide the establishment and maintenance of traffic circle vegetation.

At the meeting of October 2, 2019, the Traffic Circle Policy Task Force took the following action:

Action: M/S/C (Steere/Grossinger) to approve changes to policy as discussed by members.

Vote: Ayes: Wendy Alfsen, Steven Finacom, Robin Grossinger, Andrew Liu, Linda Franklin Diane Ross-Leech, John Steere, Diana Wood, Sally Hughes.

Noes: None. Abstain: None. Absent: Erin Diehm, Yolanda Huang, Fred Krieger.

BACKGROUND AND RATIONALE FOR RECOMMENDATIONS

A. Traffic Circle Task Force Process

The Mayor's office hosted two community meetings on May 15 and May 29, 2019 where all interested community members were invited to participate and learn about the proposed Traffic Circle Policy Task Force, responsibilities, goals, deadlines and how to apply to the Task Force.

The Traffic Circle Policy Task Force held meetings on June 19, July 10, July 31, August 21, September 11 and October 2, 2019 where members of the public, in addition to the Traffic Circle Commissioners, had the opportunity to make public comments and participate in the general discussion. Agendas and minutes from these meetings can be found on the Traffic Circle Policy Task Force page on the city's website.

At its first official meeting, the Traffic Circle Policy Task Force invited the city's Traffic Engineer, Hamid Mostowfi, to address questions from the Task Force Commissioners.

¹⁰ The Task Force notes that it received no data showing that Berkeley intersections that include traffic circles are associated with higher collision rates. In fact, based on data from other cities we would expect the collision rate to be significantly lower than traditional intersections. At writing no data has been provided to the Task Force comparing Berkeley's rate of collisions in traditional intersections (no circle) with those that have a circle (with and without a tree; before and after installation). We recommend the city conduct such an analysis to allow future iterations of the policy to be based on a better understanding of actual accident patterns.

The Traffic Engineer's primary concern with traffic circles is maintaining sight lines for visibility. With this background and the charge set out by the City Council and the Mayor, the Task Force set up three subcommittees to review Berkeley's own policies and plans as they relate to traffic circles and to gather additional information and research about traffic circles in other cities around the country. The Task Force also met twice with Farid Javandel, Traffic Division Manager.

The Vegetation Subcommittee examined the policies and characteristics of traffic circles in cities around the U. S. and Canada, reviewing standards for traffic circle vegetation in national guidance documents and in published policies of other cities and through interviews with traffic safety experts. In addition, the Vegetation Subcommittee interviewed traffic engineers, landscape architects, and traffic circle administrators from a number of other cities to understand perspectives on traffic circle landscaping. The Subcommittee found that landscaped plantings with trees are standard practice for neighborhood traffic circles in numerous cities across the country and are also recommended in the major national guidelines for traffic safety and urban design. For example, the U. S. Department of Transportation/Federal Highway Administration recommends including vegetation and trees to maximize the traffic calming effect:

*"A traffic circle can simply be a painted area, but it is most effective when it is defined by a raised curb and landscaped to further reduce the open feel of a street. A traffic circle can be landscaped with ground cover flowers, and street trees."*¹¹ (emphasis added)

Traffic circles planted with trees are considered to contribute to traffic calming by reducing the open feel of the street and increasing the visibility of the circle, particularly at night, resulting in slower traffic speeds. Specifications for the height and clearance of vegetation are generally recommended for low landscaping and trees that provide clear sight lines.

The vegetation subcommittee revealed that specifications for vegetation height ranged from 2 to 5 feet (with our neighbor San Francisco allowing 3 feet¹²) and with tree limbs above 7-8 feet (14 feet if the limbs extend beyond the traffic circle planter curb into the travel lane). Keeping in mind the importance of public safety, the Vegetation Subcommittee used this information to inform the policy described below. (See Attachment 3 for additional details, including photos of traffic circles across 9 cities in the U.S. and Canada)

¹¹ [Traffic Calming ePrimer – Module 3](#) (U.S. Department of Transportation/Federal Highway Administration)

¹² [SFBetter Streets: A guide to making street improvements in San Francisco](#) (City and County of San Francisco 2015)

The Operation and Maintenance Subcommittee focused its research on successful community volunteer programs in other cities that Berkeley could replicate, such as Oakland's "Adopt a Spot" initiative. The subcommittee relied on previous research prepared by Berkeley Partners for Parks titled "Expanded Berkeley Partners for Parks Proposal to City of Berkeley Regarding Strengthening Volunteer Engagement by Establishing Citywide *Adopt a Spot* Program," (see Attachment 6). The Subcommittee further reviewed websites from various cities, including Oakland, to view program documents. All of the community volunteer programs have a more formal structure for their programs and volunteers than Berkeley. Typical elements include: a volunteer job description used for recruiting purposes; volunteer application or agreement with a minimum term; maintenance rules and guidelines; planting guidelines; and safety rules and guidelines all on the city's websites with easy to use on-line applications and approvals (see Attachment 4 for additional details).

The Policy Alignment Issues Subcommittee reviewed all of the City of Berkeley's applicable plans, policies and programs found on the city's website, as well as some state and regional plans and policies, to determine how the proposed traffic circle policy and actions would intersect. This subcommittee found overwhelming support and alignment among these documents. In particular, the Berkeley Bicycle Plan recommends additional traffic calming improvements along the Bicycle Boulevard network by adding 42 new traffic circles by 2035 (see Attachment 5 for additional details).

The subcommittee's comprehensive reports are Attachments 3, 4, and 5.

Other San Francisco Bay Area (e.g., San Francisco, Palo Alto) and North American cities and expert analysts beyond Berkeley have identified trees as a welcome and useful component of traffic circles, particularly because they help slow traffic and identify for drivers the presence of a circle from a distance. For example, the City of San Francisco recommends that:

"Traffic Calming Circles should be landscaped with trees or plantings. Shrubs and grasses should be planted up to 3 feet tall and trees should be appropriately pruned."¹³ (emphasis added)

These guidelines also allow for more than one tree, specifying the recommended number of trees in relation to circle size:

"In traffic calming circles with a diameter of less than 15 feet, one tree should be planted in the center. On a traffic calming circle with a diameter greater than 15

¹³ [SFBetter Streets: A guide to making street improvements in San Francisco](#) (City and County of San Francisco 2015)

feet, more than 1 tree should be planted and should be equally spaced around the circles.” (emphasis added)¹⁴

The Urban Street Design Guide, a manual developed by the National Association of City Transportation Officials (NACTO, an association of over 71 major North American Cities and 10 transit agencies) notes the value of trees and other vegetation not only for beautification, but also for their contribution to traffic calming. From the NACTO website:

*“Mini roundabouts and neighborhood traffic circles lower speeds at minor intersection crossings... **Shrubs or trees in the roundabout further the traffic calming effect and beautify the street, but need to be properly maintained so they do not hinder visibility.**”¹⁵ (emphasis added)*

Whether community volunteers are experts or novices, everyone needs common sense guidelines for safely maintaining the traffic circles. Most of the cities that support volunteer programs have all of the documents on the city’s website. These guidelines and best practices are important to help ensure that vegetation in traffic circles continues to contribute to traffic calming even as the seasons pass, climate change becomes a greater global issue, and volunteers come and go.

The traffic circle policy emphasizes a strict standard for the height of shrubby and herbaceous vegetation across the traffic circle. Such vegetation has the potential to create a visual barrier to drivers and pedestrians, particularly at the margins of circles where parties are closer to each other. We found that trees in the center area of circles are not considered to be a safety concern in the many other cities examined. Tree trunks create relatively small and momentary visual barriers, and only when parties are on the opposite sides of a circle. However, out of an abundance of caution, we also established guidelines for the width of tree trunks and other narrow vertical vegetation.

With limited time, the Task Force prioritized the development of a vegetation policy and a maintenance program. The following categories represent a good starting point for some of the guidelines that will be needed to support the Traffic Circle Policy and Community Common Space Stewardship Program (traffic circles are only one component of the Program).

Guidelines and Best Practices for Traffic Circles:

- General conduct, safety, tools, watering
- Managing sightlines and vegetation
- General layout/design for traffic circles

¹⁴ Ibid.

¹⁵ [Urban Street Design Guide](#) (National Association of City Transportation Officials 2013)

- Plant maintenance, pruning, weeding, new planting and tree replacement and/or removal
- Integrated Vegetation Management and Pest Control
- Garbage and Debris Removal
- Decorations, boulders, bird feeders, miscellaneous
- Coordinating with Public Works,
- Self-Certification of Compliance with Best Practices
- On-line Arc-GIS/Google Maps traffic circles GIS database

If authorized by Mayor and Council, The Traffic Circle Task Force will continue to work to develop recommended guidelines for many of these categories, relying on best practices and community knowledge and collaboration, and hopes to be able to do so as part of the integrated Community Common Space Stewardship Program / “Adopt a Spot Initiative”.

B. Review of Existing Plans, Policies and Programs

The City of Berkeley General Plan directly addresses landscaped traffic circles and encourages their construction for traffic calming.

The 2009 City of Berkeley Climate Action Plan identifies traffic circles as essential to slow or reduce automobile traffic and make walking and bicycling safer. Traffic circles are recognized traffic calming measures on a local street with a complementary benefit of sequestering carbon in trees and plantings.

The Berkeley Pedestrian Master Plan strongly supports the traffic calming benefits and safety improvements provided by traffic circles.

The Berkeley Bicycle Plan supports traffic calming through various measures, including additional traffic circles along major Bicycle Boulevards to slow traffic and improve safety. The Design Specifications of the Plan includes a broad canopy tree in the center of the circle. (See Attachment 3 for the associated illustration.)

The “Vision Zero” Policy initiative is intended to create a transportation system with no fatalities or serious injuries involving road traffic. The Task Force strongly recommends that traffic circles be a part of the pending plan.

There are additional City of Berkeley plans and policies that support traffic circles, and more detail can be found in Attachment 5.

C. Traffic Circle Policy

PURPOSE

The purpose of this new policy is to identify the appropriate design, vegetation and operation characteristics of traffic circles that provide traffic calming, beautification, climate change mitigation and other benefits while maintaining pedestrian safety.

As proposed and documented in numerous City of Berkeley plans, programs and policies, the primary purpose of neighborhood traffic circles is for calming traffic and not facilitating its flow, as excess speed causes one in three traffic deaths¹⁶, comparable to drunk driving. This purpose is important to highlight so that traffic circle elements, as well as additional, complementary safety measures are designed to support traffic calming and pedestrian safety goals. Many cities around the country and in California incorporate vegetation and trees in traffic circles as part of traffic calming measures. The goal of this policy is to develop guidelines ensuring that traffic circle vegetation and trees are maintained to conform to safety standards, thereby enhancing, rather than reducing, neighborhood safety.

GRANDFATHERING EXISTING TREES

Berkeley has a variety of existing trees in its traffic circles, such as Coast Live Oaks, California Buckeyes, Dawn Redwoods, Olives, and other trees. All existing trees that are structurally safe are permitted by this policy¹⁷. For trees with trunks that exceed 20" in diameter see the section "TREE TRUNKS WIDER THAN 20 INCHES" below, which outlines how additional traffic calming measures will be incorporated into the traffic circle intersection to ensure safety.

VEGETATION AND NEW TREES

Beautiful, healthy, and well-maintained vegetation and trees in traffic circles supports Berkeley's neighborhood quality of life and contributes to traffic calming. Circle plantings should be durable, diverse, attractive and planted and maintained by community volunteers. Volunteer participation adds to the unique character of our neighborhood and creates strong resident commitment to our urban communities. Planted circles improve storm water retention and are strongly encouraged to use native or other plant species that do not require pesticides or herbicides to maintain them. Traffic circles should be planted with consideration of vegetation and tree's mature shape and size and sightline requirements. There are several suggested palettes for those who find suggestions helpful (see Attachment 3).

¹⁶ [Motor Vehicle Crash Deaths: How is the US doing?](#) (Centers for Disease Control and Prevention)

¹⁷ Designated historic resources are regulated by the Landmarks Preservation Ordinance, and may have features that do not conform to these policies. In case of conflict, the city shall follow established procedures for alterations to a designated landmark. Landmarks Ordinance prevails.

New trees proposed by traffic circle coordinators or volunteers will be approved by the Forestry Supervisor, with a preference for natives and a focus on maximizing ecosystem services.

The Task Force recommends revisiting trunk size considerations every five years as the implications of climate change and autonomous vehicles become clearer. In the interim, large trunked trees such as redwoods will not be planted.

SIGHTLINES

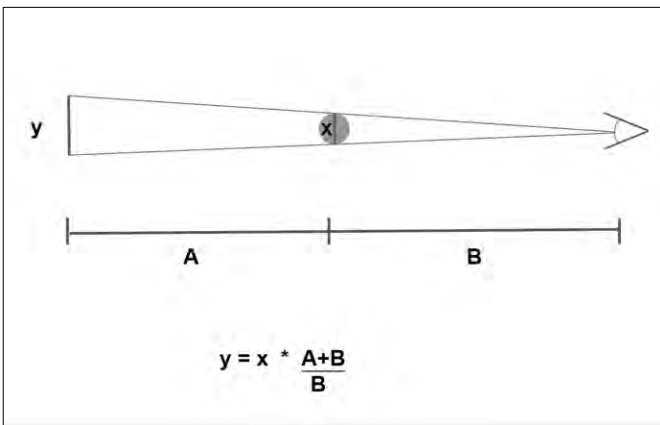
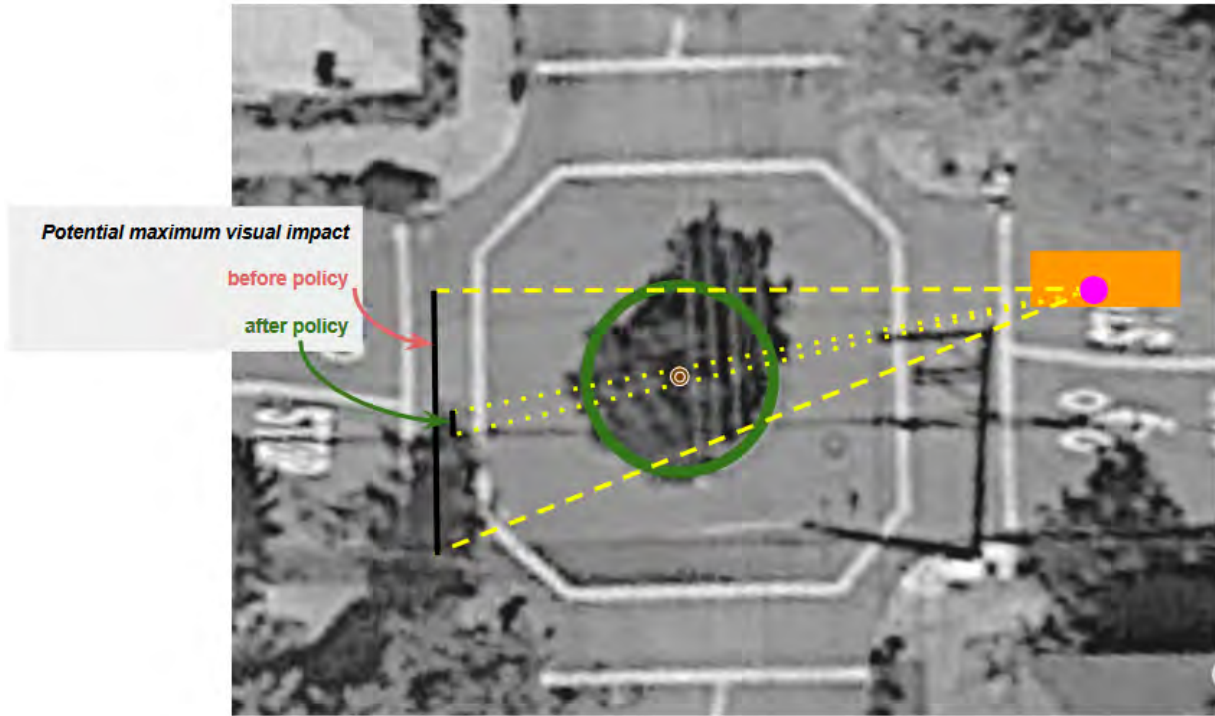
Visual sight lines – the unobstructed view of the driver¹⁸ stopped before entering the near crosswalk to the corners of the opposite crosswalk [see Figure X below] – should guide all vegetation selection and maintenance criteria. Based on the City of Berkeley's Traffic Engineer's opinion and researched best practice, low vegetation should be maintained at a maximum height of 2.5 feet from the top of the traffic circle planter curb and a mature tree canopy should be pruned and trimmed up to and maintained at 7-8 feet height above the top of the traffic circle planter curb. Limbs that extend beyond the curb should be trimmed to 14 feet above the adjacent road surface within the road right-of-way. Single tree trunks that are less than 20" in width, as measured 4 feet above the ground, do not require any additional traffic calming devices. Low branches on young trees and/or flower stalks extending above the 2.5 feet maximum height shall be permitted as long as the total visual obstruction above 2.5 feet is no more than 20" across the circle.^{19,20}

¹⁸ By national standards it is assumed that drivers' eyes are at three and a half feet and ability to see an object one foot tall on the ground.[cite?]

¹⁹ A tree in the center of a traffic circle can only create a visual impact when objects are on directly opposite sides of the circle. These specifications to trunk size and vegetation height provide a conservative safety margin for visual impacts.

²⁰ Sight lines are defined as that horizontal plane (called the sight triangle), from the view of the driver stopped before entering the crosswalk to the corners of the opposite intersection, from 2.5ft above the top of the traffic circle planter curb line to the height of 7-8 feet.

Figure x: Traffic Circle Sightlines and Geometry



TREE TRUNKS WIDER THAN 20 INCHES

Tree trunks wider than 20 inches will be permitted with additional traffic calming measures, such as speed tables or cushions, diagonal diverters or flashing beacons to

ensure slow speeds²¹, additional stop signs or traffic mirrors to increase visibility,^{22,23} established around the intersection. City staff and neighborhood traffic circle volunteers will work together to determine what measures are needed and which ones are best suited for installation. Where funding restrictions are a significant restriction, traffic circle coordinators or volunteers will be given a reasonable amount of time for community fundraising to offset the cost of additional traffic calming measures.

SUMMARY OF POLICY RECOMMENDATIONS

Neighborhood communities and traffic circle volunteers care a great deal for their circle plantings and should be provided an opportunity to bring their trees and vegetation into conformance with the sight line maintenance guidelines within 30 days following notice of adoption or, in the future, of non-compliance. The Forestry Supervisor may provide guidance on how best to prune vegetation and trees to accomplish the sight lines or to suggest alternative plantings whose growth patterns would naturally conform. The Urban Forestry Unit of the Parks Division, will maintain the tree branches above the travelled way to ensure they are at least 14 feet from the road surface.

The City supports community volunteer contributions and recognizes and acknowledges that community volunteers give a considerable amount of free time to maintain the City's open spaces, including traffic circles. Community volunteers are encouraged to contribute in a safe and reasonable manner and to follow guidelines developed by the Community Common Space Stewardship Program.

Summary of Policy Recommendations for Traffic Circle Vegetation:

- The primary purpose of neighborhood traffic circles is for traffic calming.
- Sightlines should be maintained at a maximum height of 2.5 feet from the top of the traffic circle planter curb and a mature tree canopy should be pruned up to 7-8 feet above the traffic circle planter curb.
- Trees and other vegetation that conform to sightline and pruning maintenance are allowed. Total vegetation and signage extending above the 2.5 foot height maximum should not exceed a 20 inch wide solid sight obstruction.

²¹ The Federal Highway Administration website provides data summarizing studies on engineering countermeasures used to manage speeds and lists the speed reductions for different kinds of traffic calming measures. Per the extensive table, Speed Cushions and Tables reduce the 85th %tile Speed by 5 to 9 mph. (US Department of Transportation/Federal Highway Administration. Engineering Speed Management Countermeasures: A Desktop Reference of Potential Effectiveness in Reducing Speed, July 2014)

²² <https://www.nationalsafetymirror.com/driveway-mirror-traffic-mirrors/>

²³ The trees in the traffic island at Woolsey & Wheeler should be exempted from these rules due to the unique shape of the traffic island, its location outside of the actual intersection, and the presence of traffic dividers.

- Trees with trunks wider than 20 inches will be permitted with additional traffic calming measures established around the intersection to ensure low speeds and safe intersections. City staff and neighborhood traffic circle volunteers will work together to determine what measures are needed and which ones are the most appropriate for installation.
- Traffic circle volunteers will be provided an opportunity to bring trees and vegetation into conformance with the sightline maintenance guidelines within 30 days following notice²⁴ of non-compliance, before the City undertakes maintenance to bring the circle vegetation or trees into sightline compliance.
- The City should develop and implement consistent traffic circle signing and speed limit standards for the Program which will be implemented as soon as feasible.

D. Community Common Space Stewardship Program

Berkeley has many engaged community members who volunteer their time and resources. Community volunteers and neighborhoods have been the mainstay of the traffic circles – generously buying plants and giving their time to water and maintain the traffic circles and other common space (i.e. Berkeley Path Wanderers) over the last two decades.

There is no formal mechanism for the City to engage these volunteers or to recruit new ones. There are many existing community-based partnership programs in the San Francisco Bay Area as well as around the country. The City of Oakland's "Adopt a Spot" is a long-standing and successful model that has also served as a template for similar programs in Livermore and Richmond, and is fortunately being considered as a template for the City of Berkeley's Program. A Berkeley Stewardship Program will encourage civic engagement and community improvement

The City can establish and operate a successful partnership program with community volunteers to provide coordination and guidance on safety and technical issues, hosting work days, developing discount programs, and supporting community improvement and agreed upon goals.

Berkeley City leaders expressed their willingness to work with the community and to develop a real partnership with the community by creating and supporting the establishment of the Traffic Circle Policy Task Force. A formal partnership needs a shared commitment and written guidelines, structure, budget and resources to deliver the benefits to both the City and the community.

²⁴ Notice of non-compliance is a standard vegetation maintenance enforcement procedure. It is recommended that the notice be sent via the Stewardship Program.

The Traffic Circle Policy Task Force recommends that the Public Works Department, in no less than three months, formalize the existing traffic circle community volunteer program and establish it as a component of the Community Common Space Stewardship Program (Stewardship Program). It is recommended that the Stewardship Program be integrated into the “Adopt a Spot Initiative,” which the City Council approved on April 23, 2019 (Item #33), and that the City Council refer the Adopt a Spot Initiative to the Traffic Circle Task Force for the purpose of developing a coherent and consistent set of guidelines for City/volunteer partnership on volunteer efforts for not just traffic circles but also other City common space, such as medians, bulb-outs, mid-block curb extensions and pocket parks. This Stewardship Program will define responsibilities between City and community volunteers and provide guidance for volunteer responsibilities including selection of plants and trees, maintenance best practices and safety guidelines. The Stewardship Program will also investigate and develop a much needed program analysis including criteria, environmental benefits, program costs and staffing needs.

The goals of the Traffic Circle component of the Community Common Space Stewardship Program include:

- Ensure community engagement and partnership in complying with the Traffic Circle Policy
- Maximizing traffic calming benefits of traffic circles
- Maintain sightline visibility to protect pedestrians and bicyclists
- Expand the network of neighborhood traffic circles to underserved areas

And in addition, the Community Common Space Stewardship Program will:

- Help beautify Berkeley - *Greenery in and along streets makes Berkeley a more beautiful city and is critical to Berkeley’s livability and success as a place*
- Encourage joint activities by neighbors and friends for the betterment of Berkeley
- Provide spaces that capture and infiltrate rainfall and storm water
- Reduce noise pollution through the use of vegetation and trees
- Provide habitat for birds, butterflies, bees, and other native creatures
- Increase carbon sequestration
- Help cool the urban environment

In order to establish and operate a successful partnership program, staff resources are required. Staffing could be provided through the City or through an existing non-profit entity that would be contracted for staff resources (at this point it's not clear if this would be a full-time position or could be part time after the program is set up).

A Traffic Circle Community Engagement Coordinator would report to Public Works and be responsible for coordinating with all existing traffic circle volunteers, recruiting new volunteers, act as a liaison between community volunteers and City staff, coordinate between Public Works, Parks and Recreation and Planning Departments as well as third-party utilities, and develop and maintain an on-line tool for tracking traffic circle compliance and administration. The Coordinator would also be responsible for developing an annual budget, hosting annual work days, provide assistance with technical issues, and develop a plant discount program, free mulch delivery, tool and safety equipment lending library, seeking additional outside funding and a green infrastructure mini-grants program with matching funds and/or in-kind support.

The Coordinator and City leaders should explore consolidating all resources and responsibilities for traffic calming measures (traffic circles, bulb-outs, mid-block curb extensions, traffic diverter replacement/conversions, parklets and other speed calming treatments) as well as supporting the Berkeley Bicycle Plan under the Community Common Space Stewardship Program. The core goal of this position should be nurturing and supporting a Citywide and expanding program of traffic circles that are both beautiful and safe and that make use of community volunteer resources, while also coordinating City staff resources and interests as they apply.

It should be noted that this position could also be defined to coordinate City staff and volunteer stewardship resources (through friends of parks and creeks groups) and efforts associated with maintaining and enhancing city parks, creeks, and open spaces. In this case, additional staff capacity would likely be required.

All of the community volunteer programs that the Traffic Circle Policy Task Force reviewed have a more formal structure for their programs and volunteers. Typical elements include: a volunteer job description used for recruiting purposes, volunteer application or agreement with a minimum term, maintenance rules and guidelines, planting guidelines, and safety rules and guidelines. Public Works should borrow from the best programs, specifically Oakland's "Adopt a Spot," to develop the documents needed to support the program. All Program documents should be maintained on the City's website with easy to use on-line applications and approvals.

This proposed Program and its recommendations are designed in part to reduce City liability and risk from traffic circles. By the same token, the City should be willing to extend protection from liability to neighborhood volunteers who maintain traffic circles

and are in compliance with the Program. The advice of the City Attorney and specialized legal experts on municipal volunteer programs should be sought in formalizing this two-way arrangement.

Communication Plan

The Traffic Circle Policy Task Force's report and recommendations and the City's approval and adoption is only the first step to implementation. Any changes to the status quo will be new and possibly startling to the community. A thoughtful and robust communication plan should be developed and implemented within a set time period in concert with rolling out the new policy and program. Particular attention should be paid to the initial effort to bring existing circles into compliance. Based on a recent photo survey, there are a few traffic circles that have vegetation that will not easily be brought into compliance. For example, some circles have large cacti that cannot be "pruned" to achieve the sightline requirements. The city should consider organizing a large work day to support the removal of non-compliant existing plants and provide support to community members in planting new, better suited vegetation.

The Task Force Commissioners should be given a prominent role to assist the City with explaining the Program through open houses, newsletters, press, social media and neighborhood meetings. This process may also be used to ensure current traffic circle volunteers are identified and new ones recruited.

Incentives for Recruiting Volunteers

Public Works should strive to be seen as an ally and support for the community volunteers with expertise and resources to support them and the Program. Public Works and the Community Engagement Coordinator should investigate incentives to help recruit additional community volunteers, especially in under-represented neighborhoods of the City. These incentives could include: a plant discount program, free mulch delivery, tool and safety equipment lending library, green infrastructure mini-grants program with matching funds and/or in-kind support.

On-line GIS Tool

Public Works and the Community Engagement Coordinator should develop and implement an on-line GIS tool to map all traffic circles and monitor overall compliance with the sight line maintenance guidelines, operation and maintenance guidelines and plant palette guidance.

Advisory Board

The Task Force recommends that Public Works establish an advisory board comprised of leaders within Public Works, Parks, Recreation and Waterfront, and Planning Departments and a representative group of relevant Commission representatives and community volunteers to meet periodically to review the Programs progress. Note, we are not suggesting a new commission.

Annual Compliance Report

Public Works and the Community Engagement Coordinator should produce an annual report to the Berkeley City Manager, City Council, and the public on overall progress and compliance.

Additional Traffic Circle Safety Improvements

The City should inventory all existing traffic circle intersections and develop and implement consistent traffic circle signing and speed limit standards. Effective and safe traffic circles don't end at the curb line. The City should work towards other holistic street improvements and modifications to continue to improve safety at traffic circle intersections. Pedestrians, bicyclists and motor vehicle drivers should be able to expect consistency in City traffic circles operations. It could often be this uncertainty – the driver, bicyclist or pedestrian who doesn't realize they've come to a two-way, not four-way stop sign circle intersection – that increases hazards, not the existence or character of the traffic circle itself or its vegetation.

ENVIRONMENTAL SUSTAINABILITY

The Task Force found overwhelming support and alignment for the recommended action and the city's existing environmental sustainability plans, programs and policies.

Promoting additional tree planting and native drought tolerant vegetation in existing neighborhood traffic circles directly supports the Berkeley Climate Action Plan to restore natural processes, provide habitat for birds and insects, reduce ambient temperatures by shading, intercepting and storing rainwater, improving community quality of life through beautification and by reducing noise pollution and encouraging pedestrian traffic. Increasing the number of neighborhood traffic circles and planting them with trees will help fulfill the stated goals to maximize tree plantings, sequester carbon and protect biodiversity.

Half an acre of forest land can absorb three tons of carbon dioxide annually and produce two tons of oxygen. Berkeley's 62 existing traffic circles cover about half an acre of land, all of it converted from asphalt. The City's Hazard Mitigation Plan and Climate Action Plan recommend more tree plantings in Berkeley to help fight climate

change and reduce the “heat island effect” in lower elevation neighborhoods. Tree plantings are also an economic and social equity issue. City mapping shows that tree cover is much higher in the Berkeley Hills than it is in the Flatlands.

The recommended action is consistent with Berkeley’s history of neighborhood partnership for creating and caretaking traffic circles, as is common in many other cities, and with the goal of increasing green space and tree canopy in neighborhoods with less access to parks and open space.

The recommended action enables neighborhood traffic circles to contribute to the support of native biodiversity within the City, through the habitat contributed by native plants and trees. The Task Force provides several plant palettes of native plant assemblages designed to maximize biodiversity as well as other valuable services such as pollinator support, water conservation, runoff reduction, and carbon sequestration.

ALTERNATIVE ACTIONS CONSIDERED

No Action Alternative isn’t viable because it doesn’t address traffic safety concerns or provide clarity to the volunteers currently maintaining the existing traffic circles. There’s confusion by the volunteer community about what the rules are for traffic circles, who is responsible for what and if trees in circles are allowed.

No Trees Alternative is not recommended because it is contrary to standard practice by many California and national cities, as well as Berkeley plans and policies. There are 37 existing traffic circles that have trees that are maintained by volunteers. The community has already expressed significant concern when the City proposed in the summer of 2018 to remove all trees and other large vegetation in existing traffic circles.

No Volunteers Alternative is not recommended because it goes against the spirit of how the City governs. The City has partnered with its citizens on their stewardship of the traffic circles for almost two decades. It is in the City’s interest to formalize and support community involvement to maintain the traffic circles.

Administrative Department Move Alternative – to move traffic circle administration from Public Works to Parks, Recreation and Waterfront Department - is not recommended because the Public Works Department is responsible for construction and maintenance of all streets and the right-of-way. The Public Works Department has oversight and approval responsibility for traffic circles including construction, maintenance (in coordination with local community groups), and vegetation.

FISCAL IMPACTS OF RECOMMENDATION

The recommended action to develop a formal Stewardship Program with one full time staff in the Public Works Department represents a new cost to the City. The cost will be

the salary and overhead for a full time Community Engagement Coordinator position and the costs to administer the program, including setting up an on-line GIS web-based tool, developing the community volunteer program, finalizing operation and maintenance guidelines, finalizing planting palette guidance, developing a self-certification process, and setting up discount and mini-grant programs. It should be recognized that in the long term, the Stewardship Program/Adopt a Spot will, in fact, be a net cost savings for the City for the maintenance and planting “services” rendered by volunteers that would otherwise have to be performed by City staff or contractors. Having this program would also be advantageous for the City whenever it pursues project grants, as a source of in-kind/match funding.

In the long term, through efficiencies and “normalizing” the work of the program, these start-up costs are anticipated to decrease.

The overall total costs to the City should substantially decrease due to the program reducing injuries and lawsuits, minimizing the safety risks and uncertainty associated with the existing traffic circles. The benefits to establishing a formal, staffed program should greatly outweigh these costs.

CONTACT PERSON

Tano Trachtenberg, Legislative Aide, Office of Mayor Arreguín, 510-981-7100

Attachments:

1. Resolution to Adopt Traffic Circle Policy and Exhibit A
2. February 26, 2019 Berkeley City Council Item
3. September 29, 2019 Vegetation Subcommittee Report
4. July 19, 2019 Operation and Maintenance Subcommittee Report
5. July 19, 2018 Policy Alignment Issues Subcommittee Report
6. Expanded Berkeley Partners for Parks Proposal
7. Draft “Best Practices” Guidelines - Operation and Maintenance Subcommittee

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

Traffic Circle Policy

WHEREAS, Berkeley has 62 neighborhood traffic circles, that constitute a half-acre of permeable green space that would otherwise be filled with asphalt; and

WHEREAS, Traffic circles have been shown to reduce the speed of travel as well as reduce the number of collisions involving vehicles, pedestrians, and bicycles at these intersections; and

WHEREAS, Across the country, traffic circles with well-maintained low plantings and central trees are widely encouraged due to their benefits to traffic calming, making circles more visible and their contribution to beautification, neighborhood character, urban greening; and

WHEREAS, The Urban Street Design Guide, a manual developed by the National Association of City Transportation Officials (an association of over 71 major North American Cities and 10 transit agencies) notes the value of trees and other vegetation not only for beautification, but for their contribution to traffic calming and

WHEREAS, Other San Francisco Bay Area and North American cities and expert analysts beyond Berkeley have identified trees as a welcome and useful component of traffic circles, particularly because they help slow traffic and identify for drivers the presence of a circle from a distance; and

WHEREAS, The climate and biodiversity crises, including recent recognition of bird and insect declines, necessitate the support of trees, native plants, and other high value habitat in city spaces.

WHEREAS, Berkeley has numerous policies and plans that support traffic circles for traffic calming and other environmental and community benefits such as the Climate Action Plan, General Plan, Pedestrian Plan and Bicycle Plan; and

WHEREAS, The City Council established the Traffic Circle Task Force on February 26, 2019 with the charge of evaluating the current traffic circle vegetation policy, recommending appropriate characteristics for allowed plantings, and a policy that ensures sight lines for visibility, pedestrian, bicycle and vehicle safety, as well as beautification of the circles.

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council adopts the Traffic Circle Policy in Exhibit A.

Exhibits:

A: Traffic Circle Policy

Exhibit A

Traffic Circle Policy

PURPOSE

The purpose of this new policy is to identify the appropriate design, vegetation and operation characteristics of traffic circles that provide both traffic calming, beautification and other benefits while maintaining pedestrian safety.

As proposed and documented in numerous City of Berkeley plans, programs and policies, the primary purpose of neighborhood traffic circles is for traffic calming. This purpose is important to highlight so that traffic circle elements, as well as additional, complementary safety measures are designed to support traffic calming and pedestrian safety goals. Many cities around the country and in California incorporate vegetation and trees in traffic circles as part of traffic calming measures. Excess speed causes one in three traffic deaths²⁵, comparable to drunk driving. The goal of this policy is to develop guidelines ensuring that traffic circle vegetation and trees are maintained to conform to safety standards, thereby enhancing, rather than reducing, neighborhood safety.

GRANDFATHERING EXISTING TREES

Berkeley has a variety of existing trees in its traffic circles, such as Coast Live Oaks, California Buckeyes, Dawn Redwoods, Olives, and other trees. All existing trees that are structurally safe are permitted by this policy²⁶. For trees with trunks that exceed 20" in diameter see the section "TREE TRUNKS WIDER THAN 20 INCHES" below, which outlines how additional traffic calming measures will be incorporated into the traffic circle intersection to ensure safety.

VEGETATION AND NEW TREES

Beautiful, healthy, and well-maintained vegetation and trees in traffic circles supports Berkeley's neighborhood quality of life and contributes to traffic calming. Circle plantings should be durable, diverse, attractive and planted and maintained by community

²⁵ [Motor Vehicle Crash Deaths: How is the US doing?](#) (Centers for Disease Control and Prevention)

²⁶ Designated historic resources are regulated by the Landmarks Preservation Ordinance, and may have features that do not conform to these policies. In case of conflict, the city shall follow established procedures for alterations to a designated landmark. Landmarks Ordinance prevails.

volunteers. Volunteer participation adds to the unique character of our neighborhood and creates strong resident commitment to our urban communities. Planted circles improve storm water retention and are strongly encouraged to use native or other plant species that do not require pesticides or herbicides to maintain them. Traffic circles should be planted with consideration of vegetation and tree's mature shape and size and sightline requirements. There are several suggested palettes for those who find suggestions helpful (see Attachment 3).

New trees proposed by traffic circle coordinators or volunteers will be approved by the City Forester, with a preference for natives and a focus on maximizing ecosystem services.

The Task Force recommends revisiting trunk size considerations every five years as the implications of climate change and autonomous vehicles become clearer. In the interim, large trunked trees such as redwoods will not be planted.

SIGHTLINES

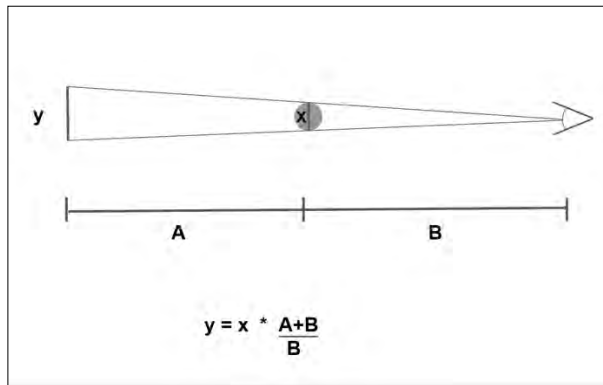
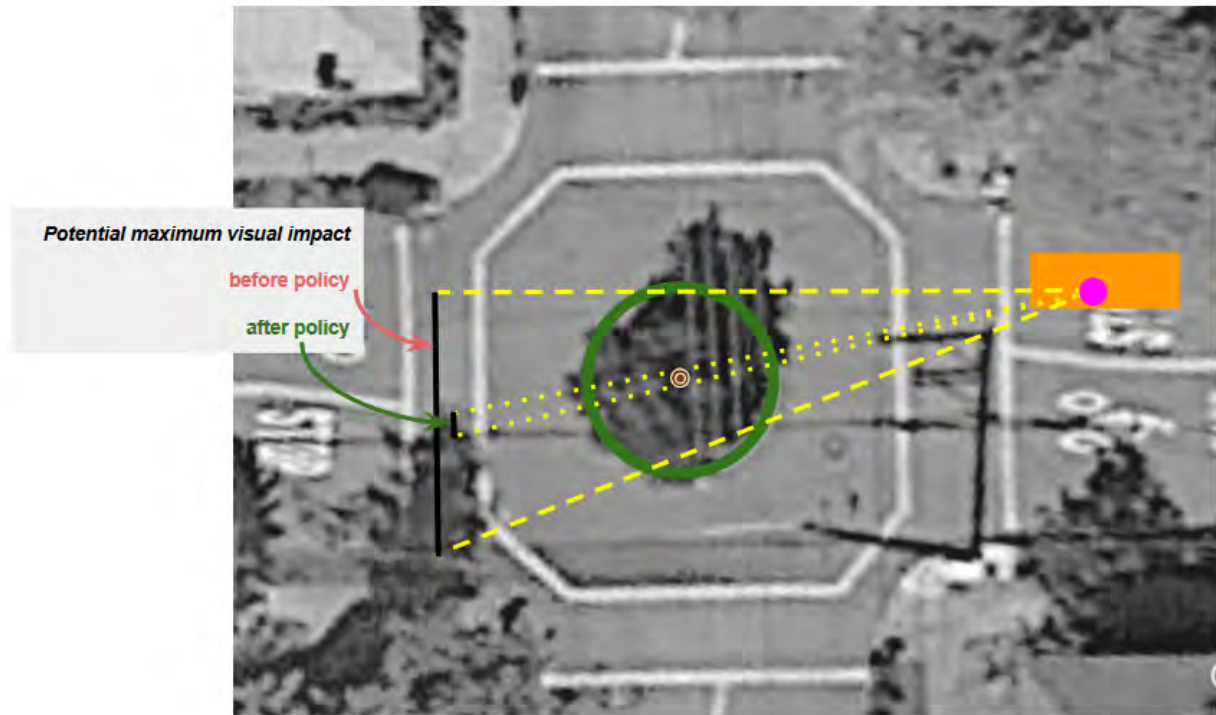
Visual sight lines – the unobstructed view of the driver²⁷ stopped before entering the near crosswalk to the corners of the opposite crosswalk [see illustration below] – should guide all vegetation selection and maintenance criteria. Based on the City of Berkeley's Traffic Engineer's opinion and researched best practice, low vegetation should be maintained at a maximum height of 2.5 feet from the top of the traffic circle planter curb and a mature tree canopy should be pruned and trimmed up to and maintained at 7-8 feet height above the top of the traffic circle planter curb. Limbs that extend beyond the curb should be trimmed to 14 feet above the adjacent road surface within the road right-of-way. Single tree trunks that are less than 20" in width, as measured 4 feet above the ground, do not require any additional traffic calming devices. Low branches on young trees and/or flower stalks extending above the 2.5 feet maximum height shall be permitted as long as the total visual obstruction above 2.5 feet is no more than 20" across the circle.^{28,29}

Figure X. Traffic Circle Sightlines and Geometry

²⁷ By national standards it is assumed that drivers' eyes are at three and a half feet and ability to see an object one foot tall on the ground.

²⁸ A tree in the center of a traffic circle can only create a visual impact when objects are on directly opposite sides of the circle. These specifications to trunk size and vegetation height provide a conservative safety margin for visual impacts.

²⁹ Sight lines are defined as that horizontal plane (called the sight triangle), from the view of the driver stopped before entering the crosswalk to the corners of the opposite intersection, from 2.5ft above the top of the traffic circle planter curb line to the height of 7-8 feet.



TREE TRUNKS WIDER THAN 20 INCHES

Tree trunks wider than 20 inches will be permitted with additional traffic calming measures, such as speed tables or cushions³⁰, diagonal diverters or flashing beacons to

³⁰ The Federal Highway Administration website provides data summarizing studies on engineering countermeasures used to manage speeds and lists the speed reductions for different kinds of traffic calming measures. Per the extensive table, Speed Cushions and Tables reduce the 85th %tile Speed by 5 to 9 mph. (US Department of Transportation/Federal Highway Administration. Engineering Speed

ensure slow speeds, additional stop signs or traffic mirrors to increase visibility,^{31,32} established around the intersection. City staff and neighborhood traffic circle volunteers will work together to determine what measures are needed and which ones are best suited for installation. Where funding restrictions are a significant restriction, traffic circle coordinators or volunteers will be given a reasonable amount of time for community fundraising to offset the cost of additional traffic calming measures.

SUMMARY OF POLICY RECOMMENDATIONS

Neighborhood communities and traffic circle volunteers care a great deal for their circle plantings and should be provided an opportunity to bring their trees and vegetation into conformance with the sight line maintenance guidelines within 30 days following notice of adoption or, in the future, of non-compliance. The Forestry Supervisor may provide guidance on how best to prune vegetation and trees to accomplish the sight lines or to suggest alternative plantings whose growth patterns would naturally conform. The Urban Forestry Unit of the Parks Division, will maintain the tree branches above the travelled way to ensure they are at least 14 feet from the road surface.

The City supports community volunteer contributions and recognizes and acknowledges that community volunteers give a considerable amount of free time to maintain the City's open spaces, including traffic circles. Community volunteers are encouraged to contribute in a safe and reasonable manner and to follow guidelines developed by the Community Common Space Stewardship Program.

Summary of Policy Recommendations for Traffic Circle Vegetation:

- The primary purpose of neighborhood traffic circles is for traffic calming.
- Sightlines should be maintained at a maximum height of 2.5 feet from the top of the traffic circle planter curb and a mature tree canopy should be pruned up to 7-8 feet above the traffic circle planter curb.
- Trees and other vegetation that conform with sightline and pruning maintenance are allowed. Total vegetation and signage extending above the 2.5 foot height maximum should not exceed a 20 inch wide solid sight obstruction.
- Trees with trunks wider than 20 inches will be permitted with additional traffic calming measures established around the intersection to ensure low speeds and safe intersections. City staff and neighborhood traffic circle volunteers will work together to determine what measures are needed and which ones are the most appropriate for installation.

Management Countermeasures: A Desktop Reference of Potential Effectiveness in Reducing Speed, July 2014)

³¹ <https://www.nationalsafetymirror.com/driveway-mirror-traffic-mirrors/>

³² The trees in the traffic island at Woolsey & Wheeler should be exempted from these rules due to the unique shape of the traffic island, its location outside of the actual intersection, and the presence of traffic dividers.

- Traffic circle volunteers will be provided an opportunity to bring trees and vegetation into conformance with the sightline maintenance guidelines within 30 days following notice³³ of non-compliance, before the City undertakes maintenance to bring the circle vegetation or trees into sightline compliance.
- The City should develop and implement consistent traffic circle signing and speed limit standards for the Program which will be implemented as soon as feasible.

³³ Notice of non-compliance is a standard vegetation maintenance enforcement procedure. It is recommended that the notice be sent via the Stewardship Program.

**SOPHIE HAHN**

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CONSENT CALENDAR

October 27, 2020

To: Honorable Members of the City Council
 From: Vice Mayor Sophie Hahn (Author), Mayor Jesse Arreguin (Co-Sponsor),
 and Councilmember Kate Harrison
 Subject: Support for Berkeley Mutual Aid

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.

SUMMARY

The outbreak of COVID-19, and subsequent orders by the Health Officer imposing measures to control its spread, have created heightened needs across Berkeley, as well as a groundswell of neighbors who want to help. Since mid-March, Berkeley Mutual Aid has been serving residents of Berkeley who are at high risk for COVID-19 by matching them with volunteers who can meet their basic needs, including providing essential supplies (e.g., food, toiletries, prescriptions) and navigating social services. To ensure that BMA can continue this work, and potentially become a long-term volunteer coordination partner for the City, this measure refers to the City Manager to identify and allocate, or recommend to the City Council, funds to support BMA so the organization can hire a coordinator to manage the important and growing responsibilities of the organization.

BACKGROUND

Since mid-March, [Berkeley Mutual Aid \(BMA\)](#) has been serving residents of Berkeley who are at high risk for COVID-19 by matching them with volunteers who can meet their basic needs. This includes pairing lower-risk neighbors with higher-risk neighbors who need essential supplies (e.g., food, toiletries, prescriptions), help navigating social services, or connecting to overcome social isolation. BMA estimates that it has facilitated more than 15,000 volunteer hours of neighbors pitching in to help some of Berkeley's most vulnerable and impacted residents stay safe and well.

In addition, BMA has expanded to help meet a broader community need for food aid, personal protective equipment (PPE) supplies, financial assistance, emotional support, and navigation of various social services. The organization has partnered the City's Office of Emergency Services (OES), Senior Centers, the Berkeley Health Department, and other mutual aid groups and NGOs that are working to support the Berkeley community. In addition, BMA works to expand access to other support systems, for example, with volunteers who pick up the City's Tuesday Grab 'n Go lunches and deliver them to seniors at their homes. BMA's work serves members of the public in every zip code throughout Berkeley, and provides a vital hub to help ensure all volunteer and community efforts are successful.

In September, BMA celebrated six-months since volunteers first took action to create the concept, launch a website and rapidly deploy their "matching" services. Over time, the number of volunteers and community members-in-need has significantly increased, and the organization has taken on additional roles and mandates. BMA's all-volunteer board members, who have worked long hours to make all of these benefits for the community possible, need the support of a paid coordinator so the organization can continue meeting Berkeley residents' needs in what is becoming a long-term pandemic.

Providing financial support to BMA will help the City by: (1) intaking, matching, and managing volunteers providing mutual aid and members of the public in need of help; (2) obtaining food, supplies and materials and coordinating donations for Berkeley residents who most need them; and (3) building a sustainable, community-centered organization that can serve in other emergencies, such as wildfires and earthquakes, and provide ongoing community volunteer opportunities, matching, coordination and management, and support for vulnerable residents.

BMA has risen to the challenge of the COVID-19 emergency in providing mutual aid to Berkeley residents who need it. As the organization approaches the limits of what an all-volunteer board can achieve, the City should provide financial support for BMA so the organization can continue to provide mutual aid during the current COVID-19 and for the long term.

FISCAL IMPACTS

Cost: \$36,000 annually. Savings: The ability to mobilize volunteers in a coordinated, organized manner through Berkeley Mutual Aid means less vulnerable citizens going without the help and support they need. Assigning volunteers to help with basic needs like grocery shopping, picking up prescriptions, etc. - at no cost to the resident - reduces exposure for vulnerable individuals who are able to shelter in place more consistently, thereby reducing disease transmission and potential severe cases - for the City and our hospitals to manage. In addition, managing a large influx of generous volunteers is a function the City is not fully able to handle at this time, so Berkeley Mutual Aid provides a meaningful service in a time of crisis that might otherwise be a burden or cost for the City. The cost associated with helping to make this organization viable over the long term of the COVID-19 crisis, especially in light of the many months the organization has

already operated with all volunteer labor (7+), is very small in light of the many benefits to the community and reductions in potential costs to our public health system and City.

CONTACT INFORMATION

Vice Mayor Sophie Hahn, Council District 5, 510-981-7150 (ofc); 510-682-5905 (cell)

ATTACHMENT

1. Fact Sheet: Berkeley Mutual Aid (BMA)

Fact Sheet: [Berkeley Mutual Aid \(BMA\)](#)

August 2020

Berkeley Mutual Aid (BMA) is a volunteer, community-based effort that started in response to the COVID shelter-in-place mandates in March 2020. BMA is currently a project of the Berkeley Disaster Preparedness Neighborhood Network, a 501(c)3 nonprofit dedicated to supporting our community in preparation for various disasters.

We exist to provide a platform and infrastructure for neighbors to help neighbors. Our focus is on “Solidarity, not Charity,” recognizing the contributions of everyone in the network. We believe that building a stronger social safety net benefits everyone in the community, and we plan to sustain BMA’s community-building services beyond the COVID crisis that brought it into being.

Our primary work involves pairing volunteers who feel a deep desire to help with a buddy who may be more at risk, or more in need. These matches provide ongoing connections and potentially lifesaving support that people can rely on in the safest way possible. Our [Safety Protocols](#) are constantly reviewed and updated by medical professionals. Our community is updated to any significant changes.

While we started solely as a matching platform, we’ve accomplished so much more in five months. From March to August, we estimate BMA has directly organized more than 15,000 hours of volunteer labor to provide a range of support, including:

1. **Matching people with a healthy volunteer “buddy”** (more than 475 matches to date, representing approximately 8,500 volunteer hours) to ensure basic needs are met on an ongoing basis, including grocery shopping and picking up prescriptions or other essentials. We support people who are elderly, have significant health risks, are facing financial hardship, or are caring for people with these risks. Just over a fourth of our requesters have self-identified as needing financial assistance. We try to provide emergency financial help for those who cannot afford the essentials. Some of these pairs have been to help low-income families struggling to pay for food, and we estimate that these have provided at least \$10,000 in food assistance.
2. **Creating connectedness and collective resilience** (100 “chat buddy” matches to date, representing about 3,200 volunteer hours) at a time when comfort and connection are especially critical to our wellbeing. For people who indicate they are feeling isolated and lonely through shelter-in-place, a social “buddy” will check in weekly and make sure each neighbor is okay. We have also welcomed over 50 participants to supportive virtual gatherings that help create collective resilience and connection and offered space for self-care activities like improv and meditation.
3. **Help navigating social assistance programs** (more than 50 people helped, representing nearly 3,000 volunteer hours)—food, unemployment, childcare—through referrals, introductions, and follow-up. COVID is forcing many people to confront new and evolving challenges, financially, emotionally, and logistically. This is especially hard for folks without digital access, a challenge faced by approximately 15% of requesters in our network.
4. **Case management assistance** led by a team of neighbors with social work, psychology, and crisis counseling skills, for people whose needs are especially complex in terms of behavioral health, mental health, financial needs, physical health, and/or housing. Our case managers do not act in a professional capacity but as caring neighbors who can contribute a high level of expertise for people who need it.
5. **Addressing the most pressing supply-chain challenges.** We are helping get PPE to hospitals, masks and hand sanitizer to the elderly, first aid supplies to protesters, and food donations to elderly and low-income people, both directly and through partnerships with other organizations. This includes donating more than \$3,000 worth of supplies to Berkeley’s Meals on Wheels, providing over \$1,000 in direct emergency food/supplies assistance, distributing fresh-picked fruit to local food aid organizations, and distributing hundreds of fabric masks and hand sanitizer to at-risk populations.

Our Approach

BMA conducts outreach and builds our network through flyers, [online signups](#), phone (510-519-6770), partnership with The City of Berkeley, other local nonprofits (including Meals on Wheels, Women's Daytime Drop-in Center, Senior Centers, Berkeley Aging Services Division, J-Sei, Berkeley Mental Health, 2-1-1 Alameda County, Alameda County Social Services, and others), and the members of BMA. Outreach and our intake, matching, and case management team is bilingual in Spanish and English. We are developing a team to expand those systems to include Mandarin and Cantonese.

Although, as the name implies, BMA's focus is on Berkeley, we understand that disasters pay no attention to municipal boundaries, so our support extends beyond to include Albany, El Cerrito, Kensington, Emeryville, Oakland, and Richmond.

We also work with other mutual aid organizations to support each other, including East Bay Resilience Hub, NorCal Resiliency Network, Halcyon Help, South Berkeley Mutual Aid, Oakland at Risk, Hayward Helping Hands, El Cerrito Mutual Aid, and others. We also connect with an international collective of mutual aid groups, sharing ideas and resources. We recently led a session on [Mutual Aid for Seniors](#), and our notes on the subject were widely shared. Every two weeks, BMA's steering team meets with a representative of Berkeley's Office of Emergency Services and the Berkeley Health Department to exchange information.

By phone and email, BMA volunteers field a range of public questions ranging from "Where can I get a mask?" to "Is there help for me to avoid eviction?" BMA is constantly researching to find resources and information that speak to the needs expressed by the community.

BMA also promotes the outreach efforts of [Berkeley Disaster Prep Neighborhood Network](#) to get individuals and communities to better prepare for other disasters during this pandemic. So far, efforts have included Zoom sessions on [improvising leadership in disaster response](#) and surviving COVID-19. A future session on mental health in a pandemic is already planned. BMA encourages volunteers to serve as evacuation buddies in case of a wildfire, ensuring that seniors who may otherwise miss a lifesaving evacuation alert will be more connected and informed.

Communications

The BMA community stays informed and connected via a weekly [newsletter](#) that goes out to more than 800 recipients. The BMA newsletter includes calls to action, resources, and suggestions for ways that people can volunteer beyond its own mutual aid network. Resources are also kept timely and up to date on the BMA [Community Resources](#) page.

New Initiatives

BMA has taken on initiatives to make sure that everyone in Berkeley has access to masks and hand sanitizer, beginning with its most vulnerable populations. Its [Need a Mask | Make a Mask](#) program connects those who need masks with those who have the skills to create them. BMA uses the same infrastructure to distribute hand sanitizer to individuals and groups as well, working with UC Berkeley students who have been making gallons in their labs.

BMA has also developed exciting initiatives such as the Community [Gleaning Project](#), which engages volunteers to pick fruit from trees at homes that have bounty beyond what they can use themselves, and redistribute it to people in need through Strawberry Creek Park Coalition (serving unhoused people), Meals on Wheels, and the Berkeley Food Pantry. In this project BMA will be able to give free, fresh, healthy, and locally sourced food to people in need, while ensuring that the process takes place in accordance with strict anti-infection safety protocols. The first pilot pick, in mid-August, delivered approximately 60 pounds of fruit.

Conclusion

The COVID-19 pandemic has laid bare fundamental gaps in the social safety net in the United States, forcing impossible choices for many, and creating new stressors for people already struggling on the edge. Through mutual aid and solidarity, Berkeley Mutual Aid strives to shine a light in this dark moment, showing ourselves and each other that there is enough for everyone and that by working together, we can get through this. We are building a stronger, safer, and more connected community. We protect us!



Office of the City Manager

ACTION CALENDAR

October 27, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Paul Buddenhagen, Deputy City Manager, City Manager's Office

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

RECOMMENDATION

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

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

To document and communicate the City's response to COVID-19, staff compiled the attached summary report. The attached report and presentation that will be provided to City Council contains a detailed overview of the City's response to COVID-19 since the Emergency Operations Center was initially activated in January 2020. This report not only provides transparency but can be used to inform future decision making involving the City's response to the COVID-19 pandemic. As part of this report, the City Manager is also responding to a Short Term Referral, "Lessons Learned in Organizational Management During Crisis" from the June 16 City Council Meeting, The *COVID-19 Response 2020 Summary Report* provides the information requested by the referral in the report section entitled "Organizational Impacts".

Presenting and discussing the City's *COVID-19 Response 2020 Summary Report* advances our Strategic Plan goal to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

BACKGROUND

From the beginning of calendar year 2020, the City has been working to respond to the COVID-19 pandemic. These efforts ramped up significantly in March 2020, when the City issued its first Shelter-In-Place Order to address the community spread of COVID-19 and fully activated its Emergency Operations Center. Since the beginning of the pandemic, the City has mobilized over 550 employees from every department including the City Auditor's Office, the Library, and the Rent Board. Some employees were

working in capacities that they were familiar with and accustomed to, however, many others were asked to perform new responsibilities and work under leadership and collaborate with individuals that they may have never met.

At the beginning of the Shelter-In-Place, the days were long and there was tremendous pressure placed on employees to be flexible and balance the needs of protecting the community with the challenges of protecting themselves and managing their families and households. This unprecedented mobilization of City staff united around a focused mission to mitigate the spread of COVID-19 and protect the health and safety of the community and employees. Collectively, employees mobilized and implemented a multi-faceted response that included:

- Disease containment;
- Keeping the community well-informed;
- Creating public health and safety protocols and practices that did not previously exist;
- Providing ample testing that is accessible and available in an equitable manner;
- Providing outreach and support to the business community;
- Supporting vulnerable populations, including the elderly and people who are unhoused; and
- Implementing new laws and regulations.

Employees throughout the organization are to be commended for their adaptability, quick action, and exceptional response. The City Council, for its unflagging support and clear vision, and the people of Berkeley for their generosity in donating time and resources should also be recognized for the enormous impact their contributions have on this ongoing effort.

At the June 16, 2020 City Council meeting, the Short Term Referral “Lessons Learned in Organizational Management During Crisis” referred to the City Manager to “include insights and reflections on organizational management in any comprehensive report regarding the City response to the COVID-19 Emergency”. The referral noted that “information should include but not be limited to: an overview of how the City was structured and functioned differently during the activation of the Emergency Operations Center, the benefits and challenges with cross departmental collaborations, and strategies or structures worth instituting and incorporating into future day-to-day departmental actions and interactions”.

ENVIRONMENTAL SUSTAINABILITY

The COVID-19 response itself involved moving much of the City’s workforce to remote work and staggered schedules, which resulted in fewer vehicle trips and reduced energy and water consumption in City buildings, supporting the City’s environmental sustainability goals. Further, the *COVID-19 Response 2020 Summary Report* and presentation was created and distributed electronically, avoiding waste associated with paper use.

RATIONALE FOR RECOMMENDATION

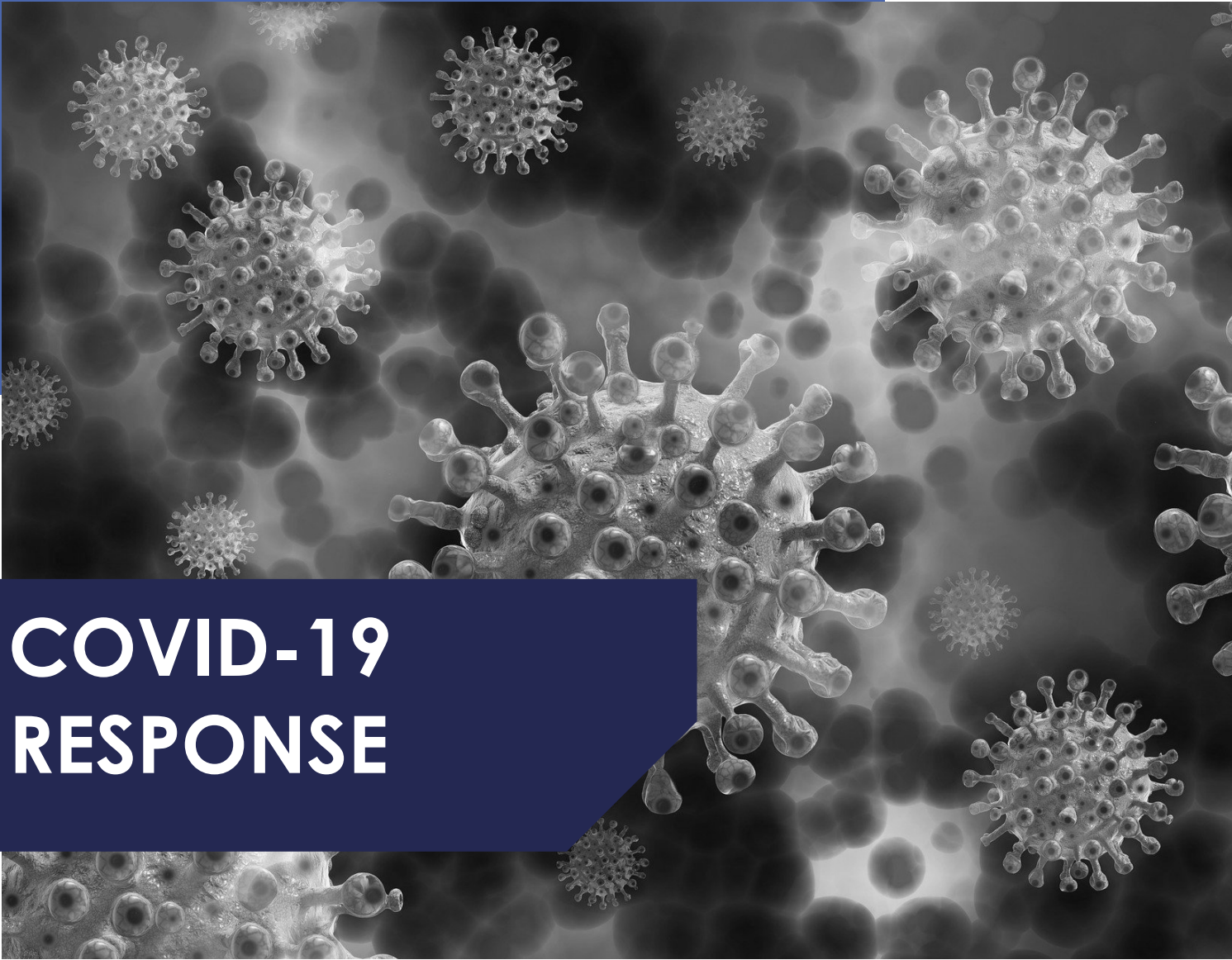
Discussing the presentation on the *COVID-19 Response 2020 Summary Report* will increase transparency, keeping with Berkeley values, and inform future decision-making as the COVID-19 pandemic continues to affect our community.

CONTACT PERSON

Paul Buddenhagen, Deputy City Manager, City Manager's Office, 510-981-7014
Dave White, Deputy City Manager, City Manager's Office, 510-981-7012

Attachments:

- 1: COVID-19 Response 2020 Summary Report
- 2: [Original Referral Report from June 16 City Council Meeting](#)



COVID-19 RESPONSE

2020 Summary Report

October 2020 | Prepared by the Emergency Operations Center



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INTRODUCTION

Since the beginning of 2020, the City of Berkeley has been monitoring and responding to COVID-19. Unlike many other emergencies that the City has encountered, the COVID-19 pandemic is unique due to its lengthy and on-going nature, as well as the new practices the City has adopted to respond to the crisis.

Purpose

Instead of a typical “after-action report” detailing lessons learned for emergency response professionals, this document has a broader scope. It not only examines what the City did, why it did it, and how this can influence future emergency responses, but it also serves as a record for the community of this extraordinary event and the City’s extraordinary response. My hope is this will help people understand the arc of the City’s response and guide leadership and decision-making moving forward.

Report Dedication

I would like to extend my gratitude, for early and ongoing support throughout this pandemic, to our City Council:

Mayor Jesse Arreguín

Vice Mayor Sophie Hahn, District 5

Rashi Kesarwani, District 1

Cheryl Davila, District 2

Ben Bartlett, District 3

Kate Harrison, District 4

Susan Wengraf, District 6

Rigel Robinson, District 7

Lori Droste, District 8

Berkeley’s City Council has shown vision and leadership from the beginning of the emergency, including creating the Berkeley Relief Fund to provide gap funding to our local businesses and arts organizations, providing crucial protections to renters, and seeking to employ special strategies to help our most vulnerable populations (e.g., people experiencing homelessness, the elderly, and people with disabilities). Many City Council members have helped communicate what the City is doing in terms of our COVID-19 response and continue to keep our community updated with regular newsletters. The Mayor launched a series of

regular virtual town halls to share information and provide a forum for the community to hear from our leadership, including our Health Officer. Additionally, I would like to acknowledge the sacrifice, flexibility, and hard work of our City staff, in particular our first responders and essential service workers who from the start of the pandemic were on the ground making a difference. First responders, both police and fire, have continued to respond to calls and maintain critical services to keep our community safe. Essential service workers continued to maintain our infrastructure and facilities and collect refuse and recycling. Finally, I would like to thank all of the people both within the City's Logistics operations and the generous volunteers and members of our community who donated their time and resources, including over 300 individual donations (e.g., homemade face coverings, N-95s, hand sanitizer, etc), ensuring that much needed supplies were quickly procured and rapidly distributed to those most in need.

Dee Williams-Ridley
City Manager
October 12, 2020

BERKELEY READY

Overview

Two units in the City take the lead in preparing our organization and the community for disaster response, and in particular pandemic response: the Fire Department's Office of Emergency Services (OES), and the Public Health Emergency Preparedness (PHEP) Unit of the Department of Health, Housing and Community Services.

What is the Emergency Operations Center (EOC)?

The EOC is a coordination and support structure helping City departments during an emergency by:

- Providing a flexible organization structure to adapt to quickly changing needs,
- Supporting decision-making and resource management, and
- Collecting, analyzing, and disseminating information.

OES coordinates a suite of programs to build disaster resilience in the whole Berkeley community. These programs support personal preparedness, community connections, and government efforts that will help Berkeley respond to and recover from our next earthquake, fire, or other disaster. For our organization, this includes response plan development and other activities to ensure that the City's Disaster Service Workers are ready to serve in emergencies. OES staff provide key leadership, support and guidance when the City's Emergency Operations Center (EOC) is activated. They also coordinate training and exercise opportunities for City employees to learn skills and test plans.

Berkeley Ready

Under the Berkeley Ready program, OES and PHEP staff work together to engage with the community on disaster readiness. Berkeley Ready coordinates multiple disaster readiness efforts via community partner organizations in the Community Resilience Center (CRC) program, multi-family apartment complexes in the Apartment Resilience Center (ARC) program, business districts, childcare centers, and individuals through their neighborhood groups.

Berkeley Ready fosters strong community partnerships with twelve Community Resilience Centers (CRCs), to identify needs during a disaster as well as provide up to date information for these organizations to disseminate to their communities. CRCs include faith-based, youth

advocacy, ecological, and disability activist organizations. ARCs are a similar community hub to prepare apartment complexes for disasters, determine disaster mitigation measures building-wide, and foster strong community connections among residents. Currently, there are six ARCs, all of which are Satellite Affordable Housing Associates (SAHA) homes. The CRCs, ARCs, and neighborhood groups receive multiple types of disaster preparedness trainings ranging from basic preparedness to preparedness for specific disasters, such as wildfires. Often, trainings are coordinated through the Community Emergency Response Team (CERT) program for groups who are interested in specific disaster response activities.

Emergency Operations Plan

City Council's adoption in April 2017 of the [2016 Emergency Operations Plan \(EOP\)](#) established the City of Berkeley Emergency Operations Center (EOC) as a body for coordination and support of departments and policymakers when responding to an emergency. The EOP's clear response framework and authorities provide a structural basis for Berkeley's COVID-19 response.

The EOP enhances the City's capabilities to respond to emergencies and disasters by encouraging quick, collaborative, cross-departmental responses to smaller scale incidents as well as strengthening department-specific operations. For example, the EOP lowered the threshold for EOC activations to include Situation Monitoring, and this change has been resoundingly positive. In late 2017, the Fire Chief began to request activation of the EOC whenever two or more departments were working on the same incident. This has resulted in more frequent EOC activations at lower levels, providing the opportunity to use, test, and constantly improve the EOC capability for a wide variety of events, including civil unrest, disease outbreak, and, more recently, Public Safety Power Shutoff and Fire Weather Monitoring. These lower-level activations position the organization to quickly mobilize and staff the EOC and provide support for incidents that grow unexpectedly. Two departments in particular, Public Works and Health, Housing & Community Services, have very well-established Department Operations Centers (DOCs)¹ that coordinate with the EOC in preparedness (including training and exercise) as well as emergency activations.

¹ A Department Operations Center (DOC) is a response organization that a department may choose to activate in an emergency in order to maintain essential functions, share status of staff and resources, and contribute to a citywide response.

Emergency Operations Center

The Emergency Operations Center (EOC) provides coordination and structure during an emergency, by bringing together staff expertise from across departments in a flexible and responsive organization structure to gather and analyze information and to support decision-making and resource management. All City employees serve as Disaster Service Workers which means that during an emergency, they must stay at work until released, if not at work must return to work unless instructed otherwise, and may have to perform tasks (e.g., in the EOC) that differ from their “normal” job. In the EOC many employees perform work analogous to their typical role, such as a City Attorney serving as a Legal Officer or the Public Information Officer leading the Joint Information Center. Others may be serving in roles that do not directly correspond to their regular work, such as Library Staff assisting with Food and Supply Distribution. An organization chart of the EOC from earlier this year is depicted on the following page (Figure 1 EOC Organization Chart, May 2020). Typically, the EOC consists of five major sections:

- **Management** is responsible for managing the workflow of the EOC, coordinating with outside agency representatives (e.g., Berkeley Unified School District, Alameda County, University of California), monitoring the safety of EOC activities, advising on legal matters, representing the EOC to the City Manager, and coordinating all external-facing communications via the **Joint Information Center (JIC)**. The JIC’s central role in communications focuses on information gathering and coordination, information dissemination, and direct response to queries.
- **Operations Support** holds different responsibilities depending on the nature of the emergency. With COVID-19, much of Operations Support is staffed with public health professionals and is focused on things like medical health, disease containment, and mass care.

Logistics: Behind the Scenes

The Logistics Section helps implement various activities of the EOC including quickly procuring and distributing needed items as well as providing transportation resources. During the response to COVID-19, some of this work included:

20+ supply pickups from Alameda County for healthcare providers and front-line staff.

Site support for multiple testing sites and respite sites.

Facilitating transport of vulnerable persons experiencing homelessness from shelters to the County’s Safer Ground and Operation Comfort programs.

- **Logistics** handles coordination and supports implementation of EOC objectives, for example, by quickly identifying and procuring resources.
- **Finance** is charged with tracking and reporting on the costs of response activities and coordinates the documentation required for cost recovery.
- **Plans and Intelligence** acts as the project managers for the emergency response, serves as a conduit to the departments, collects information, and produces Situation Reports. Situation Reports (also commonly referred to as Sit-Stats) document what the EOC has accomplished in a given period and provide for all branches a more detailed picture of operational activities and progress on objectives. For the COVID-19 response, to date, over 100 Situation Reports have been produced.

The work of the EOC also involves multiple collaborations with other Bay Area jurisdictions, and the State, as well as with U.C. Berkeley. For example, there are weekly meetings with U.C. Berkeley's Department of Emergency Management to share updates and discuss Health Officer Orders. Another example is "First 8". First 8 is a collaborative group consisting of U.C. Berkeley student leaders and staff, and City representatives from the City Manager's Office, Fire Department and Police Department. Traditionally, First 8 meets at the beginning of each fall semester to discuss any off campus issues and provide supportive materials to help students make safe and healthy decisions on and off campus. This year, because of the pandemic, the EOC and the 311 Customer Service joined with First 8 to discuss compliance with Health Officer Orders and answer questions about COVID-19 policies and best practices.



Figure 1 EOC Organization Chart, May 2020

Exercises, Trainings and Activations

Since its adoption, the City has used the EOP to perform exercises and trainings, and ultimately, engage in EOC/DOC activations as outlined below. By continuously modeling different scenarios, engaging in rigorous trainings, and participating in a variety of EOC activations, the City was well prepared to respond to the COVID-19 pandemic.

The City performed 27 EOC/DOC exercises in the two years preceding the COVID-19 pandemic as shown in the table below.

EXERCISES	
Title	Date(s)
Lawrence Berkeley National Lab (LBNL) Emergency Management Team Exercise	07/25/19 08/21/19
Shelter Drill (Urban Shield)	08/30/18
EOC Earthquake Exercise (Urban Shield)	09/06/18
EOC Activation Training (Urban Shield)	09/08/18
Haywired: Berkeley Fire Department Initial Response	04/15/18 04/16/18 04/18/18
Wildfire Evacuation Exercise	07/11/19 08/04/19 08/11/19 08/25/19
Moraga Country Club Evacuation Exercise	12/15/18
HHCS DOC- Chevron Point of Distribution (POD) Exercise with Contra Costa County	6/4/2018
HHCS DOC- Pick List Drill (Resupply POD boxes)	6/6/2018
HHCS DOC- Tabletop Exercise (TTX) Team A & B	6/13/2018
HHCS DOC- Local Receiving, Storage, and Staging (LRSS) Site Activation Drill	6/29/2018
HHCS DOC- Shelter Drill (Med/Health Side)	8/30/2019
HHCS DOC- Urban Shield Yellow Command*	9/6/2018

EXERCISES	
Title	Date(s)
HHCS DOC-Alameda County Statewide Medical and Health Exercise (SWMHE) TTX Exercise	10/2/2018
HHCS DOC- Marin County POD Exercise	10/11/2018
HHCS DOC- Pick List Drill (gather POD supplies)	11/9/2018
HHCS DOC-- SWMHE Mass Vaccination (Building Opportunities for Self Sufficiency [BOSS]-Multiagency Service Center [MASC])*	11/14/2018
HHCS DOC-- SWMHE Mass Vaccination (Good Shepard)*	11/16/2018
HHCS DOC- "Shaken Not Stirred" TTX (Team A & B)	5/15/2019
HHCS DOC-Alameda County SWMHE TTX Exercise	10/1/2019
HHCS DOC- Mass Vaccination Clinic Exercise (Harrison House)	10/16/2019
HHCS DOC- Mass Vaccination Clinic Exercise (Good Shepard Church)	10/18/2019
PW DOC - Information Flow within the DOC	2/1/18
PW DOC - Haywired Exercise	4/18/18
PW DOC - Earthquake Scenario	4/25/2019

In addition to performing and participating in the exercises listed above, the City offered EOC/DOC trainings to employees **56** times in the two years preceding the COVID-19 pandemic. The table below lists those trainings. The Office of Emergency Services had planned comprehensive ongoing training for 2020, but these trainings are on hold due to the COVID-19 EOC activation. However, the activation itself is providing excellent, hands-on learning opportunities for staff from every department.

TRAININGS	
Training Name	Date(s) Offered
Emergency Operations Plan Seminar	7/27/18 2/15/19
EOC Action Planning Essentials	8/23/18-8/24/18
Application of Advanced Individual Concepts in Emergency Management	10/29/18-11/2/18

TRAININGS	
Training Name	Date(s) Offered
Assessment of Teams in Professional Emergency Management	1/7/19-1/11/19
Contemporary Issues in the Emergency Management Organization	4/1/19-4/5/19
Advanced Concepts and Policy in the Emergency Management Profession	6/10/19-6/14/19
Mental Health Operations Center Support Activities	5/8/18-5/18/18
Command and General Staff-Complex Incidents Incident Command System (ICS) - 400	8/28/18-8/29/18
National Incident Management System (NIMS) Intrastate Mutual Aid Independent Study (IS) - 706	2/15/19
An Introduction to Exercises IS-120	11/9/18
Leadership and Influence IS-240	11/9/18
Effective Communication IS-242	2/14/19
Introduction to Community Emergency Response Teams IS-317	11/4/19
Basic Incident Command System for Initial Response IS-200	11/4/19
Fundamentals of Emergency Management IS-230	11/5/19
National Response Framework, an Introduction IS-800	11/7/19
NIMS Intrastate Mutual Aid - An Introduction IS-706	11/7/19
Emergency Planning IS-235	11/14/19
Developing and Managing Volunteers IS-244	11/22/19
Overview of Mass Care/Emergency Assistance IS-405	11/25/19
Natural Hazards Workshop	7/8/18-7/11/18
Mass Care-Emergency Assistance Planning & Operations	7/11/18-7/12/18
DOC Section Coordinators Debris Management	10/2/18
Disaster Response - EOC Communication Workshop	1/15/19
2 nd Annual Bay Area Mass Notification Seminar	5/2/19-5/4/19
HHCS DOC-- DOC Action Planning Workshop (Team A & B)	6/27/18
HHCS DOC Training Command, Ops, Logs, Plans, and Fin Staff	3/28/18
HHCS DOC- ICS 300	4/27/18

TRAININGS	
Training Name	Date(s) Offered
HHCS DOC- Medical Health Operations Center Course	5/7/18-5/8/18
HHCS DOC- Connecting Operations, Logistics, and Finance & Connection Operations and Plans	5/24/18
HHCS DOC-Marin County POD training	6/21/18
HHCS DOC-Bay Area- Supporting Medical Needs in Shelters #2	7/23/18
HHCS DOC- Disaster Healthcare Volunteer System Administration Training (webinar)	11/20/18
HHCS DOC- ICS 400	2/27/19
HHCS DOC- ICS 120	3/8/19
HHCS DOC-Hazard Vulnerability Analysis and Mitigation Workshop	6/6/19
HHCS DOC- Homeland Security Exercise and Evaluation Program (HSEEP) Workshop	6/10/19-6/11/19
HHCS DOC- DOC 101 Training	7/15/2019
HHCS DOC- Mass Vaccination Just-in-Time Training (JITT) for POD Workers	10/2/2019
HHCS DOC- Mass Vaccination JITT for POD Workers	10/4/2019
HHCS DOC- DOC 201 Training	12/12/2019
HHCS DOC- Biowatch Workshop	11/6/2019
PW DOC Section Chiefs Training	9/18/18
PW DOC Section Chiefs Debris Management	10/2/18
PW DOC Orientation, Section Specific Training	10/16/18
PW DOC Operations Section, Planning Section, Finance/Logistics Section specific training	11/6/18
PW DOC Forms Training	12/18/18
PW DOC Disaster Service Worker Training	1/15/19
Table Top Exercise Team B, Team A	1/29/19
Table Top Exercise - Team A transition to Team B Table Top Exercise - Team B transition to Team A	2/28/19

TRAININGS	
Training Name	Date(s) Offered
Table Top Section Training	4/11/19
DOC Orientation for new Staff	9/12/19
DOC New Plan Review	9/12/19
DOC - Section Coordinator Action Planning Training	10/24/19

Besides engaging in exercises and attending trainings, the City also gained hands-on experience with emergency operations in recent years. The City activated its EOC and/or a DOC twelve times in the two years preceding the COVID-19 pandemic as shown in the following table.

ACTIVATIONS		
Event Name	Activation Date	Level ²
HHCS DOC- 2018 Hepatitis A*	9/28/17- 5/7/18	Full
Hepatitis A	Oct 2017-Feb 2018	Situation Monitoring
August 5, 2018 Rally	8/5/18	Partial
McGee Trees	8/24/18	Partial
HHCS DOC- Salmonella	10/12/18-10/29/18	Full
Extreme Fire Weather	11/8/18	Situation Monitoring
HHCS DOC - Camp Fire	11/10/18-11/26/18	Situation Monitoring
HHCS DOC- Skilled Nursing Facility Flu Outbreak	2/1/19-2/11/19	Partial
Malcom X Mass Casualty Incident	4/18/19	Partial
HHCS DOC- 2019 Malcolm X 041819*	4/18/19-4/29/19	Partial
HHCS DOC- Measles 2019	5/13/19-5/23/19	Partial
PG&E PSPS	10/26/19	Partial

² Full/Partial/Situation Monitoring as defined in the EOP.

ACTIVATIONS		
Event Name	Activation Date	Level ²
Fire Weather Monitoring and PG&E Pubic Safety Power Shut Off (PSPS)	11/12/19	Situation Monitoring
PG&E PSPS	11/20/19	Partial
*Concurrent with EOC activation.		

BERKELEY SAFER-AT-HOME

Overview

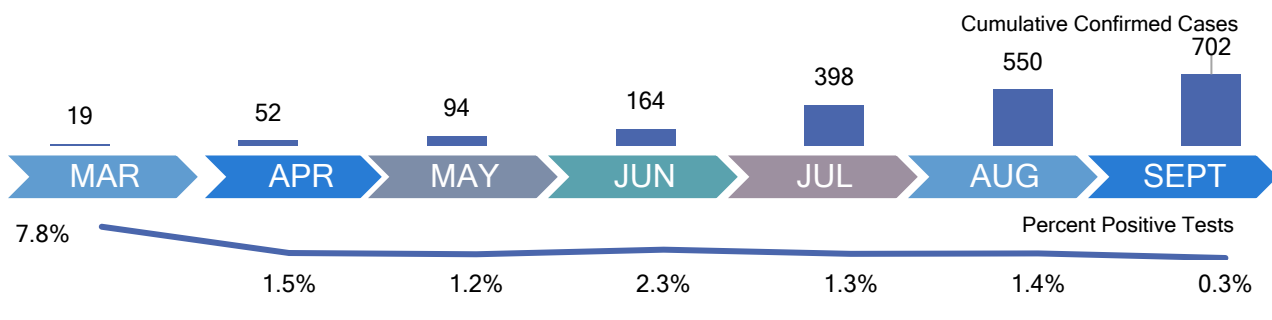
Aware of COVID-19 in late 2019, the City began monitoring the disease early. By March 2020, and the issuance of our Shelter in Place Order, the City had already activated the EOC and done much preparatory work. This section of the report highlights some of the excellent work of the EOC, focusing on major themes in the City's response to COVID-19. It also summarizes how our City departments engaged in COVID-19 related work, the effects on regular City operations, and the benefits and challenges that arose.

Major Themes of the Response

Throughout 2020 the City mobilized over 550 employees from every department, including the City Auditor's Office, the Library and the Rent Stabilization Board, to address the myriad impacts of the COVID-19 pandemic to public health and safety, our small businesses and economy, and our social well-being. Some particular efforts stand out as major themes of the response:

- COVID-19 Testing,
- Work with Vulnerable Populations,
- Public Information and Outreach,
- Business & Arts Support, and
- Cost Recovery.

The deep work of the City throughout this response, of course, goes beyond these major themes and is ongoing. The below timeline depicts Berkeley cumulative confirmed cases for the last day of each month and percent positive tests³ for the last week of each month to provide context to key decisions and milestones described in the following sections.⁴



³ Percent positive helps us understand how widespread COVID is in our community, as well as whether our testing is aligned with the level of transmission.

⁴ Case counts and percent positive test information from <https://www.cityofberkeley.info/covid19-data/>; source material <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/CaIREDIE.aspx>, <https://data.cityofberkeley.info/Health/COVID-19-Confirmed-Cases/xn6j-b766>, and <https://data.cityofberkeley.info/Health/COVID-19-All-Tests-Resulted-Weekly/mc9x-5kpz>.

COVID-19 Testing

Overview

Widely available, reliable COVID-19 testing with fast results is an important tool to constrain disease spread and open schools, businesses and public spaces. At the disease outset, testing was not widely available. The City partnered with U.C. Berkeley, which had quickly developed a COVID-19 diagnostic lab test. The City established one of the first dedicated COVID-19 test sites in the Bay Area in partnership with Lifelong Medical and U.C. Berkeley's Innovative Genomics Institute (IGI) Lab. Initially the site's focus was to provide immediate testing for first responders and essential services workers, so these groups would be able to continue their work to support the community. Expanding testing availability to people with symptoms, vulnerable populations, and then the general public followed. Testing, together with case investigation and contact tracing, has helped reduce disease transmission and understand more about how the disease is transmitted. Widespread testing that indicates a low percent positive rate informs our policies and allows us to relax some of our Health Officer Order restrictions when it is safe to do so. Following provision of a State-sponsored test site in early April 2020, the City developed a mobile testing unit, to increase equity and deploy tests to the most vulnerable (e.g., people in homeless shelters, in long term care and skilled nursing facilities, monolingual Latinx people). As the pandemic progressed and circumstances changed, private providers helped increase testing capacity. While City staff still support some testing, the partnerships forged by the City have allowed for fewer city staff to be deployed to support COVID-19 testing sites, freeing them to return to other critical tasks.

Key Activities & Decisions



- Determining how first responders, if exposed, could receive quick turnaround testing, which was not widely available at the time from private healthcare providers.
- Setting up a test site, staffed by City and Lifelong Medical employees with U.C. Berkeley providing test kits and lab analysis.
- Advocating strongly at the State level to locate an Optum test site in Berkeley to increase testing capacity.

When looking at reports of Berkeley tests, note that they include tests of any person who lives in Berkeley, even those tests conducted by a health care provider at a facility outside of Berkeley.

The **last week of April 2020** there were **391 tests** reported on Berkeley residents with a **1.5% positivity rate**.

By the **last week of July 2020** there were **3,077 tests** administered and a **1.3% positivity rate**.

- Working on increasing the number of contact tracers.

JUN-JUL

- Receiving confirmation of new State-sponsored testing site through Optum and beginning to test asymptomatic people.
- Bringing City mobile testing site to people with disabilities and to long term care and skilled nursing facilities.
- Meeting daily testing goals.
- Providing enforcement tools for Health Officer Orders, with the understanding that disease containment relies on compliance with public health recommendations and the City's ability to enforce those recommendations when necessary.
- Collaborating with Curative, Inc., to provide testing at a pop-up site, resulting in 500 people tested in ten hours.

AUG-SEP

- Partnering with Curative to further add testing capacity at the Berkeley Adult School.
- Developing a drive-through testing model, in partnership with Bay Area Rapid Transit (BART) and Curative to continue testing during days with poor Air Quality Index (AQI).⁵
- Discussing how to maintain equity during enforcement activities.

⁵ Wildfires created poor AQI throughout much of the western United States for a portion of the late summer and fall.

Work with Vulnerable Populations

Overview

With many unknowns about COVID-19, the public health response focused on strategies to limit transmission, such as staying at home, washing hands, minimizing interactions with people outside the household, and wearing face masks. For our vulnerable populations including people that are unhoused and for people living in “congregate” settings, such as long-term care facilities, skilled nursing facilities, or shelters, our goal was to provide public health guidelines, COVID-19 testing and supplies such as sanitizer and personal protective equipment (PPE) to make them as safe as possible. Additionally, those living in encampments suddenly did not have access to previously available hygiene opportunities when libraries, businesses and other facilities closed in late March 2020. Community donations of food and water to encampments ceased or dramatically dropped in many cases. Our response identified these gaps and sought to address them quickly. This included working to prevent COVID-19 transmission as well as redefining the City’s community support activities in the context of COVID-19.

Key Activities & Decisions



- Researching trailers and identifying protocols for using hotels as respite sites⁶, particularly since no State or county resource was available at the time.



- Issuing the first Shelter-in-Place Order, coordinated with the other nine Bay Area local health jurisdictions, triggering service changes to comply with the order, such as:
 - No longer utilizing community volunteers,
 - Closing public counters, recreation and senior centers, and
 - Transferring from in-person to on-phone senior wellness checks.
- Expanding Meals-on-Wheels delivery to accommodate more seniors staying at home and needing meal support.
- Providing guidance to community agency meal programs to shift to to-go meals.

⁶ A respite site is a place where people needing to isolate or quarantine can go and be in a non-congregate setting. Initially this was explored for first responders as well as those living in congregate settings and the unhoused.

- Extending shelter hours to 24/7 to minimize potential disease transmission associated with people going in and out of shelters at opening and closing.
 - Deploying handwashing stations and porta-potties throughout the community, to provide access to hygiene for people who are unhoused.
 - Distributing COVID-19 information and kits with sanitizer and face masks to encampments to increase awareness and compliance with COVID-19 health recommendations.
 - Pivoting from direct procurement of hotel rooms to partnering with Alameda County to use new State-provided Project Roomkey⁷ rooms to provide respite for vulnerable people unable to otherwise safely isolate or quarantine.
 - Purchasing eight trailers and procuring ten trailers from the State⁸ for vulnerable people unable to otherwise safely isolate.
 - Preparing a City-owned home at 1654 5th Street for use by vulnerable unhoused people unable to safely isolate.
 - Beginning decompression⁹ of shelters, focusing on those most vulnerable to significant health impacts from COVID-19, to create adequate physical distancing.
- By **March 7, 2020** the City distributed **250 COVID-19 kits to encampments**.
- On a typical day in **September 2020**, over **50 unhoused people** participated in the **shower program**.
- There are **77 port-a-potties** (48 are ADA-accessible) and **64 hand-washing stations** around the city.
- Conducting general wellness checks of persons who are unhoused to help support their health and connect them with services as needed.



APR

⁷ Project Roomkey is a statewide program to secure hotel rooms to provide isolation housing for those experiencing homelessness. In Alameda County, this consists of two programs: Operation Comfort (serving those who are homeless and have been exposed to, are experiencing symptoms of, or have COVID-19) and Operation Safer Ground (serving those who are homeless and over 65 years old or otherwise at high risk for COVID-19).

⁸ The City procured trailers free from the state as well as through grant funding. Trailer set-up and provision of services required mobilization of substantial time and staff resources.

⁹ Decompression is reducing the number of individuals in a facility like a shelter to ensure a facility can maintain physical distancing between beds. Initially, the City prepared the Young Adult Project (YAP) facility to act as additional shelter space to accommodate those displaced from other shelters due to decompression. Ultimately, YAP was not used as a shelter because the state set up Project Roomkey and the CDC updated guidance on isolation for the unhoused population.

- For our unhoused, delivering food and drinking water and installing spigots to address gaps in donated/available food and water.
- Pivoting to allow people to isolate at encampments instead of encouraging movement to a shelter, in response to updated CDC guidelines.
- Expanding the shower program to include a mobile shower program, adding hours of operation (Willard) and an additional location (West Campus), to increase access to hygiene for people who are unhoused.
- Continuing shelter decompression efforts, resulting in shelter testing and transporting individuals from Berkeley shelters to Alameda County's Safer Ground and Operation Comfort sites.

MAY

- Partnering with the Downtown Business Association (DBA) and local restaurants to provide meals to the unhoused population through Double Helping Hands. Double Helping Hands provided up to 4,000 meals from May 2020 through July 2020. The partnership has been extended through the end of October 2020.
- Verifying a staging site for pallet shelters and receiving pallet shelters.
- Partnering with Kaiser Permanente and Lifelong Medical on a pilot program for testing every resident and staff member in a skilled nursing facility.¹⁰
- Managing a COVID-19 outbreak at a Berkeley skilled nursing facility (Note: One positive case at a skilled nursing facility is considered an outbreak due to congregate conditions).

JUN-JUL

- Contracting with Berkeley Food and Housing Project to provide case management and other support services at locations established to provide housing to the unhoused:
 - Eight trailers at 1281 University Ave,
 - Ten trailers at 701 Harrison Street, and the
 - Single-family home at 1654 Fifth Street.

¹⁰ Per state requirements, the City has been working with each skilled nursing and long term care facility to build their internal testing capacity and readiness in order for them to provide their own testing capabilities at each facility as needed, using a third-party vendor. While these facilities built out and stood up their internal testing structure and operations, the City temporarily has provided the needed testing. As of October 1, 2020, all Berkeley skilled nursing and long term care facilities are completing in-house COVID testing and are self-sufficient in regards to on-going staff COVID testing and testing residents if/when there is an outbreak at their facility.

- Adding new respite sites through participation of Berkeley hotels in Operation Safer Ground.



AUG-SEP

- Working on strategies to help persons experiencing homelessness that are utilizing Operation Safer Ground to exit to longer term housing.
- Confirmation of new COVID-19 census at Berkeley shelters to ensure maximum occupancy while maintaining six foot distancing requirements and establishing enrollment timeline to reach new maximum census.
- Ongoing distribution of face coverings and hand sanitizer to unhoused populations by outreach teams.

Public Information and Outreach

Overview

After the initial Shelter in Place Health Officer Order, our lives dramatically changed. This included how we transmit and receive information. For the most part, public interaction and meetings went online. An important component of slowing the spread of COVID-19 and keeping our community safe is communicating how to do so. The City has been doing this in every way it can: working with our community-based organizations and the media; putting up posters, banners, and signs; and delivering messages online, in English and Spanish, through our website, social media, and news releases. These communications reinforce public health best practices and explain how they reduce the transmission of COVID-19.

Key Activities & Decisions



JAN-FEB

- Procuring translation services to create translations of public information messages, outreach materials, and Health Officer Orders, among other things.
- Establishing communications coordination with other Bay Area jurisdictions' public information officers and Berkeley Unified School District.
- Creating Persons Under Investigation¹¹ (PUI) handouts, describing when isolation is needed and protocols for close contacts.
- Issuing the first COVID-19 related news release, reaching approximately 30,000 contacts.
- Sending the first COVID-19 related health alert and guidance to schools.



MAR

- Establishing regular connections with the business community, with efforts to survey conditions on-the-ground and provide support services, as well as hosting regular calls and producing bi-weekly newsletters.
- Holding the City's first Town Hall, on Twitter, with the Health Officer about COVID-19.
- Developing an outreach plan and protocols for populations particularly vulnerable to COVID-19 (i.e., seniors, the unhoused).
- Setting up a COVID-19 webpage to consolidate all COVID-related information in a central and visible place.

¹¹ A person under investigation (PUI) is someone who has been in close contact with a person confirmed as having an infection and/or may have been to a place where there is an outbreak.

- Providing information on changes in services, policies, and event cancellations in relation to Health Officer Orders.

MAY

- Launching a COVID-19 dashboard to publicly provide information on case numbers, hospitalizations, and tests. The initial data and measures displayed grew over time as more information became available and reliable.
- Creating guidance documents relating to Health Officer Orders (e.g., protocols for groceries, restaurants and essential retail) and messages for particular groups, such as resources for seniors.
- Creating a COVID-19 email address to funnel, track, and quickly answer community questions and address concern.

APR

- Holding a Virtual Town Hall with Mayor Jesse Arreguín, City Manager Dee Williams-Ridley, and Health Officer Dr. Lisa Hernandez to answer questions related to Health Officer Orders.
- Launching new web-based COVID-19 data dashboard.

COVID-19 Communications By the Numbers

34 Webpages
 250 Service Alerts (on department webpages)
 52 Community Messages
 500+ Social Media Messages
 58 Council Updates
 200+ Outreach Materials (flyers, signage)

The reach of the City's public information and outreach has been substantial:

1.3 million views on community messages
 1.5 million visits to webpages
 2.7 million impressions on social media messages
 250,000 visits to the COVID-19 dashboard
 14,000 downloads of business signage
 2,000+ new social media followers
 45% increase in visits to the website

JUN-JUL

- Deploying COVID-19 signage in parks.
- Providing COVID-19 information to Latinx and African American populations.
- Holding Spanish-language Town Hall meeting with Latinx Unidos and Health Officer Dr. Lisa Hernandez.



- Publishing new Spanish-language webpage with COVID-19 resources.
- Deploying Public Works light-up sign near Willard Pool on Telegraph Avenue with COVID-19 messaging, including, “Wear a mask, keep 6 feet apart, avoid large groups.”
- Holding Latinx webinar and launching radio message campaign focusing on Latinx community.
- Working with the Mayor’s Office to support the “Mask-On to Move On” campaign with posters and banners.

Community messages are distributed through multiple platforms, including email, website, social media, media releases. Since January 2020 there have been close to 100 COVID-19 related community messages, with the first sent on January 28, 2020. To demonstrate the breadth of this work, the follow table shows community messages distributed in March 2020 and April 2020.

COMMUNITY MESSAGE	DATE
First COVID-19 Case in Berkeley is a Reminder to Prepare.	3/3
Prepare Your Household for Increased COVID-19 Spread	3/5
Prepare Your Business for a Potential COVID-19 Outbreak	3/9
As COVID-19 Cases Increase in Region, Health Officer Recommends Limiting Mass Gatherings	3/10
Increased “Community Spread” of COVID-19 Heightens Need for Social Distancing	3/13
With Berkeley Public Schools Closing, Social Distancing Remains Important to Limit Spread of COVID-19	3/13
Recreation Facilities, Programs Closed to Limit Spread of COVID-19	3/15
Seven Bay Area Jurisdictions Order Residents to Stay Home	3/16
Stay Home to Protect Our Community, Especially the Vulnerable	3/19
Some Parking Enforcement Suspended through April 7	3/20
Prepare Now to Care for Yourself, Family If Infected with COVID-19	3/23
Play Structures, Athletic Courts and Fields Closed to Enforce Social Distancing	3/24
Seven Bay Area Jurisdictions Order Laboratories Testing for COVID-19 to Report Testing Data to State and Local Authorities	3/24
Construction and Development During Shelter in Place	3/26

COMMUNITY MESSAGE	DATE
Firefighter with COVID-19, Reminder of Urgency to Shelter in Place	3/26
Donate Masks, Gloves, and Other Protective Equipment	3/27
COVID-19 Hardship Grants for Renters, Small Businesses, Arts and Nonprofit Orgs	3/30
Shelter-in-Place Order to Be Extended to May 1, 2020	3/30
Health Officers Extend, Update Stay-at-Home Order with New Restrictions through May 3, 2020	3/31
When Leaving Home, Cover Face to Limit COVID-19 Spread	4/2
New Restrictions on Allowed Construction	4/3
COVID-19 Renter Protections, Resources	4/6
City of Berkeley Opens COVID-19 Testing Site for Vulnerable Populations	4/7
Prepare Now to Care for Your Pets If You Become Ill	4/8
COVID-19 Kills Berkeley Resident	4/9
Extra Precautions, Local Resources to Help Keep Older Adults Safe	4/9
Access Land Use and Building Permit Services Remotely During Shelter in Place	4/10
Volunteer, Donate, and Share Your Stories to Make a Difference	4/13
Protect Your Mental Health: Managing Anxiety and Stress During COVID-19	4/14
Masks, Symptom Checks, and Temperature Screenings Now Required at Skilled Nursing and Residential Care Facilities	4/16
Face Coverings Now Required for Customers and Workers in Essential Businesses	4/17
Face Covering and Social Distancing Requirements for Businesses	4/20
Face Covering Requirements Start Wednesday	4/21
Help Protect Refuse and Recycling Workers	4/22
As Shelter-in-Place Continues, Some Parking Rules Remain	4/23
Seven Bay Area Health Officers Will Extend Shelter-in-Place Orders	4/27
Regional Shelter-in-Place Orders Extended as Some Rules Ease	4/29

Business & Arts Support

Overview

The COVID-19 pandemic immediately and dramatically impacted businesses and arts organizations throughout our community. Many businesses and arts organizations have closed; businesses that have been able to operate during the pandemic are struggling as they try and adapt to current conditions and comply with new regulations to keep customers and employees safe. From the outset of the pandemic, the City has provided support to businesses and arts organizations, connecting them to information, funding opportunities, and developing new regulatory pathways to do business outdoors along with delivering effective technical assistance to implement site specific protection plans and deploy functional outdoor commerce.

Early in the pandemic, the City helped connect businesses to financial assistance. This included the EOC's work to demonstrate widespread need for and coordinate access to federal Small Business Administration (SBA) loans and local Paycheck Protection Program (PPP) lenders. The Office of Economic Development also developed and managed the implementation of direct monetary grants to Berkeley's business and arts organizations; including the disbursement of [399 arts and business continuity grant awards](#) (see Office of Economic Development for additional details) in less than six weeks. Additionally, the City published reams of technical assistance in the [OED](#) and [Civic Arts newsletters](#) and consolidated and [published information germane to businesses](#) on the City's COVID -19 website, including resources for [commercial tenants](#).

In order to demonstrate local businesses' unmet financial needs to State and federal funders, the EOC coordinated an intensive information-gathering effort to assess COVID-19 impacts on local business operations. Research included observing conditions on the ground in the City's nine larger commercial districts and smaller neighborhood commercial districts; direct phone outreach to over 800 businesses without an email address on file; and facilitating Berkeley's strong participation in a [regional survey regarding business impacts](#).

Many businesses have had to alter their operations to stay open during the pandemic. In support, city agencies worked through the EOC structure to quickly establish a regulatory pathway and technical assistance to help businesses pivot to an [outdoor commerce](#) model.

Key Activities & Decisions



MAR

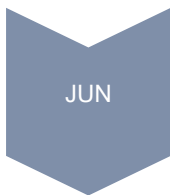
- Staffing an EOC Business Liaison to work with, support, and communicate information to and from the business community, in close coordination with the JIC and the Office of Economic Development (OED) throughout the pandemic.
- Providing responsive information and proactive outreach to businesses about available resources, including:
 - Helping businesses to navigate implementation of Health Officer Orders, such as mask compliance and associated ADA issues.
 - Reaching out to individual businesses to provide direct education in response to complaints.
- Collecting and processing over 300 damage inventory forms from businesses to demonstrate the widespread impact from COVID-19; this work made Alameda County one of the first qualified for COVID-19 SBA loans.
- Working with SBA and Paycheck Protection Program (PPP) plans to survey local lenders and provide that information to businesses, in conjunction with our partners at the Berkeley Chamber of Commerce and in the business districts.
- Developing the Business Arts and Continuity Grant program after City Council passed an urgency funding ordinance on March 17, 2020.



APR-MAY

- Bolstering business outreach capacity by establishing the COVID-19 Emergency Business Outreach Team (EBOT) staffed with disaster service workers, in order to quickly assess the impact of COVID-19 on business operations.
 - Performing Commercial District Closure surveys in Berkeley's nine commercial districts to directly assess whether businesses were closed, open, or had pivoted operations during the pandemic.
 - Reaching out to 4,000+ holders of Berkeley Businesses Licenses in order to (1) encourage Berkeley businesses to fill out the East Bay Economic Development Alliance (EDA) regional business impact survey and (2) to offer OED resources to the business owners. Outreach included direct phone calls to 804 individual Berkeley companies without email addresses.

- This dedicated outreach ensured Berkeley's representation in this regional survey. Berkeley's 561 responses comprised over 29 percent of the total, which included Alameda and Contra Costa counties. This level of response positions our City as a leader in the field for providing technical assistance to businesses and will help Berkeley effectively advocate for regional and State business recovery resources.
 - Assessing whether businesses had requested reduced trash and recycling service as a result of the pandemic, at the request of the City's Zero Waste division.



- Partnering with UC Berkeley to use students to analyze Economic Development Association (EDA) Survey data.
- Developing an Urgency Ordinance, approved by Council, to facilitate businesses' pivot to outdoor commerce. The ordinance expanded the range of allowed outdoor activities on both public and private property and streamlined the permitting processes. Additionally, the permitting process temporarily waived fees to make outdoor commerce more accessible to small businesses.
- Preparing immediately-available guidance on how to use an outdoor commerce model, through collaboration across departments and the EOC (Office of Economic Development, Public Works, Planning, City Attorney's Office, and the EOC Business Liaison).
- Providing support for permit applications for outdoor commerce.
- Partnering with local employers and the City's mobile testing unit to develop group testing options for Berkeley businesses and their employees.
- Providing free onsite group testing for employees in high-exposure sectors (e.g., grocery store employees, and daycare/camp staff).
- Developing a Worksite Exposure Toolkit with the EOC's Communicable Disease Unit. The toolkit helps employers prevent and prepare for a worksite COVID-19 exposure by providing tools to create a site-specific protection plan to protect staff and customers from COVID-19, as well as education on the employer's role in the contact investigation and reporting process.

JUL

- Garnering approval for SBA loans for businesses throughout Alameda County that suffered damages due to Civil Unrest. This was made possible by the Berkeley Library, OED, and Police Department, working through the EOC structure. In order to qualify for these funds, Alameda County had to provide damage information. Disaster Service Workers working in the Berkeley EOC worked with the Police Department to identify and gather information from impacted businesses in Berkeley. Without Berkeley's contributions, the entire County would not have qualified, leaving businesses in Berkeley, Oakland, San Leandro and other cities without any access to federal funding assistance.

AUG-SEP

- Publishing technical assistance and providing pathways to pro bono resources for [commercial tenants](#).

Cost Recovery

Overview

Financial management is a crucial effort of any disaster response, and the financial impacts of a disaster are generally felt long after the initial emergency is resolved. When COVID-19 was declared a nationwide emergency on March 13, 2020, the City of Berkeley became eligible to apply for reimbursement of response costs from FEMA's Public Assistance (PA) Program. "Cost recovery" refers to the City's work to seek reimbursement through this program.

The City began preparing to use the FEMA PA program in 2016, when the Office of Emergency Services (OES) led a Citywide Cost Recovery training and planning effort to identify necessary policies, tools, and procedures that would help maximize reimbursement. Thanks to that planning, staff understood early on in the COVID-19 response the magnitude of challenges the program presents for applicants.





FEMA PA requires meticulous documentation and navigating a variety of complex regulatory environments. Rules often aren't enforced until post-award audit. Because the COVID-19 pandemic is unlike any disaster that FEMA has experienced, the State and FEMA have been altering many of their normal practices and longstanding rules for reimbursement eligibility and process as the pandemic wears on.

In March 2020, the EOC established a multidisciplinary Cost Recovery team. This group monitored the constantly changing FEMA rules through multiple meetings with State and federal representatives, participation on many webinars hosted by cost recovery experts, reviewing newly-published guidance documents, and consulting with peer agencies to review best practices. The team applied the information it acquired to educate EOC and department staff on processes to ensure that COVID-19 expenditures were tracked throughout the response. Per that team's recommendation given the complexity of the FEMA reimbursement process, in June 2020, the City entered into contract with a cost recovery consulting firm that has helped guide the City's efforts in this ever-changing regulatory landscape.

Currently, the Cost Recovery team is working closely with staff in every department and with its contractor to gather detailed documentation to oversee, monitor, and report on COVID-19

expenses and to develop FEMA PA reimbursement applications. This effort will continue along with the pandemic, and due to the iterative process of FEMA PA applications, is likely to last for a year, if not more, after FEMA considers the pandemic emergency period to be over.

Key Activities & Decisions

- 
- 
 - Establishing special COVID-19 budget codes to track personnel costs and other expenditures in anticipation of FEMA PA Program activation.
 - Up-staffing the Cost Recovery function in two areas:
 - EOC Cost Recovery Unit to strategize approach to using FEMA PA program in concert with CARES Act and other new/existing COVID-19 revenue streams.
 - EOC Time Unit to coordinate the effort to capture, track, and analyze staff time for FEMA PA.
 - Establishing COVID-19 specific time tracking procedures and forms for staff, Department Time Leads, and the EOC Time Unit to coordinate FEMA PA requirements.
 - Providing strategic advice to EOC and department staff regarding which costs may be eligible for FEMA reimbursement, as well as technical support to ensure staff use appropriate procedures and collect necessary documentation to facilitate the reimbursement process.
 - Working with each department to assess COVID-19 related expenditures, ensuring they are tracked and documented in accordance with FEMA PA requirements.
 - 
 - Up-staffing cost recovery function with assigned Time Leads within each department, in order to manage increased documentation needs for time tracking.
 - Finalizing Disaster Purchasing Policy that aligns with federal procurement standards in order to maximize likelihood of FEMA reimbursement for eligible COVID expenditures.
 - 
 - Establishing Disaster Time Coding Policy in order to ensure that disaster-related personnel costs are accurately reflected for FEMA PA.
 - Updating timecard retention policy to ensure that the City retains documentation for FEMA PA Audit.
 - Developed methodology to centrally track all COVID-19 related expenditures; performed a preliminary assessment on potential funding streams/reimbursement sources for each expenditure.

JUN-JUL

- Contracting with a Cost Recovery consulting firm to guide the FEMA PA strategy and reimbursement submittal process.
- Working with cost recovery firm to develop FEMA PA project applications for eligible COVID-19 response costs.
- Receiving significant grant resources from the State and from the CARES Act to address the pandemic, the Cost Recovery Team worked with departments to ensure funds were strategically deployed to support COVID response activities.

AUG-SEP

- Redeploying 3 of 7 Cost Recovery team members to accommodate department and EOC support needs, without reduction in cost recovery workload.
- Developing Coronavirus Relief Fund strategy to allocate funds received from the State to expenses not eligible for reimbursement under FEMA, in order to maximize the City's reimbursement potential.

Organizational Impacts

Mobilizing a response to an emergency is a daunting endeavor as it requires employees to come together and set aside their fears in order to protect the health and welfare of the community. For this emergency, especially in the early days, there has been so much that is unknown and uncertain - How pervasive is the virus? How can it be transmitted? What happens if an employee contracts the virus? Will I get members of my family sick? How do I balance the demands of being a disaster service worker with the challenges faced at home and personal obligations? City employees and community members have grappled with these concerns and challenges. Many people are fearful of the disease, of its impacts on our economy, and what the future holds. This is the context within which all of us are living and working.

Employees in every department have experienced challenges as they work to implement Health Officer Orders and social distancing in their own lives and work. They juggle job duties, providing remote schooling to their children, and caring for ill family members. Many have struggled without sufficient internet bandwidth or not having access to ergonomics when working from home. All are trying to maintain high quality services for the community while also responding to the pandemic and following Health Officer Order protocols.

Even within that context, the City was still able to accomplish many things. In terms of benefits, our organization developed new or enhanced programs and strategies in response to COVID-19. From the start of the pandemic, our departments quickly “pivoted” their operations, often resulting in efficiencies and implementation of protocols to keep employees safe. However, there are also challenges. Departments were challenged to find ways to both address the effects of the pandemic on the services they provide and how they provide those services, as well as how to continue those operations with “fewer” staff (see Figure 2 Reported Hours Worked on COVID-19 Response). Every department deployed employees to support the COVID-19 response as Disaster Service Workers, whether in the EOC or in another COVID-19 response function within their department.

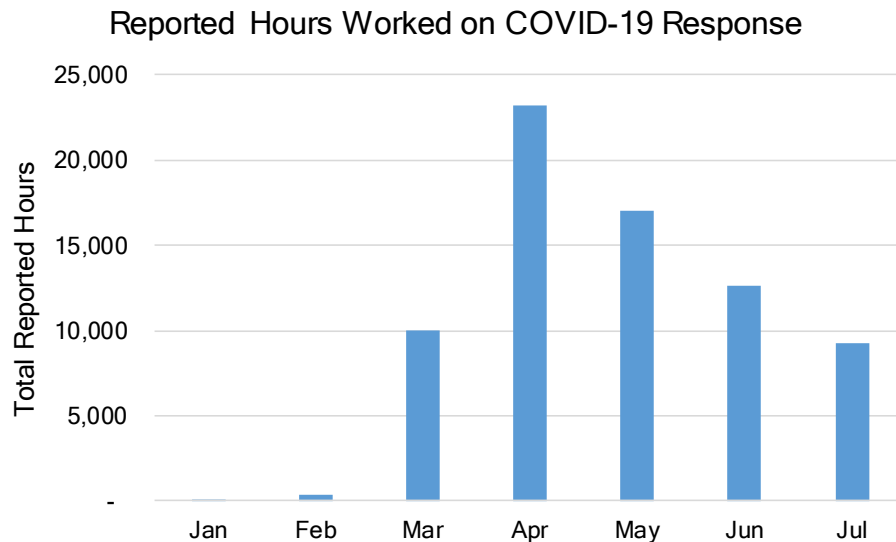


Figure 2 Reported Hours Worked on COVID-19 Response

For the following sections of the report, each department briefly describes some of the various organizational impacts they have experienced during the pandemic. The below table and Figure 2 above illustrate the scale of the staff response, as reported on timesheets.¹² Historically, employees tend to underreport their emergency response efforts as they either forget to appropriately code the time or they don't associate a given activity as being "officially" related to the emergency.

Table 1 Staff Mobilized for COVID-19 Response

Staff Mobilized for COVID-19 Response	
Department	Staff Mobilized¹³
City Attorney	8 employees
City Auditor	4 employees
City Clerk	8 employees
City Manager	23 employees
Finance	5 employees
Fire	58 employees
Health, Housing, and Community Services	78 employees
Human Resources	5 employees

¹² This data only includes hours coded on timesheets with the project code 20EM08. Instructions to code COVID-19 response hours were not widely disseminated until April, so the hours recorded in early months may be an undercount. Additionally, the data does not include "overtime" hours worked by exempt employees. Exempt employees are not eligible for overtime and any "overtime" they work is not tracked.

¹³ "Staff Mobilized" is the number of employees that reported working at least one hour on COVID response between January and September.

Staff Mobilized for COVID-19 Response	
Department	Staff Mobilized¹³
Information Technology	38 employees
Library	56 employees
Parks, Recreation and Waterfront	96 employees
Planning & Development	45 employees
Police	84 employees
Police Review Commission	1 employee
Public Works	44 employees
Rent Stabilization Board	1 employee

Lessons Learned

During the emergency response, the City has instituted a number of new or different practices, as highlighted throughout the report. The City may want to consider keeping some of these beneficial practices, even after the emergency has passed:

Accelerating adoption of new technologies. Acquiring and integrating new technologies that enable online transactions and effective information sharing has been key. This pandemic magnified the impacts of having older technology systems. For example, the City's website has been a challenging piece of technology to keep up to date. The pandemic provides a new lens in which to look at our digital strategic plan and incorporate technologies that allow for secure online business transactions.

Supporting telecommuting. Prior to the pandemic, the City allowed limited telecommuting / telework to employees. However, the pandemic has shown that the workforce was able to successfully transition to working remotely. Continuing to support telecommuting would be an effective practice to reduce greenhouse gas emissions, provide flexibility to our employees, and promote a safe working environment, especially for work groups whose physical work spaces in the City are cramped.

Prioritizing consistent and frequent Senior Leadership Team (SLT) meetings. In the very early stages of the Shelter-in-Place order, the SLT (i.e., the City Manager, Deputy City Managers, Department Heads, Assistant to the City Managers, City Auditor, Executive Director of the Rent Board, and Executive Director of the Library) met three days per week for many months. This eventually transitioned to a weekly meeting. These meetings have proven invaluable for learning the challenges faced by each department in responding to the pandemic, sharing information about the City's response to the pandemic, and discussing best practices. Over time, these meetings also have been instrumental in providing a forum to discuss new initiatives and projects that impact the community or organization.

Providing diversity, equity, and inclusion training. Over the years, the City has provided diversity, equity, and inclusion training to its employees. The City holds itself to a high standard and strives for a workforce that is diverse. The impact of this training was evidenced by the immediate application of an equity lens to many of the City's COVID-19 responses (e.g., how Berkeley Relief Fund monies were awarded). Additionally, the EOC is an opportunity for employees that may otherwise never work together to collaborate around a unified mission. Despite the common focus, each department has its own culture and ways of getting things done. Also, every individual is unique in how they communicate, receive direction, and work. The organization prepares employees to thrive in the EOC by continuing to provide, value, and reinforce the importance of training centered on diversity, equity, and inclusion.

City Attorney

The City Attorney’s Office continued its routine legal work throughout the past year and contributed substantially to the City’s COVID-19 response. The City Attorney’s Office routine legal work includes defending cases and claims, processing Public Records Act (PRA) requests, providing services to clients (City Council, City Manager, City Departments, and City Commissions), staffing the Fair Campaign Practices Commission, and addressing election and redistricting issues.

The contributions of the City Attorney’s Office are summarized in the following table.

CITY ATTORNEY’S OFFICE CONTRIBUTIONS TO COVID-19 RESPONSE	
HEALTH OFFICER ORDERS	
<ul style="list-style-type: none"> • Developing and reviewing various Health Officer Orders. Every order was initially coordinated with six other jurisdictions, and the City Attorney’s Office took the lead for the City, developing language, coordinating, finalizing, reviewing press releases, etc. • Advising staff and members of the public regarding implementation of Health Officer Orders (i.e., answered thousands of questions and reviewed or drafted thousands of emails in response to questions). • Advising staff on the following: <ul style="list-style-type: none"> ◦ Implications of Health Officer Orders on essential construction projects, and ◦ Enforcement of Health Officer Orders. 	
ORDINANCES	
<ul style="list-style-type: none"> • Assisting in the drafting and revision of the COVID-19 Emergency Response Ordinance and subsequent amendments. • Developing a COVID-19 Response Ordinance to halt potential evictions and other adverse actions at the onset of the pandemic. • Developing an ordinance and policy for civil enforcement of Health Officer Orders. • Helping develop an ordinance requiring delivery apps to cap the fees they charge restaurants at 20 percent to help small businesses impacted by COVID-19. • Providing legal review of the outdoor commerce ordinance. 	

CITY ATTORNEY'S OFFICE CONTRIBUTIONS TO COVID-19 RESPONSE

- Advising Health, Housing and Community Services Department staff and a City Council Policy Committee regarding AB3088's impacts on the COVID-19 Emergency Response Ordinance.
- Advising staff regarding the COVID-19 Emergency Response Ordinance, including related issues of lease termination or renegotiation for small businesses.
- Advising the EOC Joint Information Center (JIC) regarding public communications about the COVID-19 Emergency Response Ordinance.

FINANCIAL & COST RECOVERY

- Preparing a FEMA-compliant contract boilerplate for the City's Disaster Procurement Policy.
- Reviewing, revising, and drafting various contracts and memorandums of understanding related to COVID-19 Case Investigation and Contact Tracing and other sources of COVID-19 related funding.
- Developing and working on project spreadsheets for FEMA reimbursement, as well as gathering and organizing details for every COVID-19 related expense from interviews and documentation collected.
- Gathering, centralizing and reviewing COVID-19 documents required for FEMA Reimbursement.
- Advising staff regarding FEMA cost recovery.
- Holding interviews with EOC staff and staff from different departments to help identify FEMA-reimbursable expenses and to obtain justification as to why each expenditure was necessary in relation to the pandemic.
- Providing a detailed review of the City's COVID-19 related expenses.
- Reviewing and verifying 214 FEMA forms.

GENERAL

- Advising EOC staff regarding contracting, privacy, and other legal issues.
- Advising staff on implementation of the Healthy Streets Program.
- Advising staff on the Respite Sites Program.

CITY ATTORNEY'S OFFICE CONTRIBUTIONS TO COVID-19 RESPONSE

- Advising the Health Officer regarding the publication of COVID-19 demographic data.
- Assessing and providing advice regarding best practices for compliance with the Brown Act and Public Records Act during COVID-related City office closures.
- Defending a Harassment Restraining Order Petition against Health Officer (petitioner sought relief from Shelter-in-Place Order).
- Fielding Public Records Act requests related to City's COVID-19 response.
- Providing advice about City Health Officer scope of powers in responding to COVID-19.
- Researching and providing advice for Health Officer regarding genomic tracing of City test specimens.
- Researching emergency proclamation legal authority and requirements and drafting the COVID-19 emergency proclamation and subsequent reauthorization Council resolutions.
- Researching protections for small business owners who personally guaranteed the business' rent obligation.
- Reviewing and providing advice regarding the Governor's orders related to open meetings and other requirements.

City Auditor

The City Auditor's Office houses both performance auditors and the payroll unit ("payroll audit"). The Office was impacted early in the pandemic because there was lag before they were able to telecommute, which in turn slowed down their ability to conduct audits and to process payroll. Despite these early difficulties, the City Auditor's Office was able to innovate and contribute strongly to the City's COVID-19 response.

Payroll Audit

At the start of the pandemic, the City was still using paper time sheets. The Payroll Audit unit worked closely with the Human Resources Department (HR) to design electronic timesheets and leave of absence forms, and communicate the new process to employees. Designing the new timesheet allowed employees to report their hours electronically every two weeks, regardless of where they were working. Additionally, Payroll Audit worked with HR to obtain and install plexiglass at the payroll counter to reduce the possibility of COVID-19 transmission. Payroll auditors have also provided key reports and documentation to support the City's FEMA cost recovery work.

Performance Audit

During the first few months of the emergency, the Auditor paused several audits and follow-up on recommendations to enable staff the flexibility to serve in the EOC Cost Recovery Unit.

Part of their contributions included:

- Drafting or updating policies and procedures to better align City processes with the requirements of federal and State emergency funds, such as FEMA Public Assistance, and
- Obtaining and evaluating supporting documentation for federal and State reimbursement.

While deploying staff to the EOC decreased the unit's capacity to do core performance audits, the City Auditor felt it was important to provide support and expertise to the City's cost recovery effort. At the same time, performance auditors produced a COVID-19 budget report to assist in educating the public and Council about COVID-19's financial impacts on the budget.

City Clerk

COVID-19 did not slow down the legislative process—only one City Council meeting was cancelled due to the pandemic. As soon as telecommuting was enabled, the City Clerk's Office was able to fully function as a department and began to administer the candidate nomination protocols for the November 2020 election. Through strict adherence to public health and safety protocols and expanded use of video-conferencing tools (e.g., Zoom), the City Clerk's Office was able to successfully accommodate over 80 candidate appointments, as well as 20 appointments for filing ballot measure arguments.

The pandemic created challenges for the City Clerk's Office to maintain operations. The building where they are located, 2180 Milvia Street, was closed to the public. This means the Clerk's Office has not been able to fully serve the public in the manner to which the community had become accustomed. As a public-facing department that often fields in-person inquiries, the City Clerk's Office had to pivot to rely on electronic methods to fill the gap created by COVID-19.

Another challenge the City Clerk's Office faced was in relation to its redistricting commission work. The City Clerk's Office had planned a robust person-to-person public outreach campaign to encourage members of the community to submit applications for the new Independent Redistricting Commission. To transform this plan in response to the pandemic, staff quickly moved to an enhanced digital outreach campaign to work through community networks and reassigned outreach dollars to online and print advertising in local media outlets. The campaign proved successful with the City receiving over 140 applications for the commission by the October 9 deadline.

Besides daily operations, the City Clerk's Office also contributed almost half of its employees to supporting COVID-19 response operations in the EOC. These employees served in roles, including EOC Logistics, Timekeeping, and the Joint Information Center. The City Clerk's Office was initially able to maintain its operations even with the staff reassignments. However, the City Clerk eventually had to demobilize staff from their Disaster Service Work assignments in order to handle increased workload due to 2020 being an election year.

City Manager's Office

In addition to providing policy and strategic direction to City departments, the City Manager's Office contains a variety of units, including Animal Services, the Budget Office, Neighborhood Services, Code Enforcement, Berkeley's 2020 Vision, and the Office of Economic Development. It also leads the City's work on the 2020 U.S. Census.

Animal Services

In response to the COVID-19 pandemic, the animal shelter has effectively transitioned to a fostering model rather than housing animals primarily at the shelter. Additionally, the Animal Service Unit has adapted their work to a community-based approach to support the animal-human bond, keep people and pets together, and prevent animals from ever entering the shelter.

Budget Office

The Budget Office is a small, but crucial unit. One of its most senior staff has been fully deployed to the EOC while also maintaining all normal operational work. This employee's role has been to work with a team to develop a system of cost reimbursement for the City's COVID-19 expenditures as well as establishing project codes for tracking employee time and purchases related to COVID-19. In general, while developing the Fiscal Year (FY) 21 budget update in collaboration with all departments, the Budget Office has worked under a more intensive and significantly reduced time line. Budget employees are exempt and throughout this period have routinely been working long days and late nights to update the budget over a very condensed time period. In terms of operational pivots associated with COVID-19, the majority of Budget Office employees were able to rapidly adapt to work from home. Working remotely allowed Budget Office employees with school-aged children the flexibility to address their families' needs and complete work assignments. For example, with 24 hour access to City systems, employees could work, safely from home, even in the middle of the night. Additionally, employees found they could put in more hours because working from home eliminated commute time. The Budget Manager initiated daily team meetings via Zoom to allow all budget employees to keep in contact and quickly address any major concerns.

Public Information Officer

The Public Information Officer (PIO) handles all external City communications, including the website and social media, as well as media inquiries. This role is handled by only two staff,

the PIO and a Digital Communications Coordinator, and both have been fully deployed to the EOC throughout the pandemic. While working in the EOC JIC, as described earlier in this report, they have greatly improved the City's communications in many ways, including:

- Implementing a new communications structure Citywide,
- Maintaining communication standards that prioritize giving people the information they need to take action, using simple language and graphics,
- Creating and maintaining a central COVID-19 webpage,
- Initiating virtual town halls, first on Twitter, then on Zoom, and
- Launching a COVID-19 data dashboard.

However, this focus on COVID-19 related public information has resulted in some challenges, such as a reduced ability to:

- Communicate about important non-emergency City programs and initiatives in a timely manner,
- Provide technical support for digital platforms, including digital accessibility/ADA compliance, website posting, email newsletters, and Berkeley Considers (online public forum), and
- Assist departments in creating communication and public engagement plans.

Neighborhood Services

At the beginning of 2020, Neighborhood Services consisted of only two positions, one of which was vacant at the onset of the pandemic. Due to budget constraints, one position remains unfilled. This staffing gap has significantly impacted the unit's ability to provide baseline services¹⁴ and respond to the community's needs. Despite this, the remaining employee in the unit has contributed to the City's COVID-19 response, responding to Outdoor Commerce permit requests and managing the City's hand-washing stations' and portable toilet locations' service and maintenance. Other work the unit has taken on during the pandemic, includes coordinating multiple weekly citywide encampment clean-ups with the Public Works and Parks, Recreation and Waterfront Departments and working on City policy regarding people experiencing homelessness.

¹⁴ Typical functions of Neighborhood Services include special events permitting (suspended during the pandemic), community response, and 311 call case management.

During the past year, the City's pilot program Homeless Outreach and Treatment Team (HOTT) transitioned to a closed case management model (i.e., maintaining services to people experiencing homelessness in Berkeley only if they already have an assigned case manager). To fill the gap this created, the City transitioned a position from another department into the Neighborhood Services Unit and expanded the unit's work to include citywide homeless outreach services.

Code Enforcement

Through their position in the City Manager's Office, Code Enforcement staff have been coordinating closely with the EOC to implement a new urgency ordinance enforcing public Health Officer Orders. This new area of responsibility has significantly increased the unit's workload, initially in development of this new multi-departmental policy and then in response to added calls for service for an array of Health Officer Order violations. Early estimates are that COVID-19 enforcement has created more than one full-time equivalent (FTE)¹⁵ of work and an estimated five to seven new cases are generated per week. This work is considered high priority and Code Enforcement has established a one business day response time goal. Consequently, the unit's response time has increased for other Code Enforcement work, from three to five business days to seven to ten business days. Additionally, Code Enforcement is assisting the City's Building and Safety inspectors with investigation of reported violations of COVID-19 protocols specific to construction sites, resulting in approximately one to three new cases a week. With these additional responsibilities, some Code Enforcement work has been suspended, including shared sidewalk policy operations.

Berkeley's 2020 Vision

The Berkeley's 2020 Vision unit consists of two employees, both of whom contributed to COVID-19 response work. One employee is filling the EOC role of School/Childcare liaison. While this has significantly impacted the unit's ability to move ahead on previously planned work, serving in this EOC role is an opportunity to deepen the Berkeley's 2020 Vision initiative's relationship with its core partner, Berkeley Unified School District (BUSD). The other employee supported the Office of Economic Development's review process for Small Business Grants (itself a response to COVID-19).

¹⁵ An FTE is a unit used to measure the amount of work of one full-time employee.

In addition to contributing to the COVID-19 response, Berkeley's 2020 Vision continued some of its regular work. The unit partnered with BUSD and Berkeley Community College to present a summer "Accelerate to Berkeley High School!" virtual program. It also partnered with BUSD to host a series of African-American Family/Principal Learning Circles. This year was to be a milestone year for Berkeley's 2020 Vision, involving a number of events, evaluation, and data analysis. With the pandemic, the milestone work has been suspended. At the same time, the many partners involved with Berkeley's 2020 Vision have been significantly impacted by the pandemic. This has caused programming, activities and in-person schooling to be suspended; standardized tests, which produce data to monitor student outcomes, to be canceled; and industries such as the childcare industry to be hobbled because steps to reduce transmission risk create financially unsustainable business models. Community agency partners have had to significantly shift in order to continue to provide services in a virtual environment. Berkeley 2020 Vision staff have worked hard to help agencies to reconceptualize their work in alignment with the initiative's goals.

2020 U.S. Census

The City began its work to support a full Census count in 2019. At the time, part of the plan included hiring two interns to conduct education and outreach. Due to COVID-19 related budget impacts, it was no longer feasible to hire interns. Instead, the City was creative in utilizing existing staff to support the work.

Nationally, the U.S. Census was completely disrupted by the pandemic. Locally, one of our hardest-to-count populations, college students, left Berkeley en-masse in mid-March 2020, when the U.C. Berkeley campus closed and the community began to shelter-in-place. This was at precisely the same time as Census enumeration was beginning. Many of these students still have not returned to Berkeley, with many classes exclusively offered remotely (i.e., online). The Census count remains ongoing until October 31, 2020, but as of early October 2020 campus adjacent census tracts are reporting 20.4 percent lower response rates than non-campus adjacent census tracts in Berkeley.

All traditional methods of in-person outreach (including a Census enumeration celebratory special event), and City-hosted community enumeration locations were canceled for the duration of the enumeration due to shelter-in-place guidance and the closure of public buildings to the public. At the federal level, non-response follow-up was significantly delayed,

then took place in a compressed timeline. Similarly, other methods of enumeration (group quarters, transient non-sheltered outdoor count, etc.) were delayed, compressed, and reduced.

Office of Economic Development

COVID-19 has had a devastating impact on the local economy. In response, the Office of Economic Development (OED) both deployed staff to the EOC (i.e., serving as the Business Liaison) and shifted its focus to support businesses and non-profits as they grappled with having to close or transition to new ways of conducting business, an extraordinary loss of income, as well as implementation of Health Officer Orders and new laws and regulations at the federal, state and local level. Having an OED employee serve as Business Liaison helped with coordination of work and ensuring that goals and messages were consistently communicated. It also led to better connections and collaboration with other departments, resulting in

- Expanding OED's program reach with temporary staffing through Disaster Service Workers to create the Emergency Business Outreach Team.
- Addressing businesses' particular questions about compliance with Health Officer Orders by partnering with the City Attorney's Office and the Health, Housing and Community Services Department.
- Reviewing and awarding business and arts continuity grants quickly by receiving assistance from staff in other departments.

Besides strengthening relationships and collaborations across departments, OED was also able to continue its regular operational work, including

- Continuing regular meetings with business district networks and industry clusters.
- Continuing to publish [weekly newsletter](#) for over 2,000 business community subscribers, covering new Health Officer Orders, resources for businesses, City Council agenda items, funding sources and other opportunities.

At the same time, OED developed new and enhanced programs and strategies in response to COVID-19, including:

- Designing and implementing a Business and Arts Continuity Grant program, equitably allocating \$2 million to COVID-19 continuity grants for small business and arts organizations.

- Coordinating with the Mayor’s office and community leaders to supplement the \$2 million City Council allocation with private donations raised through the Berkeley Relief Fund.
- Conducting a robust outreach campaign, with support from Councilmembers’ offices, resulting in 1,100+ Business and Arts Organization Continuity Grant Program applications.
- Within 3 weeks, completing review of all 1,100+ applications and announcing awardees.
- Distributing \$2,624,541 in funds to Berkeley businesses and arts organizations impacted by COVID-19:
 - \$1.7 million went to 700 small businesses including restaurants, retail, and personal services.
 - \$954k went to 63 arts organizations including community arts, literary arts, performing arts, and visual arts.
- Partnering with the Chamber of Commerce to develop and offer:
 - Business Education Workshops on topics ranging from e-commerce to stress reduction.
 - Business Forums on Outbreak Responses.
 - An online [COVID-19 Resource Hub](#) with information on a variety of topics (e.g. Financial Resources, Working from Home, Reopening Your Business, Labor & Employment, etc.).
- Partnering with the Vice Mayor to hold nine distinct [listening sessions](#) with industry sectors to inform City staff’s development of plans and protocols for partial and full reopening protocols for all of the following industries: food and beverage, retail, arts and culture, personal services (e.g. hair salons, tattoo artists, and massage therapists), fitness, sustainability (e.g. solar power installers, recyclers), office-based businesses, tech startups, manufacturers, and real estate brokers and developers. Over 300

COVID-19 SMALL BUSINESS & ARTS ORGANIZATION EMERGENCY GRANT PROGRAM IMPACT

1,058 Business Continuity applications received

71 Arts Continuity applications received

700 local businesses are awarded \$1,669,999 to

251 restaurants

85 personal services

142 retail establishments

222 other services

63 art organizations are awarded \$954,543

participants, representing all City Council districts, engaged in meetings to share thoughts, ideas and concerns about reopening. In addition to facilitating peer-to-peer sharing, OED now shares relevant [information and resources](#) through tailored communications with these industry-specific groups.

- Increasing the frequency of citywide business communications via its [OED Newsletter](#) to make sure businesses were aware of the latest COVID-19 response and recovery information and resources (e.g. Health Officer Orders, educational workshops, relief programs, marketing opportunities, legal support clinics, etc.).
- Increasing sector-specific outreach and communications, hosting virtual forums with business leaders.
- Adapting its [#DiscoveredinBerkeley](#) business marketing campaign to include a “Local Love” theme to encourage the community to support local businesses and recognize local entrepreneurs pandemic-inspired pivots, innovation and resilience. OED will also be developing a [#Berkeleyholidays](#) campaign to promote citywide holiday-themed events and shopping opportunities during the upcoming holiday season.
- Conducting quarterly financial health surveys of Berkeley’s arts organizations in order to understand in real time the impacts of COVID-19 on the arts sector. The results of the first quarterly survey can be found [here](#).
- Developing a program of temporary public art projects to support community recovery throughout Berkeley. Artwork projects will relate to the themes of public health, economic recovery, social justice, and homelessness. The program will be launched in early 2021.
- Partnering with Kala Art Institute and the City of Berkeley’s Health, Housing & Community Services Department to place two artists in residence to work as cultural strategists on issues related to community well-being and resilience and recovery in response to COVID-19. The launch of this project was covered by [KQED](#).
- Analyzing survey data, in combination with other data sources (e.g., Quarterly Census of Employment & Wages, business-related tax revenues, commercially available business data sets), to model the overall economic impacts in the city and the region and, by extension, fiscal impacts to the City of Berkeley.
- Revising the Revolving Loan Fund program in response to funds received by the federal government. Pending City Council approval of amendments to loan guidelines, the program will be made widely available to provide low-cost loans to businesses throughout the community.

OED also experienced operational challenges during the pandemic. The small unit is currently operating with reduced staff because the OED manager is serving as interim director for the Planning Department. At the same time, OED employees work well into the evening and over the weekend to maintain regular operational work in conjunction with a robust COVID-19 response. Moving forward OED anticipates requiring additional resources for data collection and analysis to support the heightened need for accurate forecasting during this unprecedented series of impacts on the economy and our community.

Finance

Since the pandemic and associated public health restrictions began, Finance has focused on ensuring the continuity of its operations, and on making sure it can provide the best information on the City's current and long-term fiscal condition. Keeping staff safe while continuing the procurement of goods and services that enable all city services, as well as the revenues that pay for it all, has involved a great deal of innovation and teamwork from all Finance divisions: General Services, Treasury, and Financial Systems.

Finance also established a Fiscal Analysis Working Group to closely monitor the impacts of the pandemic on City revenues. The group consisted of the Revenue Collections Manager, Treasury Manager, Systems Accountant, and Finance Director. The Working Group closely monitors actual remittances to the City, as well as revenue reports of other regional municipalities, and forecasts from County and State agencies, in order to maintain accurate revenue projections in the unprecedented and evolving economic environment.

General Services

General Services staff participated in daily EOC calls and other ad hoc meetings from the time the EOC was activated in January 2020. They have prioritized EOC requests for assistance, and have designated at least one staff to be dedicated to the EOC any time there was a need to expedite a procurement request, provide guidance on procurement procedures, or assist with sourcing and order placement. General Services staff met weekly to review any outstanding EOC purchases and ensure they were fulfilled as quickly as possible. Staff developed an emergency procurement policy in conjunction with EOC leadership and the City Attorney's Office. Additionally, staff attended FEMA webinars to make sure that emergency procurements were conducted in a manner that maximized potential federal reimbursement. General Services continues to provide EOC support for various special projects (e.g., Respite Sites Program, Mask Up Project; etc.).

To facilitate the continuity of all procurement operations during the pandemic, General Services has modified the request for proposals (RFP) and bidding process to accommodate COVID-19 physical distancing requirements. Bids are currently opened at the back of City hall and contractors and vendors are able to participate with all physical distancing guidelines enforced.

Treasury

The Treasury Division continued to be available to secure and deposit payments received by City departments, and modified its Treasury Counter operations to minimize staff interaction and promote physical distancing. The unit established an appointment scheduling system to eliminate queueing and minimize the amount of time non-Finance staff spend in Treasury offices. Treasury also worked with City Departments to configure ACH¹⁶-enabled deposit accounts to facilitate remote payments by citizens and other City customers. Treasury deployed new credit card acceptance terminals in order to expedite the processing of call-in credit card payments, which were greatly increased due to COVID-19. These terminals enabled faster and less physically taxing manual entry of phone payments. In conjunction with the Department's Financial Systems Group, Treasury continues to work with other City departments to deploy online payment and automatic payment solutions to minimize the impact of COVID-19 closures of public-facing facilities across the City.

Financial Systems

The Financial Systems Group has taken steps to ensure that Finance operations continue efficiently while maintaining employee safety. In response to the pandemic, the City allowed employees to have remote access to email and certain City systems from their home computers, which allowed the unit to continue to conduct its services. The Financial Systems Group also took the initiative to establish procedures for Finance staff to resolve, in-house, many technical problems related to remote working. This reduced the need for assistance from strained IT Department resources. The Financial Systems unit also worked with the Finance Customer Service Counter (CSC) staff to set up a customer triage phone line, so that City customers unable to interact with staff at the CSC could be directed to the correct staff member to assist and accept payments. They also began a project to enable more business license taxes to be paid through an online portal, which has previously been limited to payments for Rental of Real Property licenses.

¹⁶ Automated Clearing House (ACH) is a method for transferring funds electronically.

Fire

The Fire Department includes the Office of Emergency Services (OES). OES staff lead the City's emergency readiness activities as described in the *Berkeley Ready* section of this document. During emergency response, OES staff lead coordination of the EOC.

In addition to OES leadership in the EOC, the Fire Department activated its own Department Operations Center (DOC) in response to COVID-19. Through the DOC structure, Fire was able to:

- Conduct daily, every-other-day, and weekly updates at every level of the department to communicate progress and information about the response and operational changes.
- Acquire and deploy personal protective equipment (PPE) to first responders.
- Develop and implement policy changes, testing protocols and response protocols.
- Redirect multiple staff to work in the EOC and the initial COVID-19 testing site.

Other ways in which the Fire Department contributed to the City's COVID-19 response include:

- Creating the Mobile Integrated Paramedic Unit, an overtime staffed community paramedic unit designed to intercept non-critical COVID-19 related calls and route them to services other than hospital emergency departments.
- Initiating, staffing, and coordinating a COVID-19 testing site in West Berkeley, until the EOC was sufficiently staffed to take over operations.
- Up-staffing the designated infection control officer (DICO) role by training all paramedic supervisors and some Berkeley Police Department officers to serve as infection control officers, coordinate testing, and conduct contact tracing for internal COVID-19 exposures.

Operationally, the Fire Department changed procedures to reduce potential COVID-19 spread, including:

- Implementing strict Personal Protective Gear requirements on all calls, during training, and in fire stations.
- Cancelling all non-essential public interaction.
- Restricting patient contact and exposure on calls to a minimal number of personnel.
- Cancelling non-essential in-person training.
- Conducting frequent post-exposure testing, contact tracing, and monitoring testing.

- Implementing mobile testing of deceased patients when exposure to first responders was suspected.

Health, Housing and Community Services

The Health, Housing and Community Services (HHCS) Department has many different divisions and units and plays a leadership role in the City's COVID-19 response. The below sections describe COVID-19's operational impacts on each part of HHCS.

Office of the Director: Health Officer Unit

The majority of the Health Officer Unit employees are deployed to COVID-19 response activities. Many of these employees, including nurses, epidemiologists, and the Health Officer, are performing their usual roles of disease control and data management and analysis for COVID-19. This work includes critical partnerships with other City Departments, including the City Manager's Office, Library, and Parks, Recreation and Waterfront. Additionally, the Health Officer consistently meets with U.C. Berkeley's Tang Center Director, as well as the Vice Chancellor, to coordinate and discuss a variety of matters including testing and contact tracing.

The Health Officer Unit includes Vital Statistics which issues birth and death certificates and typically operates from a public-facing counter, and the Communicable Disease Prevention and Control Program, which typically relies on paper-based responses. Early in the pandemic, when public buildings closed, Vital Statistics staff completely reworked their operations by creating a screening process for customers, scheduling appointments, handling payments, and moving its physical location. The Communicable Disease Prevention and Control Program also changed its operations by moving to an almost completely electronic process.

Besides operational pivots, the Health Officer Unit also developed and implemented a variety of new or enhanced programs and strategies in response to COVID-19, including:

- Utilizing web-based platforms for communication with COVID-19 cases and contacts.
- Implementing Emocho, technology using video in directly observing therapy, to monitor medication adherence of tuberculosis patients, instead of daily in-person home visits.
- Enhancing collaboration with U.C. Berkeley's Tang Center through a memorandum of understanding for case investigation and contact tracing work.
- Strengthening partnerships with long term care facilities and homeless shelters.
- Increasing the visibility of Public Health and its importance in protecting community health.

The extraordinary efforts of the Health Officer Unit to address and respond to COVID-19 have reduced the unit's capacity for some daily operations, with impacts including:

- Staff working extra hours to keep up with day to day disease control work (e.g., active and complex tuberculosis cases).
- Delays in
 - Case investigation work for other communicable diseases.
 - Providing deliverables for STD Prevention and HIV Surveillance grants.
 - Identifying funding and recruiting staff.
 - Processing birth and death certificates.
 - Producing the next Berkeley Health Status Report.

Office of the Director: Administration and Fiscal

Administration and Fiscal Unit employees participated in the EOC in a variety of roles, including serving in the Timekeeping Unit and serving as Schools/Childcare Liaison. These employees forged strong partnerships internally with the Office of Economic Development and 311 Customer Service and established external partnerships throughout Berkeley and the Bay Area to better support schools and childcare. While working directly on the COVID-19 response in the EOC, Unit staff also pivoted daily operational processes in order to approve paper documents remotely. Some of the challenges the Administration and Fiscal Unit faced operationally consisted of deferred work and ongoing overtime work, sometimes contributing to stress and staff “burnout”.

Environmental Health

The Environmental Health Unit placed much of its routine work on hold until early November 2020, assigning staff to the EOC to support COVID-19 response. Staff participated in many ways, including delivery of food and groceries to the elderly, assisting at the City's COVID-19 testing sites, helping conduct a survey of local businesses on COVID-19 impacts, engaging in citywide COVID-19 Health Officer Order enforcement activities, and supporting COVID-19 contact tracing. One of the Environmental Health Unit's key COVID-19 contributions has been responding to complaints, including Vector Control efforts at encampments and around neighborhoods. In terms of challenges, Environmental Health employees have concerns regarding onsite inspections during the pandemic, particularly at sites with known COVID-19 cases, and offices or workspaces with poor air circulation. Staff have been working on

implementing virtual inspections as an option for facilities that present a COVID-19 safety risk (e.g., where physical distancing is difficult to manage).

Aging Services

Aging Services Unit staff have been actively deployed to the EOC throughout the City's COVID-19 response, with employees serving as Operations Support Section Coordinator, Testing Branch Co-coordinator, and Testing Site Liaison. Employees have also provided services such as transporting unhoused individuals to quarantine housing, packing food for distribution to the unhoused, and directing traffic at a testing site.

Before the pandemic, the Aging Services Meals-on-Wheels program relied heavily on a robust volunteer pool to pack and deliver meals. Once the Shelter-in-Place Order was implemented, volunteers were lost. Program managers scrambled to replace those volunteers and maintain these programs, utilizing a combination of Aging Services staff and Disaster Service Workers from other departments to pack and deliver food for the Senior Center Lunch Program.

Since the start of the pandemic, Aging Services has had to pivot its operations to accommodate Health Officer Orders. Some examples of this include:

- Shifting the Senior Lunch Program to a home-delivery model, paralleling Meals-on-Wheels operations.
- Providing information and assistance by phone rather than in-person at the Senior Center.
- Assessing Meals-on-Wheels referrals (to determine eligibility) by phone.
- Using telehealth for case management.
- Establishing a Grab & Go lunch pick-up program for seniors who prefer to pick-up their lunch in person.

The Aging Services Unit is facing a variety of operational challenges related to the pandemic. Many senior center members have cited concerns about loneliness and isolation, which has prompted staff to increase "well-checks". At the same time, the Social Services Case Management staff have observed an increase in referrals needing case management services.

Mental Health

Throughout the pandemic, the Mental Health unit has coordinated with the EOC on COVID-19 response, particularly in terms of its Homeless Outreach and Treatment Team (HOTT), Mobile Crisis Unit, and ACCESS (Acute Crisis Care and Evaluation for Systemwide Services). Besides coordinating work with the EOC, Mental Health worked closely with the Human Resources Department to develop and implement protocols for staff safety at a variety of sites and to support the safe provision of services in the field. Many Mental Health staff transitioned to working remotely, using phones or Zoom for telehealth, and found it easier to bring stakeholders together virtually. In response to the pandemic, Mental Health:

- Developed and implemented a “warm line” for Berkeley High School students, staff, and families.
- Expanded hours for the crisis phone line.
- Implemented a variety of safety measures for in-person services.

While there have been benefits to the changes in operations outlined above, there have also been challenges, including:

- Reduction in the amount of time clinicians spend with clients, in some cases due to clients with limited access to phones and/or computers.
- Difficulty locating individuals who are homeless, as staff are spending a larger percentage of their time working remotely and clinics have reduced hours for clients to visit.
- Reductions in referrals to Mental Health services. This is likely due to limited hours at clinics, individuals being more isolated and less likely to be referred by community partners, and BUSD operating remotely (leading to less identification of student mental health concerns).

Public Health

The regular work of Public Health has continued through the pandemic, often over the phone or virtually. The Women, Infant, and Children’s (WIC) program is conducting enrollments and nutrition assessments through phone and video conferencing sessions. New mother support groups are continuing through virtual workshops and sessions through WIC and the Black Infant Health programs. Families receiving food assistance through the WIC program are reminded of appointments and resources via text messaging. Smoking cessation and oral health workshops have transitioned to virtual sessions as well. Reproductive health services

transitioned to telehealth for existing patients for birth control refills soon after the Shelter-in-Place Order went into effect, and the Berkeley High School Health Center has opened with the new school year using telehealth services where possible.

At the same time, close to half of the Public Health unit has been deployed to the EOC for a range of roles and activities. Other employees have served in Disaster Service Worker roles:

- Assisting Aging Services with food distribution.
- Working with the Public Works and Parks, Recreation, and Waterfront Departments to purchase and install refillable water stations to increase access to water for the unhoused and for cooling stations.
- Incorporating PPE distributions to partners, such as dental providers.

Public Health, in general, has held many roles in the EOC since its activation, leading a host of COVID-19 response operations, including:

- Collecting and distributing PPE.
- Coordinating with long term care facilities.
- Supporting mass fatality planning.
- Coordinating with County and State COVID-19 response efforts.
- Standing up COVID-19 test sites for symptomatic patients.
- Transitioning testing strategies from symptomatic individuals to include asymptomatic community members.
- Creating mobile testing with an equity approach for vulnerable populations.
- Implementing a State-funded Optum testing site in Berkeley.
- Supporting the implementation of the Curative self-administered testing site in Berkeley.

These efforts have been pivotal to Berkeley's COVID-19 response and have had tangible results, including bringing the City's testing numbers from an average of 56 tests completed per day to an average of 366 tests completed per day, which is well beyond the 245 per day target for the City.

However, these efforts have come at a cost. For example, all Targeted Case Management (TCM) program staff were deployed to the EOC and have not been able to invoice for programmatic activities since March 2020. This has left some clients without case

management services since the EOC was activated. Also, the Immunization (IZ) program was halted when the IZ nurse was deployed to the EOC. The IZ program has been nonoperational since then and flu shot clinics have been difficult to stand up due to hiring challenges. In addition to the public health impacts for the community from these programs being halted, the unit will not be able to fully complete its grant deliverable or fully draw down the IZ grant funds, resulting in revenue losses. Due the nature of public health programs, many outreach and health promotion activities were stalled or deferred. Public Health programs shifted as much as possible to a virtual modality, which required the purchase of software to support online and virtual activities. Public Health also had to purchase laptops and accessories to accommodate staff's remote work.

Additionally, throughout Public Health, which is heavily grant funded, many programmatic staff were shifted away from completing their grant work, which hinders the City's ability to complete the grant deliverables and may lead to a potential loss of revenue that would otherwise cover personnel and operational costs

Housing and Community Services

Housing and Community Services (HCS) employees worked on COVID-19 support activities from within the Division and also deployed staff to the EOC. Their work included leading the COVID-19 response for vulnerable populations in Berkeley, as well as supporting response efforts by recruiting staff and scheduling them for open positions. HCS collaborates with other units in HHCS, as well as many other Departments and outside partners, including Alameda County, non-profits, and State and federal officials. All HCS staff contributed to COVID-19 response, either directly or through supporting normal work of colleagues deployed to the EOC.

HCS has also partnered with the Eviction Defense Center (EDC) to utilize a number of grants to assist community members in need, such as:

- \$125,000 Basic Needs Fund, of which EDC has allocated \$86,278 and distributed \$78,778. To date, 69 individuals have been assisted through this fund. There are currently seven pending applications.
- \$1,018,456 Housing Retention Program COVID-19, of which EDC has allocated all of the funds to 174 households and distributed \$859,324. EDC estimates it will finish distributing the fund by mid-December.

- \$900,000 Housing Retention Program, of which EDC has allocated \$694,157 for 144 households and distributed \$108,555. EDC estimates it will have exhausted these funds by the end of November. At that time, EDC will create a waitlist.

The work of HCS continues throughout the pandemic, often in new and innovative ways. One example is in the Youth Works Program. Since it was impossible to administer the Summer Youth Works program as in the past, HCS transitioned to selecting the highest need 50 applicants and worked with partner agencies to make sure they could still participate in the program. Staff conducted training and placements virtually as opposed to in person, and instituted safety protocols for all placements. In this way, rather than cancelling the program, the City's highest need youth were able to participate.

Additionally, HCS has changed how it is doing [Shelter Plus Care](#) inspections to insure that placements can continue through the pandemic. Staff worked extensively with non-profit partners to help them modify their programs to continue to safely serve clients, including meals programs and shelters. HCS greatly expanded services to encampments, including increased and "enriched" outreach providing food and other essential items. Also, HCS set up COVID-19 respite housing for unhoused vulnerable people both directly and in partnership with Alameda County and worked in partnership with other agencies to provide testing for vulnerable populations.

The COVID-19 response has had, and continues to have, a significant impact on the work of HCS and its individual staff members. Staff deployed to address COVID-19 have been unable to do their regular duties. This means other staff have had to pick up the work of those who are deployed. With the work of this division, there are often hard deadlines from funders that cannot be moved or adjusted. This has resulted in staff working many extra hours to complete all tasks, and other priorities not being addressed due to lack of capacity.

This has been an extraordinarily challenging time for HCS. As noted above, part of the reason is that HCS has programs and projects that cannot be delayed or postponed. Also, HCS works extensively with internal and external partners, and this has been much more difficult to do during this pandemic, in that people are not at their desks, there are technical challenges in meeting remotely, and they too are dealing with many more issues than before due to COVID-19 impacts.

Human Resources

In response to COVID-19, the Human Resources Department (HR) pivoted to quickly respond to the Health Officer Orders, public health regulations, and supporting testing sites. As a result of these efforts, HR has lifted up new policies, trainings, and procedures in response to the COVID-19 pandemic, Health Officer Orders, and new related laws. These include:

- Administrative Regulation 2.4 Family Care Leave (revised),
- Administrative Regulation 2.23 Telework Policy (new),
- Administrative Regulation 2.22 Emergency Paid Sick Leave under the Families First Coronavirus Response Act (new),
- Guidance on Post-Exposure,
- Guidance and Safety Protocols While at Work,
- Telework Policy Trainings,
- Worker Engagement Trainings, and
- COVID-19 Trainings.

This required several meet and confers with labor groups regarding safety and alternate work schedules to reduce potential COVID-19 exposure. HR also implemented a citywide hiring freeze, and has incurred increased costs to address the legal issues surrounding employees and COVID-19, including a review of policies, new laws, meet and confer of Disaster Service Worker work, and alternate work schedules. Additionally, HR has had staff consistently deployed to the EOC, in particular its Safety Officers.

HR focused on ensuring clear communication of these new policies and procedures to staff by:

- Meeting with labor groups to provide bi-monthly updates.
- Launching a COVID-19 Employee Information webpage.
- Providing regular communication around Positive Employee Cases.
- Using a variety of methods to communicate with employees (e.g., Zoom, email, flyers, intranet, internet).

While striving to meet the HR needs of the COVID-19 response, much of the regular work of HR continued, including labor negotiations for all City contracts and staffing a project to move HR and payroll operations to a modern software solution (due to launch in late 2020).

Information Technology

The Department of Information Technology (DoIT) mobilized quickly in response to COVID-19, deploying Disaster Service Workers to the EOC, maintaining essential department functions, and establishing employees' ability to work remotely to ensure continuity of operations for City departments.

Several DoIT staff were deployed to the EOC, supporting Logistics, Plans and Intelligence, Public Safety, and Joint Information Center (JIC) work. As part of the JIC, DoIT staff from 311 Customer Service (311) helped draft the COVID-19 Safety Enforcement Strategy with the City Attorney, Public Health, and the City Manager's Office, as well as related workflows for 311, the EOC, the Office of Economic Development, Code Enforcement, and Environmental Health.

Telecommuting

DoIT helped set up almost 700 employees to securely work from home. This work included:

- Setting up security tokens to all virtual private network (VPN) users to improve security via 2-factor authentication.
- Providing Skype for Business dial-in numbers for conference calls.
- Improving network access performance and stability by increasing the number of remote terminal servers from one to seven.
- Improving overall network stability and performance by implementing login limits per server and load balancing across all servers.
- Improving the stability and performance of the City's remote access platform, as well as improving the user experience, by implementing a new web VPN solution (Citrix Storefront).
- Configuring and deploying almost 70 laptops for remote work.
- Setting up and distributing over 200 iPhones for remote work.
- Addressing any unique remote software needs on a case-by-case basis by installing software on all seven terminal servers.
- Working with HR and the City Attorney's Office to draft the telecommuting policy.
- Publishing over 25 knowledge base (i.e., user guide) articles relating to remote work.

While DoIT was able to help City employees telecommute, the department also had to adjust its own operations. Office space for DoIT consists of less than half of one floor in the 2180

Milvia Street building. Pre-pandemic, this space was crowded with 50 employees plus some consultants. In other parts of the building, a space of similar size typically contains work areas for 15 to 20 employees. During the pandemic, consultants were not allowed onsite. However, space remained cramped with cubicles less than five feet apart and in some cases, the employees were sitting less than three feet apart. In response, to increase worker safety, DoIT made scheduling and shift adjustments, increased telecommuting options, and instituted other measures including installing plexiglass.

Cyber Security

Transitioning the City to remote work also entailed strengthening cyber security. Cyber security incidents have increased substantially, with sources citing anywhere from a 300 to 800 percent increase¹⁷, resulting in the need to make many policy changes to enable additional controls. Some of the cyber security strategies that DoIT employed include:

- Providing “tips and tricks” and informational documents about cyber security.
- Making mandatory a cyber security assessment for all projects and software.
- Requesting multifactor/2-factor authentication by all vendors accessing City network and systems.
- Developing a Data Sharing Agreement (DSA) template with the City Attorney’s Office and HHCS.
- Attending weekly Alameda County Law Enforcement COVID-19 meetings for weekly updates on regional and national issues.
- Updating the City contract boilerplate Appendix for Security to reflect recent changes in the law and cybersecurity events.
- Implementing other cyber security technical safeguards.

Technical Support

After the initial Shelter in Place Order was announced, as employees started working remotely, DoIT Help Desk requests increased dramatically. The Help Desk call volume increased by 45 percent and ticket volume increased by 50 percent between February and March 2020. In response, DoIT partnered with the Library, bringing in three Disaster Service

¹⁷ Various industry sources reporting, include a projection of 300% (<https://www.cybintsolutions.com/cyber-security-facts-stats/>), a report of 400% (<https://www.insurancebusinessmag.com/us/news/cyber/fbi-sees-a-400-increase-in-reports-of-cyberattacks-since-the-start-of-the-pandemic-231939.aspx>) and a report of 800% (<https://www.prnewswire.com/news-releases/top-cyber-security-experts-report-4-000-cyber-attacks-a-day-since-covid-19-pandemic-301110157.html>).

Workers from Library IT to assist with the high volume of Help Desk calls and to allow some Help Desk staff to assist with hardware deployments via phone support. Also, DoIT implemented a Walk-in Appointment calendar at the Help Desk to implement physical distancing protocols.

DoIT was also flooded with many requests for software solutions to assist with remote work. Some examples include:

- Remote building inspection solution for the Planning Department.
- Forms and survey solutions for the EOC and HHCS.
- Multiple technology solutions and business associate agreements for HHCS (tele-health, tele-texting tool).
- Contact Tracing contract coordination for HHCS.
- COVID-19 Statistics Report on City's website.
- Video Conferencing / Teleconferencing tools for staff and City Council.

311 Customer Service

With the closure of City buildings, 311 Customer Service (311) is the only full-service customer service center available to the community. As a result of the increased demand related to COVID-19, the Direct Line answering service assists 311 two hours per day to enable staff to meet each morning for daily updates, to provide lunch coverage, and at the end of the day so that 311 can process credit card edits for the Finance Department's Treasury division.

Additionally, 311 and Library Disaster Service Workers together manage and maintain the City's COVID-19 email box, which was stood up May 1, 2020. To date 1,550 emails have been received, 1,730 responses have been written and over 1,000 internal emails have been generated to coordinate responses with Public Health, Legal, Office of Economic Development and EOC Management to ensure the City conveys timely and accurate information.

The City of Berkeley's **Open Data Portal** <https://data.cityofberkeley.info/> contains many data sets freely accessible to the public. The most downloaded dataset in June 2020 was COVID-19 related.

Besides maintaining regular operations and the COVID-19 email box, 311 worked with the Help Desk to set up and manage scripting of the Communicable Disease Nurse Triage line. The line enabled community members to schedule COVID-19 testing appointments and get answers to their medically sensitive questions. As the requirements of the Nurse Triage line changed over time, the phone scripts and programming to call lines were updated three times to adapt the program to the evolving COVID-19 situation.

Library

At the height of the COVID-19 response to date, the Library had 47 Disaster Service Workers deployed to the EOC or in training to prepare for deployment. Library staff supported all areas of the City's COVID response, including support to the shower program, 311, testing sites, shelters, monitoring parks/skateboard areas, and food/supply distribution. A number of staff trained to support the Office of Economic Development, and their work included assessing grant requests from local businesses and arts organizations, advising businesses on complying with the Health Officer Order, surveying businesses, and related activities. Besides direct deployment to the EOC, the Library also engaged in other COVID-19 response activities, including collaborating with other departments to develop an informed service response and deploying Library IT staff to support the City's IT pandemic response efforts.

In the days immediately following the Shelter-in-Place order, providing this critical support had significantly less impact on library operations because library facilities were closed and not providing in-person services. As the Library introduced an outdoor pickup library service, fewer Disaster Service Workers were deployed to support COVID-19 operations, and more staff returned to support library services. COVID-19 deployments generally had a positive impact on the Library's operations by reinforcing its connections with other City departments.

Like many organizations, the Library needed to develop new service models to provide for a higher degree of safety for both staff and the public. For the Library, this meant shifting to provide curbside pickup service for library holds. Many people have expressed appreciation for the ability to access library materials in a safe way. The Library also shifted some of its programming online, which has been very well received. Programming that moved online included the annual Summer Reading Program and the ESL Conversation Club. Additionally, as an adaptation to people being unable to receive technical help in person, the Library now provides new virtual one-on-one technical help. The Library is also offering special virtual programs, like [Puppet Art Theater: The Boy Who Cried Wolf](#).

These innovations were counterbalanced by some operational challenges relating to COVID-19. In general, the Library is operating with overall lower staffing levels and many people have needed to take leave. The Library has also needed to explore how to maintain employee health and safety with new workflows, which sometimes requires the provision of new

supplies.¹⁸ Another ongoing challenge is associated with library processing. It necessarily takes place in person, with staff having to both physically distance and continue processing both new materials and items already in circulation.

¹⁸ The Library purchased supplies such as face masks and N95 masks to cope with the air quality, wipes, hand sanitizer, and disinfectant, as well as many more bins, to store books and materials that are under quarantine until they can be processed.

Parks, Recreation and Waterfront

The Parks, Recreation and Waterfront (PRW) Department both directly mobilized employees and adapted much of its operational work in response to the pandemic. The below sections describe the operational impacts on each of PRW's divisions.

Administrative Division

The Administrative Division contributed to the COVID-19 response in a variety of ways, including:

- Developing department policies and procedures for remote work.
- Supporting department staff with purchases relating to COVID-19 (e.g., sanitizer, disinfectant, masks, plastic screens, caution tape, signage, handwashing stations, portable toilets, laptops for remote work).
- Supporting the EOC with time tracking and cost recovery efforts.

Capital Projects Division

Much of the Capital Projects Division's COVID-19 work related to adjusting timing and funding of projects, such as:

- Developing and implementing a strategy to adjust to a loss of \$5.3 million of General Fund (GF) resources previously allocated to [Measure T1](#) (T1), by:
 - Rejecting all Grove Park Project bidders,
 - Delaying the Marina Streets Project,
 - Borrowing funding from the Parks Tax and Public Works Special Funds, and
 - Accelerating the T1 Phase 2 Public Process.
- Developing and implementing a strategy to adjust to a loss of \$1.9 million of GF resources previously allocated for work in the Marina by deferring the replacement of failing Marina pilings.
- Developing and implementing a strategy to adjust to a loss of \$545,000 of GF resources previously allocated for work on the Echo Lake ADA Project to make all current facilities and paths of travel accessible by not going to bid.
- Developing and implementing a strategy to adjust to a deferral of \$400,000 from FY21 GF by delaying project timelines and seeking alternative funding sources for the Ohlone Play Structure and Mural Garden Project and John Hinkle Lower Play Structure, Picnic and Amphitheater Improvements Project.

Additionally, Capital Projects implemented and enforced Health Officer standards related to construction.

Parks Division

The Parks Division worked hard to make public spaces safe and clean during the pandemic, including:

- Developing COVID-19 standards for restroom cleaning,
- Deploying Landscape Gardeners and Groundskeepers to clean City restrooms three times per day and portable toilets twice per day.
- Changing assigned cleanup routes to focus on areas with an increased number of people living and sleeping in parks.
- Responding to hundreds of phone calls and emails from the community about people living in parks.
- Engaging in weekly checks to ensure play, picnic and recreational areas (closed due to COVID-19) are secured and taped off with caution tape, with signage in place.
- More frequently checking and emptying garbage cans which were filling more quickly with increased usage of parks and the waterfront.¹⁹

Additionally, as the City worked to decompress its shelters for the unhoused in order to implement social distancing requirements, Parks worked with the EOC to prepare the Martin Luther King Jr. Youth Services Center (YAP) to become a shelter for the unhoused. This including modifying the facility by adding additional temporary rooms and installing a washer and dryer. However, as alternate options for the unhoused became available, Parks worked with the EOC to pivot the YAP site to serve as a COVID-19 testing location.

Recreation Division

In the Recreation Division, supervisors and managers were heavily involved in the EOC at the onset of the pandemic. They explored establishing childcare for essential workers and connected essential workers to childcare opportunities. Along with Parks, as discussed above, the Recreation Division contributed to the City's efforts to provide shelter to unhoused people by:

- Creating space for food and water storage at YAP for distribution to encampments,
- Purchasing supplies and equipment,
- Developing a shelter manual,
- Recruiting and training staff to operate the shelter,

¹⁹ Garbage cans in Aquatic Park and the Waterfront are not serviced by Zero Waste.

- Setting up the shelter, and
- Providing building supervision staff for a COVID-19 Testing Site at YAP.

The Recreation Division's pandemic response also included:

- Expanding the Shower Program hours and sites, as well as developing and implementing a COVID-19 Shower Program protocol.
- Developing and implementing COVID-19 protocols for use of the skate park.
- Implementing Summer Childcare/Camp/Afterschool Program from June 2020 through the present, following all Health Officer Orders with all operations exclusively outdoors. This also involved developing a COVID-19 Summer Camp/Afterschool Program staff manual and training program.
- Working with BUSD staff to provide priority scholarships to Berkeley's Excellent Academic Road to Success (BEARS) afterschool program participants.
- Implementing COVID-19 protocols for the Summer Lunch Program that was available at eight locations throughout the City from June 15, 2020 to August 7, 2020, such as grab-and-go lunches.
- Developing a COVID-19 Manual and training for Aquatics employees.
- Implementing Aquatics Programming in compliance with Health Officer Order restrictions.
- Providing information to the public about the Health Officer Orders. Park monitors have been providing public health information, handing out face coverings, monitoring activity in parks, and tracking face covering usage. During 59 separate counting events from July through October, Park Monitors observed over 20,000 people with, on average, 76 percent of community members wearing face coverings.
- Making sure groups with field permits are complying with Health Officer Orders.
- Modifying the popular "Movies in the Park" series to be a "Drive-in Movie" series.

Shower Program Participation

From late April through early October, over **3,387 people** participated at **West Campus Pool** and **6,777 people** at **Willard Pool**.

Waterfront Division

The Waterfront Division has had to pivot in response to challenges arising in relation to the pandemic, including:

- Developing a payment deferral policy for slipholders and live-aboards experiencing financial hardship due to the impacts of COVID-19.

- Adjusting staffing in response to a reduction in revenue for the Marina Fund. Staffing adjustments included reducing staffing levels by not hiring a replacement Marina Assistant for an internal promotion and reducing Waterfront Security coverage. Due to the impacts of COVID-19 on lease revenue on hotel, restaurant, and commercial tenants, the Marina Fund will exhaust all reserves within a year.
- Crime increased significantly since the initial Shelter-in-Place Order was issued, with 84 incidents in August 2020 alone, including assault, vehicle theft and break-ins, boat theft, and vandalism. As a result, staff have had to focus on addressing security issues, which has taken away time from customer service responsibilities.
- Requiring staff overtime to pick up additional garbage stemming from the increased usage of the waterfront during the Shelter-in-Place.

Planning and Development

Operational Adjustments in Response to COVID-19

In early March 2020, prior to first Shelter-In-Place Order, the Planning and Development Department (Planning) convened its management team to strategize for remote working and possible changes to service delivery. Immediately after the first Shelter-In-Place Order was issued, Planning went live with the [Virtual Permit Service Center](#) which made all permitting services available without a visit to City offices. These include new building permit applications, submittal of plans and resubmittals of corrections. These services are mainstays of the construction process needed by both homeowners with small projects and builders of large construction projects. Since the initial Shelter-In-Place Order, the Permit Service Center has:

- Initiated 3,500 building permit reviews,
- Issued 2,400 permits, including revisions and deferrals,
- Completed 4,000 cashiering transactions, and
- Processed about 15-20 plan submittals and resubmittals daily.

Additionally, Planning developed a process to accept new Land Use project applications and offer other services online ([as described here](#)), many of which previously required in-office visits previously.

Within one week of the first Shelter-In-Place Order, Planning contracted to use a new remote video technology (“Blitz”) to maintain required inspections, allowing construction to continue without potentially exposing customers and staff to COVID-19. Berkeley became one of the first cities in the nation to use this platform, and many other cities have since also followed suit. Berkeley is now conducting an average of 130 daily inspections this way.

Another way Planning adjusted in response to COVID-19 was by enforcing Health Officer Orders pertaining to construction, which included remote and onsite enforcement when most construction work was ordered to halt. Later, when construction was allowed to resume, staff publicized the new detailed COVID-19 site safety protocols and assisted work sites with compliance. This work included multiple messages to every permit holder in Berkeley in the last three years.

Within Planning, the Building and Safety Plan Check team quickly adapted to remote working via VPN, using remote meeting and file-sharing platforms, and providing staff with access to a digital code library. The team has maintained its historical weekly average of around 100 plan checks per week, and responded with comments early or on-time for every project in the last 80 calendar days.

In May 2020, Planning re-started Commission meetings for legally mandated and time-sensitive matters, using a video conferencing/webinar platform (Zoom). Part of this work included learning the platform, training around 25 Commission Chairs, secretaries and support staff, and developing completely new procedures for noticing and agenda preparation. To date, eight essential public bodies staffed by Planning have held more than 30 meetings, allowing timely consideration of development projects and continuation of critical policy efforts like the Adeline Corridor Plan and Zoning Ordinance Revision Project.

Service Impacts to the Department

While Planning was able to adjust its operations and creatively innovate how it accomplished its work, it also deployed many Disaster Service Workers to the EOC, resulting in the following service impacts:

- Shifting work in the Land Use unit to address the loss of staff that were reassigned to the EOC.
- Decreasing customer service. The permitting process depends on the ability of staff members to establish and maintain a relationship with their customers. When staff are deployed to the EOC, there are fewer staff to provide timely responses to customer inquiries.
- Increasing work sent to consultants. Land Use had to increase the work assigned to third-party consultants due to the need to address COVID-19 related projects such as outdoor commerce.
- Decreasing number of Hazardous Materials inspections by Toxics division to address the loss of staff reassigned to the EOC. This has the potential to negatively affect the City's State rating, which is produced every 3 years. The State rating system considers the number of inspections performed during a ranking cycle.
- Delaying Land Use Planning policy projects, including the Zoning Ordinance Revision Project (ZORP), Southside Zoning Projects, Parking Reform Package, Business Support Referrals, Regional Housing Needs Allocation (RHNA) and Housing Pipeline

Report Corrections, and Objective Standards & Joint Subcommittee for the Implementation of State Housing Law (JSISHL) final recommendation report.

Police

The Police Department supported the EOC activation with Disaster Service Workers and site allocation support. Police Officers (one sergeant, two lieutenants, and a captain) worked in the EOC Logistics and Operations Support Sections. In the Operations Support Section, Police representatives connected the EOC to law enforcement advice and coordination on key COVID-19 response activities. Department personnel led the EOC Logistics Section for months, providing critical support to set up COVID-19 testing sites and respite sites. The Police Department also hosted the physical headquarters of the EOC in its Public Safety Building multipurpose room until the EOC could operate remotely.

Outside of the EOC, Department staff were involved in a variety of COVID-19 response activities, including:

- Training two employees to serve as Department Infection Control Officers (DICOs) with guidance from the Fire Department and its trained DICOS. DICOs conduct contact tracing and evaluation for potential COVID-19 exposures. DICOs also conducted relevant training and created an outdoor decontamination tent.
- Providing support at the City's testing site. Numerous Parking Enforcement Officers (PEOs) and Traffic Officers helped with traffic control, ensuring traffic safety and providing information. Additionally, some PEOs have helped staff the City's testing site, acting in non-PEO roles.
- Providing police officers with face coverings to give to community members at their discretion, especially if the lack of a face covering was an issue during a call for service. The Police Department continues to maintain a supply of face coverings for this purpose.

COVID-19 has had numerous impacts on Police department operations, including:

- Scheduling changes.
 - Calls for service were down in the early months of the Shelter-In-Place, enabling the Department to implement an alternative work schedule for patrol personnel to protect the workforce. This alternative work schedule allowed personnel to shelter-in-place for two weeks at a time and reduce potential cross-shift contact. As the COVID-19 pandemic has continued, patrol personnel have returned to normal staffing schedules.

- Similarly, Jail and Parking Enforcement staff worked adjusted schedules for several weeks. This was made possible due to a reduced number of arrestees and reduced parking enforcement needs. All have returned to normal staffing schedules.
- Employees who could telework, did so nearly exclusively early on in the pandemic. Many now work rotating schedules so that fewer people are in shared offices at the same time.
- Closing the front counter and shifting to conducting business via phone.
- Instituting COVID-19 safety measures for prisoners and at the jail, including putting screening mechanisms in place for arrestees, using specific vehicles for prisoner transport, and screening prisoners before jail entry.
- Conducting meetings routinely via Skype or Zoom, rather than in conference rooms.
- Curtailing traditional community engagement activities to facilitate physical distancing. For example, Police has had to cancel its monthly Coffee with a Cop and the annual National Night Out event.
- Creating alternative ways to engage with the community. Recently Police held a virtual Coffee with a Cop, using Zoom.

Public Works

The Public Works Department's work on the COVID-19 response activities included both Disaster Service Worker deployments to the EOC, as well as many activities within their department's own operations. Within the EOC, Public Works Disaster Service Workers had roles in the Plans, Management, Logistics, and Operations Support Sections. Additional Public Works contributions to the COVID-19 response included:

- Setting up and hosting the LRSS (Local Receiving, Storage, and Staging for PPE and other critical supplies) and subsequently supporting LRSS relocation.
- Providing daytime security for 2180 Milvia and 1947 Center Street when City facilities were initially closed.
- Contracting with a vendor to dispose of biohazard materials for Police, Fire, and COVID-19 testing sites.
- Evaluating ventilation at City buildings in consideration of COVID-19 transmission.
- Distributing COVID-19 communications to employees re via email and printed flyers.
- Ensuring City respite sites for the unhoused were safe and functional by:
 - Cleaning the area,
 - Clearing and grading,
 - Providing fencing and fence repairs,
 - Staging trailers,
 - Setting up electrical connections and water hook-ups, and
 - Providing refuse and recycling services.

Public Works partnered extensively with the Parks, Recreation and Waterfront (PRW) Department on many of the above-listed respite site activities. Other partnerships included:

- Working with the Planning Department's Building and Safety and Permit Service Center staff to issue permits remotely.
- Collaborating with Planning's Permit Service Center and DoIT to establish a fee waiver for sidewalk seating and parklet applications.
- Conducting COVID-19 Construction Safety Building Inspections with Planning's Building Inspectors.
- Coordinating with HHCS to successfully establish and operate the LRSS.
- Working with PRW to collect debris from encampments.

The Public Works Department was also able to pivot its operations in response to COVID-19. These changes and improvements included:

- Creating a cache of safety supplies, including face coverings, gloves, hand sanitizer and cleaning supplies at the Corporation Yard for employees.
- Increasing stock of face coverings, gloves, safety glasses, and sanitizing wipes, as well as adding the use of disinfectant for cleaning the interiors of trucks, carts and bins at the Transfer Station.
- Implementing schedule changes, such as:
 - “3/12” schedules for Clean City, Sewer, Storm and Asphalt/Concrete Construction crews to promote physical distancing in Corporation Yard facilities and vehicles. Crews were split into two shifts, A (Monday through Wednesday) and B (Thursday through Saturday) working three days for twelve hours each day with a four hour furlough.
 - Staggered shifts in the Electrical Division.
- Giving staff the option to work from home where possible.
- Promoting teleconferencing to support physical distancing during meetings.
- Performing additional and/or daily cleaning of high touch areas and vehicles.
- Providing pro-active safety training on a variety of subjects.
- Installing 30 wall-mounted and two free-standing hand sanitizer stations in key City buildings.
- Constructing and installing sneeze guards at the security desks for 2180 Milvia Street and 1947 Center Street. Additional sneeze guards were purchased from a vendor by Public Works who managed the installation at the Animal Shelter, reception desks for Information Technology, Transportation, Engineering, Human Resources, Parks, Recreation, & Waterfront, Finance, City Attorney, and the 5th floor of 2180 Milvia Street.
- Implementing the [Healthy Streets Initiative](#) to support physical distancing in the public right of way.

Public Works also experienced challenges in relation to COVID-19, including:

- Declining revenues from Commercial Waste Collection and Parking Meters.
- Increasing expenditures associated with purchases of PPE, cleaning supplies and equipment.

- Suspending work on technology improvement projects (e.g., digital permitting) that would support, when implemented, more efficient and remote work.
- Experiencing delays to equipment and vehicle purchases.
- Incurring additional costs relating to the installation of hand sanitizer dispensers and sneeze guards in City buildings.

Rent Stabilization Board

Since the proclamation of local emergency for COVID-19, the Rent Stabilization Board (RSB) has shifted operations in many ways. Initially, along with most City Departments, the RSB closed its offices to the public while almost immediately pivoting to provide remote services at or near pre-COVID-19 levels.

Currently, most staff continue to work from home with some staff working on-site to varying degrees. Other RSB operational changes include:

- Shifting from public-facing counters (i.e., the Public Information and Registration Units) to phone and email. Additionally, staff rescheduled all in-person workshops to be live webinars that are recorded, close captioned, and available online.
- Handling all inquiries regarding the City's anti-displacement measures. This included COVID-19 Emergency Response Ordinance (B.M.C. 13.110) to provide tenants with COVID-19 related eviction protections and amendments to Tenant Screening Fees (B.M.C. 13.78) to provide greater flexibility for tenants to terminate their rental agreements for COVID-related reasons. Concerns regarding housing instability are at an all-time high in Berkeley, and RSB has received more inquiries regarding anti-displacement laws and pending legislation than ever before.
- Providing a "curbside drop-off" payment option (by appointment only) to accommodate those with barriers to technology while maintaining strict COVID-19 safety protocols.
- Developing infographics to highlight critical changes that impact landlords' and tenants' rights and responsibilities during the pandemic.
- Converting to 100 percent remote hearings in March 2020, first using Skype, then Zoom. With this change, the quality of hearings recordings improved from audio only, to video. The remote technology allows RSB to present exhibits effectively in the video format using the 'Share screen' function. Also, the conversion of all current petition files to PDF saved on a shared drive allows other staff to access them remotely.
- Offering all RSB meetings remotely.
- Shifting much of the processes relating to hearings and mediations from paper-based to email.
- Amending Emergency Regulation 1017.5 to allow landlords, in some instances, to voluntarily reduce rent during the COVID-19 State of Emergency without impacting the lawful rent ceiling.

RSB was able to work closely with many departments on a variety of activities in response to COVID-19, including:

- Assisting with troubleshooting and technical support internally to reduce the burden on the IT Department's Help Desk staff as IT worked to implement VPN access.
- Consulting with the City Clerk to confirm best practices for conducting virtual public meetings and adapting RSB meeting protocols to maintain compliance, ensure transparency and encourage the public to participate as fully as possible.
- Collaborating with staff from the Mayor's Office and the City Attorney's Office, collaborating on the passage of Berkeley's COVID-19 Emergency Response Ordinance (B.M.C. 13.110) and amendments to Tenant Screening Fees (B.M.C. 13.78). RSB attorneys continue to liaise with the City Attorney's Office to determine how the local eviction moratorium interacts with State legislation and local ordinances.

The pandemic has created many operational impacts to the RSB, including:

- Pandemic-related budget uncertainties causing a six-month delay in selecting a vendor to replace the department's core database.
- Increased expenditures for necessary hardware purchases (e.g., laptops for remote work, video conference-capable monitors); infrastructure modifications and supplies needed to comply with COVID-19 safety protocols (access control system for public lobby, sneeze guards for public counters, extra cleaning supplies & PPE); and software subscriptions (Zoom & Grasshopper accounts).
- Supply chain delays impacting RSB's ability to procure necessary cleaning supplies and PPE.

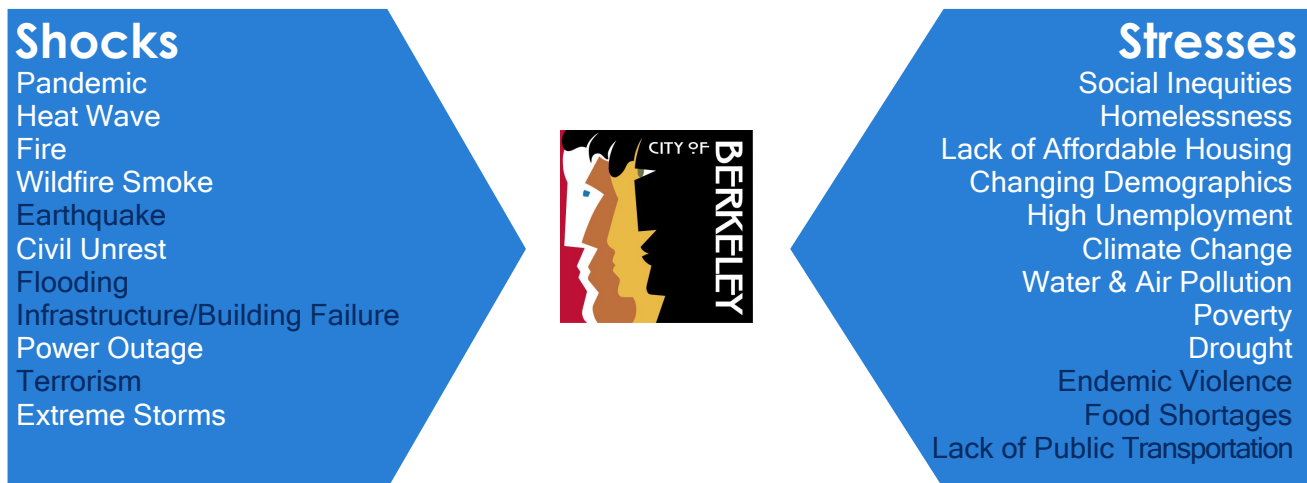
BERKELEY RESILIENT

Overview

COVID-19 poses an unprecedented challenge that Berkeley and communities around the world are wrestling with, and will need to recover from. This pandemic has exacerbated many underlying challenges that have put stress on our community for many years, including systemic racism and inequality, housing affordability, displacement, and the impacts of climate change. COVID-19 and these additional challenges have disproportionately impacted vulnerable communities, including people of color, low-income communities, the elderly, youth, people with disabilities, immigrants, the detained, veterans, the unhoused, women and LGBTQIA communities. These communities have been hit first and worst. The challenges facing Berkeley are interconnected, and require a holistic approach to address.

Resilient Recovery

One definition of resilience is a city's ability to respond to and recover from multiple shocks and stresses. Resilience also provides a framework for doing our work better, by addressing as many challenges, including as many voices as possible, and incorporating as many benefits as possible.



Shocks and stresses experienced in 2020 denoted in white.

The City has a long history of modeling resilience, including:

- [Climate Action Plan](#),
- [Vision 2050](#),
- [Berkeley's Resilience Strategy](#),

- Berkeley's [Local Hazard Mitigation Plan](#), and
- Participation in the [Resilient Cities Network](#).

In responding to, and planning for our recovery from COVID-19, the City has prioritized solutions that promote community resilience - meaning they tackle multiple challenges, bring multiple stakeholders together, and provide multiple benefits - as opposed to siloed approaches that can miss opportunities and/or have unintended consequences. Examples of resilience projects that have been implemented with collaboration across departments as part of COVID-19 response include:

- Creating a COVID-19 Business and Arts Organization Continuity Grant program prioritizing grants to small businesses owned by women and people of color, providing economic and equity benefits.
- Expanding shelter options for the unhoused community, mitigating COVID-19 spread in the broader community while providing benefits of health, safety, and comfort to one of the most vulnerable communities to COVID-19.
- Launching a testing site in partnership with LifeLong Medical and U.C. Berkeley that provides testing to those without access to healthcare, with the unhoused specifically in mind.

As the City begins planning on how to recover from this pandemic, it is clear that the pre-COVID-19 "normal" was not good enough. The City needs to be intentional in these plans to build back better for a resilient community that is more equitable, safe, and sustainable. To begin this process, the City is conducting a Resilient Recovery Needs Assessment, which will identify the needs and priorities across the City Departments for how to build back better.



To: Members of the City Council

From: Mayor Jesse Arreguin and Councilmember Kate Harrison

Subject: Lessons Learned in Organizational Management During Crisis

RECOMMENDATION

Refer to the City Manager to include insights and reflections on organizational management in any comprehensive report regarding the City response to the COVID-19 Emergency. Information should include but not limited to: an overview of how the City was structured and functioned differently during activation of the Emergency Operations Center, the benefits and challenges with cross departmental collaborations, and strategies or structures worth instituting and incorporating into future day-to-day departmental actions and interactions.

BACKGROUND

In preparation for the spread of COVID-19, the City Manager declared a Local State of Emergency. Prior to the Emergency declaration, she activated the Emergency Operations Center (EOC)¹ in late January 2020 to prepare for our response to this public health emergency. These actions have become increasingly common in the last several years due to Wildfires, Public Safety Power Shutoffs (PSPS) and now the COVID-19 pandemic. During a local emergency the City Manager acting as Director of Emergency Services has broader authority to allocate resources and staffing. The EOC brings together staff across departments to work in coordination to address all aspects of the local emergency.

Under these circumstances the City is functioning outside of its traditional organizational structure and for a longer duration than past emergency events. Due to the enduring nature of COVID-19, staff that have been pulled from their traditional roles to support the emergency response are functioning in cross-departmental teams for at least a quarter of the year. This significant shift in the structure of the city's operations is notable, and lessons learned from this period may be valuable to future emergencies as well as the normal operations of the city when they are able to resume.

In particular, the interconnected impacts of COVID-19 are a likely preview of an increase in emergency events due to Climate Change. Similar to the wildfires and PSPS shutdowns, the impacts of these emergencies are complex and dynamic and require our public responses to extend beyond the boundaries of individual departments. With this in mind, this referral asks that the City Manager include in her summary report how the city has adapted in the face of

¹https://www.cityofberkeley.info/Clerk/City_Council/2020/03_Mar/Documents/2020-03-17_Special_Item_01_Ratification_of_Recommendations_pdf.aspx

COVID-19 and what lessons, insights, efficiencies and challenges could be applied to the city's administration moving forward.

FINANCIAL IMPLICATIONS

Staff time providing input to be included in the report.

ENVIRONMENTAL SUSTAINABILITY

No environmental impact.

CONTACT

Mayor Jesse Arreguín

mayor@cityofberkeley.info | 510-981-7100



Kate Harrison
Councilmember District 4

ACTION CALENDAR
October 27, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison, Mayor Arreguín, Councilmembers Robinson and Hahn

Subject: Adopt a Resolution to Upgrade Municipal Accounts to 100% Renewable Plan

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.

POLICY COMMITTEE RECOMMENDATION

On February 6, 2020, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action:

Action: M/S/C (Harrison/Robinson) to 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.

Vote: All Ayes.

Action: M/S/C (Robinson/Harrison) to 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

Vote: Ayes – Robinson, Harrison; Noes – Davila; Abstain – None.

BACKGROUND

A. Plan Options

Community Choice Aggregators (CCAs) like East Bay Community Energy (EBCE) were authorized by the state,¹ with the goal of buying less carbon intensive energy at competitive prices. CCAs appoint municipal leaders instead of private shareholders to oversee procurement and energy-related policy-making.

Until June 2018, the default provider of electricity in Berkeley was PG&E. Berkeley joined neighboring cities² to establish EBCE as the default electricity provider.³ The new agency offered significant advantages, including less carbon intensive energy at competitive prices and oversight by local jurisdictions instead of private shareholders. EBCE can reinvest profits into expanding carbon-free options, including through its Local Business Development Plan, and into electrification.⁴

EBCE still relies on PG&E to transmit and deliver its energy over the grid to customers. Therefore, customers receive bills that separately list EBCE electricity supply; PG&E electricity transmission and delivery; PG&E for natural gas; and pass-through charges representing long-term contract obligations for buying electricity entered into by PG&E (known colloquially as the “exit fee”⁵).

The following terms relate to the plans offered by East Bay Community Energy (EBCE):

¹ Migden, Chapter 838, Statutes of 2002; Leno, Chapter 599, Statutes 2011.

² The City of Alameda is not a member-jurisdiction of EBCE because it has its own municipal utility. Newark and Pleasanton decided to join EBCE in 2019 and are scheduled to begin service in 2021.

³ A third category of electric service customer (primarily commercial) known as Direct Access are exempted from both PG&E and EBCE entirely for electricity generation services.

⁴ East Bay Community Energy Local Business Development Plan, <https://ebce.org/local-development-business-plan/>.

⁵ Officially known as the Power Charge Indifference Account – the PCIA.

- **GHG-free:** This is generation that emits zero (or in some cases minimal) GHG-emissions. It includes renewable energy and nuclear power. Currently, nuclear power is not included in any of EBCE's energy portfolios, except as may occur in unspecified power under the *Bright Choice* plan.
- **Renewable:** These are a subset of GHG-free energy sources that are also renewable. They include hydroelectric, wind, solar, geothermal, and biomass.⁶

These definitions are carried over into the three current service offerings of EBCE:

Figure 1: Comparison of EBCE and PG&E Service Options and Respective Power Content^{*7}

⁶ Although renewable, the California Air Resources Board (CARB) assigns nominal GHG-emissions to geothermal and for hydroelectric generation from the Pacific Northwest. Biomass does have significant GHG-emissions in combustion which are offset by reductions in GHGs in other parts of the cycle.

⁷ East Bay Community Energy 2018 Power Content Label, September 10, 2019, https://ebce.org/wp-content/uploads/ebce_PCL_091019_PRINT-small_compressed.pdf. See also, PG&E 2018 Power Mix, https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page?WT.mc_id=Vanity_cleanenergy

Type of Energy	Percent of Total Retail Sales (kWh)				
	East Bay Community Energy			PG&E Standard Rate	PG&E Solar Choice
	Bright Choice	Brilliant 100	Renewable 100		
Renewable & GHG-Free	41%	45%	100%	39%	100%
- Biomass/ Biowaste	0%	0%	0%	4%	0%
- Geothermal	1%	0%	0%	4%	0%
- Eligible hydroelectric	0%	0%	0%	3%	0%
- Solar	15%	20%	50%	18%	100%
- Wind	25%	25%	50%	10%	0%
GHG-Free, Not Renewable	59%	55%	0%	49%	0%
- Large Hydroelectric	21%	55%	0%	13%	0%
- Primarily Large Hydro: Unspecified Sources **	38%	0%	0%	2%	0%
- Nuclear	0%	0%	0%	34%	0%
Non-Renewable Natural Gas	0%	0%	0%	15%	0%
Total	100%	100%	100%	100%	100%

* California Energy Commission Power Source Disclosure Program for EBCE and PG&E's 2018 Power Mix.

**Unspecified sources are not traceable to a specific facility, because traded through open market transactions. Unspecified sources of power are typically a mix of all types, and largely include GHG free sources. EBCE states that the primary source of its unspecified generation in *Bright Choice* is the North West Hydro system, which is carbon-free but not renewable large hydroelectric power.

Ideally, EBCE can purchase energy to meet its customer needs at rates lower than PG&E's (as it does for its *Bright Choice* program) or at parity with PG&E's rates (as with

Brilliant 100). In 2018, the EBCE Board of Directors⁸ established *Bright Choice* as the default product for residential and commercial customers.

Berkeley's initial city-wide default at enrollment for residential and commercial customers was EBCE's *Bright Choice*. The city's municipal accounts were enrolled in the middle tier, *Brilliant 100*.

By joining EBCE in 2018, the City has already realized greenhouse gas emission reductions. All of EBCE's plans have more renewable energy than PG&E's standard plan and while PG&E's basic offering includes natural gas, none of EBCE's plans do, except as may occur in unspecified power under the *Bright Choice* plan.⁹

There is currently uncertainty about whether the EBCE Board will include attributes from nuclear as part of the *Brilliant 100* plan, or whether the Board will vote to eliminate *Brilliant 100* altogether. The City of Berkeley has a long-standing policy on nuclear energy, including a statement of "oppos[ing] the nuclear fuel cycle as a whole."¹⁰ If EBCE were to eliminate *Brilliant 100*, Berkeley's municipal accounts could revert to the more GHG-intensive *Bright Choice*.

B. Effect of this Legislation

This legislation would upgrade Berkeley's municipal accounts to *Renewable 100* and refer the additional cost to the November 2020 budget process. Doing so will support California's burgeoning solar and wind energy sector by increasing the share provided by each source from 15% and 25%, respectively, to 50% which has the potential to further offset electricity generated from natural gas and nuclear, for a relatively small premium. Additionally, the City of Berkeley can avoid uncertainty and would achieve enhanced environmental outcomes as compared to the status quo under *Brilliant 100*.

⁸ Composed of elected officials from each of the participating jurisdictions.

⁹ Except as may occur in unspecified system power.

¹⁰ Nuclear Free Berkeley Act, BMC 12.9.

Figure 2: 2016 Community GHG Emissions Inventory

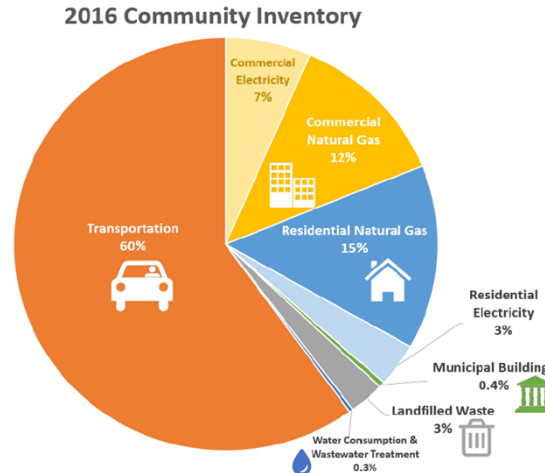
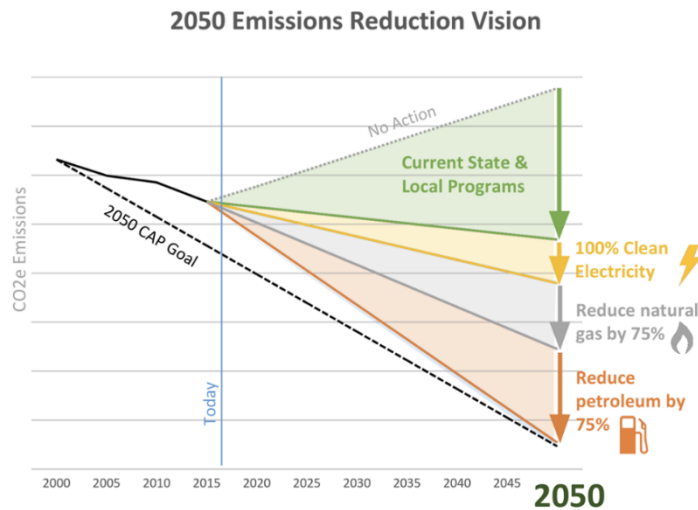


Figure 1: Pie chart of 2016 community-wide GHG emissions inventory, broken down by sector and fuel.

As seen in Figure 3 below, without accelerated efforts, the City will continue to be below its target of 80% GHG reduction by 2050. To reach the 80% goal, 100% GHG-free electricity, along with 75% reductions in natural gas and petroleum usage are needed.

Figure 3: City of Berkeley Strategies to Achieve 80% GHG reduction by 2050 (2017)¹¹



¹¹ 2017 Berkeley Climate Action Plan Update, Office of Energy and Sustainable Development, December 7, 2017, https://www.cityofberkeley.info/Clerk/City_Council/2017/12_Dec/Documents/2017-12-07_WS_Item_01_Climate_Action_Plan_Update.aspx;

This resolution makes these changes on a rolling basis. The City's municipal accounts would be upgraded to *Renewable 100* as soon as possible, subject to the November 2020 budget adoption.

C. Cost and Environmental Impacts of Municipal Accounts at *Renewable 100*

Berkeley's municipal accounts represent about 2% of city-wide electricity usage.¹² The City's accounts are currently enrolled in carbon-free energy through *Brilliant 100*. Short of directly building generation facilities with City resources, the most effective way for Berkeley to support renewable carbon-free energy is to opt its municipal accounts to those sources poised for dramatic growth in the Bay Area and California: solar and wind. While upgrading to *Renewable 100* will initially cost an additional \$94,063¹³ per year, doing so will encourage development of the solar and wind industries and help in bringing those costs down over time.

Economic and environmental advantages to investing in exclusively renewable electricity through *Renewable 100* include:

- *Renewable 100* represents an important investment in green energy; enrolling in this plan represents an important commitment to combatting climate change.
- The cost to the City is minimal. Other such cities, such as 1/3 of those in Los Angeles County and the cities of Dublin and Piedmont have opted their municipal accounts to the greenest plan.
- The construction of new renewable energy provides an opportunity for significant new well-paid green jobs across California and potentially within Alameda County. Alameda County is well positioned for construction of new solar generation, but not hydroelectric.

An investment in the renewable sector will help to stimulate critical research and investment in advanced battery technology that can even the playing field between variable renewables and natural gas, nuclear and hydroelectric.¹⁴

¹² 11,834,276 kWh in 2018. See Fosterra, 100% Renewable Default Option Study for EBCE Communities, February 2018, https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/EC2018-2-28_Item%205b_EBCE%20100%20GHG%20Opt%20In%20Study.docx.pdf.

¹³ EBCE staff provided cost estimate.

¹⁴ Lauren Sommer, "Why 100 Percent Clean Energy in California is Gonna Be Tricky," KQED, September 10, 2018, <https://www.kqed.org/science/1930972/why-100-percent-clean-energy-in-california-is-gonna-be-tricky>; See also, Emma Foehringer Merchant, "IRENA: Global Renewable Energy Prices Will Be Competitive with Fossil Fuels by 2020," Green Tech Media, January 16, 2018, <https://www.greentechmedia.com/articles/read/irena-renewable-energy-competitive-fossil-fuels-2020>.

FINANCIAL IMPLICATIONS

Upgrading Berkeley municipal accounts to *Renewable 100* is estimated to cost the City approximately \$94,063 more annually.

ENVIRONMENTAL SUSTAINABILITY

Reducing carbon emissions at an emergency and equitable pace is a necessary step to meet the goals of the Climate Action Plan and the Berkeley Energy Commission's Fossil Free Report.

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, 510-981-7140

ATTACHMENTS

1. Resolution

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

ESTABLISHING EAST BAY COMMUNITY ENERGY'S RENEWABLE 100 AS
DEFAULT ELECTRICITY SERVICE PLAN FOR MUNICIPAL ACCOUNTS

WHEREAS, fossil fuel extraction and combustion is a primary cause of the present climate emergency that threatens the well-being of all living things; and

WHEREAS, according to scientists and engineers, transitioning society to less greenhouse gas (GHG) intensive forms of energy, namely cleaner electricity, is fundamental to decarbonization; and

WHEREAS, the City of Berkeley has committed to a policy of decarbonization, including through Measure G (Resolution No. 63,518-N.S.) in 2006, calling for the City to reduce greenhouse gas emissions by 33% below 2000 levels by 2020, and 80% by 2050, the 2009 Berkeley Climate Action Plan (Resolution No. 64,480-N.S.), the Berkeley Climate Emergency Declaration (Resolution No. 68,486-N.S.), and the Fossil Free Referral; and

WHEREAS, Berkeley's Climate Action Plan identifies Community Choice Aggregation (CCA) agencies such as East Bay Community Energy (EBCE), which procure cleaner electric power from low-carbon sources on behalf of electricity customers, as a key strategy to meet local clean energy goals and greenhouse gas reduction targets; and

WHEREAS, on November 1, 2016, the City of Berkeley City Council adopted Resolution No. 67,730-N.S. authorizing Berkeley's participation in Alameda County's Community Choice Aggregation program known as East Bay Community Energy (EBCE) and subsequently appointed representatives to its Board of Directors; and

WHEREAS, on April 24, 2018, the City Council adopted Resolution No. 68,404-N.S., selecting the *Brilliant 100* (100% GHG-free) electric service plan for all municipal accounts; and

WHEREAS, EBCE's *Renewable 100* service plan is priced at a small premium to the standard Pacific Gas & Electric rate and features 100% GHG-free and 100% renewable electricity; and

WHEREAS, because the energy sector, including the renewable industry, is rapidly evolving and the EBCE Board may decide to modify rate structures, it is prudent for the Berkeley City Council to reassess the default rate at regular intervals; and

WHEREAS, while Berkeley's municipal sector electricity is already 100% carbon-free, it is in the public interest to upgrade municipal accounts from *Brilliant 100* to *Renewable 100* in recognition of the importance of supporting California's expanding solar and wind energy sector, which has the potential to overtime offset electricity generated from natural gas and nuclear, for a relatively small premium.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized and 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.



Kate Harrison
Councilmember District 4

ACTION CALENDAR
October 27, 2020
(Continued from April 21, 2020)

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison, Mayor Arreguín, Councilmembers Robinson and Hahn

Subject: Adopt a Resolution to Upgrade Residential and Commercial Customers to 100% Greenhouse Gas Emissions-Free Electricity Plan and Municipal Accounts to 100% Renewable Plan

POLICY COMMITTEE

Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee

RECOMMENDATION

Adopt a Resolution to:

- a. Opt up Berkeley's municipal 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.
- b. Upgrade current and new Berkeley residential and commercial customer accounts from *Bright Choice* (>85% GHG-free) to *Brilliant 100* (100% GHG-free), except for residential customers in low income assistance programs.¹ The transition would be effective October 1, 2020 for residential customers and January 1, 2021 for commercial customers.
- c. Provide for yearly Council review of the City's default municipal, residential, and commercial plans.

POLICY COMMITTEE RECOMMENDATION

On February 6, 2020, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action:

Action: M/S/C (Harrison/Robinson) to approve recommendations b and c, as revised in the supplemental report submitted by Councilmember Harrison, with a Positive Recommendation.

¹ CARE and FERA are state discount programs; eligibility requirements are shown in the Appendix B. The Medical Baseline Program assists residential customers who have qualifying medical conditions with a lower rate on monthly energy bills and extra notifications in advance of a Public Safety Power Shutoff.

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.

Vote: All Ayes.

Action: M/S/C (Robinson/Harrison) to 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

Vote: Ayes – Robinson, Harrison; Noes – Davila; Abstain – None.

BACKGROUND

A. Plan Options

Community Choice Aggregators (CCAs) like East Bay Community Energy (EBCE) were authorized by the state,² with the goal of buying less carbon intensive energy at competitive prices. CCAs appoint municipal leaders instead of private shareholders to oversee procurement and energy-related policy-making.

Until June 2018, the default provider of electricity in Berkeley was PG&E. Berkeley joined neighboring cities³ to establish EBCE as the default electricity provider.⁴ The new agency offered significant advantages, including less carbon intensive energy at competitive prices and oversight by local jurisdictions instead of private shareholders.

² Migden, Chapter 838, Statutes of 2002; Leno, Chapter 599, Statutes 2011.

³ The City of Alameda is not a member-jurisdiction of EBCE because it is has its own municipal utility. Newark and Pleasanton decided to join EBCE in 2019 and are scheduled to begin service in 2021.

⁴ A third category of electric service customer (primarily commercial) known as Direct Access are exempted from both PG&E and EBCE entirely for electricity generation services.

EBCE can reinvest profits into expanding carbon-free options, including through its Local Business Development Plan, and into electrification.⁵

EBCE still relies on PG&E to transmit and deliver its energy over the grid to customers. Therefore, customers receive bills that separately list EBCE electricity supply; PG&E electricity transmission and delivery; PG&E for natural gas; and pass-through charges representing long-term contract obligations for buying electricity entered into by PG&E (known colloquially as the “exit fee”⁶).

Customers can rejoin PG&E at any time by opting out of EBCE.⁷ The City of Berkeley boasts an impressive opt out rate of under 2% of customers returning to PG&E.

The following terms relate to the plans offered by East Bay Community Energy (EBCE):

- **GHG-free:** This is generation that emits zero (or in some cases minimal) GHG-emissions. It includes renewable energy and nuclear power. Currently, nuclear power is not included in any of EBCE’s energy portfolios but EBCE is considering including it in its *Bright Choice* service offering.
- **Renewable:** These are a subset of GHG-free energy sources that are also renewable. They include hydroelectric, wind, solar, geothermal, and biomass.⁸

These definitions are carried over into the three current service offerings of EBCE:

⁵ East Bay Community Energy Local Business Development Plan, <https://ebce.org/local-development-business-plan/>.

⁶ Officially known as the Power Charge Indifference Account – the PCIA.

⁷ PG&E requires a one year waiting period to return to EBCE once a customer has opted out to PG&E.

⁸ Although renewable, the California Air Resources Board (CARB) assigns nominal GHG-emissions to geothermal and for hydroelectric generation from the Pacific Northwest. Biomass does have significant GHG-emissions in combustion which are offset by reductions in GHGs in other parts of the cycle.

Figure 1: Comparison of EBCE and PG&E Service Options and Respective Power Content⁹

Type of Energy	Percent of Total Retail Sales (kWh)				
	East Bay Community Energy			PG&E Standard Rate	PG&E Solar Choice
	Bright Choice	Brilliant 100	Renewable 100		
Renewable & GHG-Free	41%	45%	100%	39%	100%
- Biomass/ Biowaste	0%	0%	0%	4%	0%
- Geothermal	1%	0%	0%	4%	0%
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- Large Hydroelectric	21%	55%	0%	13%	0%
- Primarily Large Hydro: Unspecified Sources **	38%	0%	0%	2%	0%
- Nuclear	0%	0%	0%	34%	0%
Non-Renewable Natural Gas	0%	0%	0%	15%	0%
Total	100%	100%	100%	100%	100%

* California Energy Commission Power Source Disclosure Program for EBCE and PG&E's 2018 Power Mix.

**Unspecified sources are not traceable to a specific facility, because traded through open market transactions. Unspecified sources of power are typically a mix of all types, and largely include GHG free sources. EBCE states that the primary source of its unspecified generation in *Bright Choice* is the North West Hydro system, which is carbon-free but not renewable large hydroelectric power.

⁹ East Bay Community Energy 2018 Power Content Label, September 10, 2019, https://ebce.org/wp-content/uploads/ebce_PCL_091019_PRINT-small_compressed.pdf. See also, PG&E 2018 Power Mix, https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page?WT.mc_id=Vanity_cleanenergy

Ideally, EBCE can purchase energy to meet its customer needs at rates lower than PG&E's (as it does for its *Bright Choice* program) or at parity with PGE's rates (as with *Brilliant 100*). In 2018, the EBCE Board of Directors¹⁰ established *Bright Choice* as the default product for residential and commercial customers. The *Brilliant 100* plan, was selected by Hayward and Albany for their businesses and residents.¹¹ Piedmont elected to enroll everyone in *Renewable 100* for residential customers, at a slight premium (See Appendix C).

Berkeley's initial city-wide default at enrollment for residential and commercial customers was EBCE's *Bright Choice*. The city's municipal accounts were enrolled in the middle tier, *Brilliant 100*.

By joining EBCE in 2018, the City has already realized greenhouse gas emission reductions. All of EBCE's plans have more renewable energy than PG&E's standard plan and while PG&E's basic offering includes natural gas, none of EBCE's plans do.¹²

B. Effect of this Legislation

This legislation would upgrade Berkeley's municipal accounts to *Renewable 100*. Doing so will support California's burgeoning solar and wind energy sector, which has the potential to further offset electricity generated from natural gas and nuclear, for a relatively small premium.

The resolution also upgrades residents and businesses to the carbon-free plan. This allows the City to move closer towards eliminating the vast majority of its electricity-based GHG emissions,¹³ bringing it closer to its Climate Action Plan goal of reducing emissions by 33% by 2020. Berkeley's 2016 community-wide GHG emissions are approximately 15% below 2000 baseline levels; the City is approximately 18% behind its 2020 goal.¹⁴ In 2016, residential and commercial electricity accounted for 3% and 7%, respectively, of 2016 city-wide emissions.¹⁵

¹⁰ Composed of elected officials from each of the participating jurisdictions.

¹¹ While renewable energy sources such as wind and solar are not consistently available all day and cannot be directly dispatched, rapid advances in battery storage are ameliorating those issues; East Bay Community Energy Board of Directors, Item 4 Approval of Minutes from February 7, 2018, February 20, 2018, https://ebce.org/wp-content/uploads/Item-4-EBCE_BOD_Draft-minutes_2_7_18-1.pdf; Hayward decided to keep their CARE and FERA customers at *Bright Choice*, while Albany and Piedmont decided to opt their CARE and FERA customers to *Brilliant 100*.

¹² Except as may occur in unspecified system power.

¹³ The latest available City of Berkeley data is from 2016. See 2018 Berkeley Climate Action Plan Update, Office of Energy and Sustainable Development, December 6, 2018, https://www.cityofberkeley.info/Clerk/City_Council/2018/12_Dec/Documents/2018-12-06_WS_Item_01_Climate_Action_Plan_Update_pdf.aspx.

¹⁴ In part, this is due to an 18% increase in population in that same time period.

¹⁵ These 2016 figures do not account for GHG reductions resulting from Berkeley's enrollment in EBCE's *Bright Choice* plan in 2018, changes in PG&E's power mix for large customers than remained with PG&E, minimal customer enrollment in *Renewable 100*, and other population and usage trends.

Figure 2: 2016 Community GHG Emissions Inventory

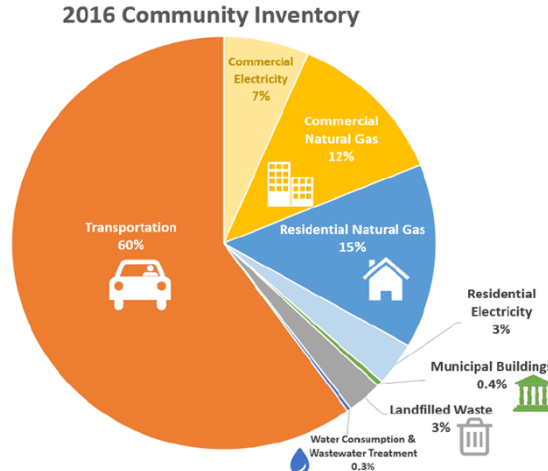
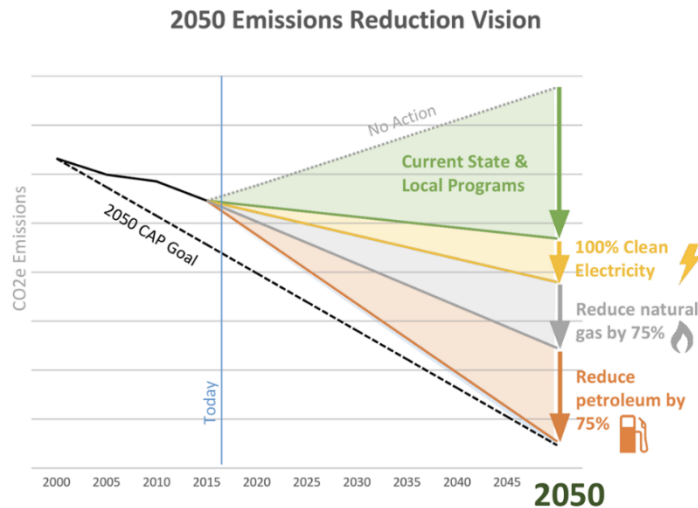


Figure 1: Pie chart of 2016 community-wide GHG emissions inventory, broken down by sector and fuel.

As seen in Figure 3 below, without accelerated efforts, the City will continue to be below its target of 80% GHG reduction by 2050. To reach the 80% goal, 100% GHG-free electricity, along with 75% reductions in natural gas and petroleum usage are needed.

Figure 3: City of Berkeley Strategies to Achieve 80% GHG reduction by 2050 (2017)¹⁶



¹⁶ 2017 Berkeley Climate Action Plan Update, Office of Energy and Sustainable Development, December 7, 2017, https://www.cityofberkeley.info/Clerk/City_Council/2017/12_Dec/Documents/2017-12-07_WS_Item_01_Climate_Action_Plan_Update.aspx;

EBCE estimates *Bright Choice* participation alone results in approximately 18,844 metric tons of carbon dioxide emissions each year. These emissions are equivalent to 4,001 passenger vehicles driven per year and would require 24,609 acres of forests to sequester. These 72,363 acres of forest are more than two times Berkeley’s land area.

Figure 4: Carbon impact of *Bright Choice* Use in Berkeley

Per Hour 2018 Emissions from <i>Bright Choice</i>	Annual Total CO _{2e}
101 lb-CO _{2e} /MWh	18,844 metric tons

Were all customers upgraded to *Brilliant 100* and remained there, these emissions would be entirely eliminated.

Moving to *Brilliant 100* would increase the use of solar from 15% to 20% of the power supply paired with eliminating unspecified sources of electricity from EBCE, which are from primarily from large hydroelectric. Total large hydroelectric power would be reduced from up to 59% to 55% and total unspecified power would be reduced from 38% to 0%.

In addition, the EBCE Board is currently considering whether to accept PG&E allocations of nuclear energy in the *Bright Choice* service plan. EBCE staff noted in a recent presentation that, under this scenario, customers could avoid paying directly for nuclear energy generation¹⁷ by opting up from *Bright Choice*: “Any individual customer or entire city can opt-up to *Brilliant 100* or *Renewable 100* to eliminate nuclear generation from their power mix.”¹⁸ The City of Berkeley has a long-standing policy on nuclear energy, including a statement of “oppos[ing] the nuclear fuel cycle as a whole.”¹⁹ The uncertainty surrounding the inclusion of nuclear power in *Bright Choice* would be eliminated as a result of this legislation.

Upgrading customer accounts would also insure that the energy purchased in Berkeley is significantly greener than that provided by PG&E. During the last couple of years, PG&E has also made its supply greener; in 2018, PG&E’s least green plan offered 86% carbon-free electricity.²⁰

¹⁷ The exit fees charged pay for a portion of PG&E’s nuclear generation.

¹⁸ Nick Chaset, East Bay Community Energy Executive Committee, PG&E Carbon-Free Allocations (Informational item), November 20, 2019, <https://ebce.org/wp-content/uploads/Item-5-PGE-Carbon-Free-Allocations.pdf>.

¹⁹ Nuclear Free Berkeley Act, BMC 12.9.

²⁰ See PG&E 2018 Power Mix.

Finally and, most critically, using cleaner energy in Berkeley will realize significant, future long-term benefits, including mitigating the impact of increased electricity consumption as the community transitions towards all-electric buildings and vehicle charging infrastructure.²¹ Maximizing the climate benefits of building and transportation electrification requires the cleanest possible electric supply.²²

The Berkeley City Council, with approval from the EBCE Board, may revise default customer rate plans at any time. Market-based solutions to the climate emergency have and will likely continue to fail to deliver the necessary emergency reductions. EBCE customers have had the option to voluntarily enroll in greener plans but to date very few have done so. As of January 2020, less than 3% of Berkeley customers upgraded from *Bright Choice*.

Figure 5: Current Enrollment in EBCE Service Plans

	# of Total Customers	% of total
Bright Choice	52,113	97.06%
Brilliant 100	577	1.07%
Renewable 100	1,002	1.87%
Total Customers	53,692	100%

Upgrading customers while continuing to allow people to opt back down will yield substantially more benefits than the best marketing campaign aimed at encouraging customers to opt-up individually.

This resolution makes these changes on a rolling basis. The City’s municipal accounts would be upgraded to *Renewable 100* in July, 2020, subject to budget adoption. EBCE’s *Brilliant 100* would become the default plan for residential customers in it as of October 1, 2020 and commercial accounts as of January 1, 2021.²³ This timeline will allow for outreach through community workshops, on-line guidance and information and other forms of engagement, especially to low and moderate income community members and small businesses, in advance of enrollment in *Brilliant 100*.

²¹ 2018 Berkeley Climate Action Plan Update, p. 10.

²² While wind and solar are not consistently available throughout the day and cannot be directly dispatched, rapid advances in battery storage technology are ameliorating those issues.

²³ See East Bay Community Energy, Rates, <https://ebce.org/residents/> & <https://ebce.org/businesses/>

C. EBCE Compared to other Regional CCAs

CCAs need to buy on the open market or create new sources of renewable energy. Other CCAs, even those that were recently formed, have been able to enroll all customers in GHG-free plans. 74% of Clean Power Alliance CCA in Southern California, formed in 2017, customers are on 100% GHG-free service plans and an equivalent opt out rate to EBCE (3.8% vs. 4.0%). Silicon Valley only has the two greener plans, with no equivalent to EBCE's *Bright Choice*. MCE, which offers a mixed carbon and carbon-free plan, has a higher opt out rate than EBCE. A transition across EBCE's service area to 100% GHG-free energy will support regional efforts to reduce emissions.

D. Cost Impacts of the Transition on Customers

The cost impact of *Brilliant 100* needs to be understood compared to PG&E rates and those of *Bright Choice*. Based on current pricing, *Brilliant 100* customers would pay the *same rate* as they would for PG&E generation service, but would benefit from 15% percent less carbon-intensive energy with no nuclear or natural gas. However, there will be a small price premium when compared to *Bright Choice*. All other things being equal, the average price increase for a residential customer due to the proposed upgrade is estimated to be \$0.63/month (see Appendix D) and for a small business \$2.63/month (see Appendix E).²⁴

Due to anticipated increases in exit fees, the cost of *Brilliant 100* compared to PG&E could increase. On average, exit fees represent a relatively nominal percentage (11%) of an EBCE bill.²⁵ On February 27, 2020,²⁶ the California Public Utilities Commission (CPUC) updated its calculation of the exit fees. In FY 2020-2021, CPUC has limited the increase in exit fees to ½ cent/kilowatt hour, about a 16% increase in the current exit fee and established a 7% cap for under collection set at for the same time period.²⁷ This net increase of 23% could result in a total increase of 2.82% over an average PG&E bill. An increase in the exit fees impacts all three of EBCE's rate plans.

For informational purposes only, Appendix D and E include calculations, all other things being equal, representing the marginal increase resulting from a 25% PCIA increase scenario.

²⁴ See Figure 4.

²⁵ Generation accounts for 34% and PG&E transmission and delivery charges are 54% of an EBCE Bill.

²⁶ Decision Adopting Pacific Gas And Electric Company's 2020 Energy Resource Recovery Account Forecast And Generation Non-Bypassable Charges Forecast And Greenhouse Gas Forecast Revenue Return And Reconciliation, California Public Utilities Commission ALJ Final Decision, 2/28/2020, <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M328/K199/328199856.PDF>.

²⁷ See PCIA Update, EBCE, February 19, 2020, <https://ebce.org/wp-content/uploads/Item-10-PCIA-UPDATE-Informational-Item.pdf>. See also, CPUC Decision 18-10-019, October 11, 2018 <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M232/K687/232687030.PDF>.

The EBCE Board may choose from among various steps to mitigate potential PCIA-related financial losses, including raising rates. EBCE has indicated that they will likely preserve some differential in the *Bright Choice* option from PG&E's rates to keep customers from opting out, and increase *Brilliant 100* disproportionately to make up the difference.

Although the outcome of the PCIA is far from certain, EBCE estimates that the cost of *Brilliant 100* could increase from 1%-6% above PG&E's standard rate, as compared to the current price parity with PG&E.²⁸ Some of EBCE's \$120 million in cash and cash equivalents could be used to subsidize rates over the next year.²⁹ Using the middle of the range, or a 3.5% rate increase over PG&E, would bring the price differential from PG&E up slightly to \$3.12/month for residential customers and \$13.24 for commercial customers (See Appendices D and E). These estimates are largely consistent with exit fee estimates made by neighboring jurisdictions such as San Francisco. If none of EBCE reserves are used, the *Brilliant 100* percentage amount above PG&E rates could be greater.

As a result of the Resolution, customers receiving subsidies through the California Alternate Rates for Energy Program (CARE), Family Electric Rate Assistance (FERA), and Medical Baseline Allowance Programs will not be upgraded and will continue to receive their monthly discounts through PG&E under their current plan. This discount is already applied to the transmission and distribution charges on other customers' electricity bills pursuant to state law.

A change in customer rate plans does not bind customers; customers retain the choice to opt back down. They may also opt out, at any time for a one-time fee of \$5 for residential customers and \$25 for commercial customers.

E. Cost and Environmental Impacts of Municipal Accounts at *Renewable 100*

Berkeley's municipal accounts represent about 2% of city-wide electricity usage.³⁰ The City's accounts are currently enrolled in carbon-free energy through *Brilliant 100*. Short

²⁸ See EBCE PCIA Update.

²⁹ Fiscal Year 2019-2020 Second Quarter Financial Statements, February 19, 2020, <https://ebce.org/wp-content/uploads/Consent-Item-7-Fiscal-Year-2019-20-Second-Quarter-Financial-Statements.pdf>. The EBCE Board is considering whether to set aside approximately \$40.5 million towards its reserves, which could reduce available cash and cash equivalents to approximately \$80 million. See Reserve Fund Allocations from 2018-19 Fiscal Year Net Revenues (Action Item), December 18, 2019, <https://ebce.org/wp-content/uploads/Item-14-Reserve-Fund-Allocations-from-2018-19-Fiscal-Year-Net-Revenues-Action-Item.pdf>.

³⁰ 11,834,276 kWh in 2018. See Fosterra, 100% Renewable Default Option Study for EBCE Communities, February 2018, https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/EC2018-2-28_Item%205b_EBCE%20100%20GHG%20Opt%20In%20Study.docx.pdf.

of directly building generation facilities with City resources, the most effective way for Berkeley to support carbon-free energy is to opt its municipal accounts to those sources poised for dramatic growth in the Bay Area and California: solar and wind. The City of Berkeley is well positioned to pay the 4% premium for *Renewable 100*, estimated at a cost of \$100,040³¹ per year.

Economic and environmental advantages to investing in exclusively renewable electricity through *Renewable 100* include:

- *Renewable 100* represents an important investment in green energy; enrolling in this plan represents an important commitment to combatting climate change.
- The cost to the City is minimal. Other such cities, such as 1/3 of those in Los Angeles County and the cities of Dublin and Piedmont have opted their municipal accounts to the greenest plan.
- The construction of new renewable energy provides an opportunity for significant new well-paid green jobs across California and potentially within Alameda County. Alameda County is well positioned for construction of new solar generation, but not hydroelectric.

An investment in the renewable sector will help to stimulate critical research and investment in advanced battery technology that can even the playing field between variable renewables and natural gas, nuclear and hydroelectric.³²

F. Alternatives Considered

Enrolling residential and commercial customers in *Brilliant 100* represents the most reasonable, equitable and feasible step towards reducing GHG emissions. *Renewable 100* is currently on average \$4.22 (4%) per month more expensive than PG&E for residential customers; this increase could rise to \$6.53 over PG&E with exit fee increases. On the commercial side, *Renewable 100* is estimated to cost \$17.70 more per month for the average small business, and could increase to \$26.75/month with increases in the exit fees. This would represent an undue burden and would not further reduce greenhouse gas emissions (although it would move generation away from hydro-electric).

In addition, there is uncertainty about ongoing California Public Utility Commission regulatory proceedings to determine potential increases to exit fees. An unfavorable future CPUC decision could disproportionately impact rate hikes for those in the more

³¹ EBCE staff provided cost estimate.

³² Lauren Sommer, "Why 100 Percent Clean Energy in California is Gonna Be Tricky," KQED, September 10, 2018, <https://www.kqed.org/science/1930972/why-100-percent-clean-energy-in-california-is-gonna-be-tricky>; See also, Emma Foehringer Merchant, "IRENA: Global Renewable Energy Prices Will Be Competitive with Fossil Fuels by 2020," Green Tech Media, January 16, 2018, <https://www.greentechmedia.com/articles/read/irena-renewable-energy-competitive-fossil-fuels-2020>.

expensive *Renewable 100*, especially inequitable for low-income residents. Opt downs and opt ups would also be more likely to increase.

However, because the energy sector, including the renewable industry, is rapidly evolving, and as the EBCE Board may decide to modify rate structures, this item also calls for yearly Council review of the default plan with respect to power mix sustainability and cost in order to determine whether further adjustment of the default or another community-wide change in service plan is warranted.

FINANCIAL IMPLICATIONS

Upgrading Berkeley municipal accounts to *Renewable 100* is estimated to cost the City approximately \$100,040 more annually.

In response to a referral adopted by City Council on January 21, 2020, staff is currently working to develop estimates regarding funding and capacity needed to increase community outreach and engagement related to climate action. These increased engagement presents an ideal opportunity to educate community members about East Bay Community Energy service plans as part of that effort.

ENVIRONMENTAL SUSTAINABILITY

Reducing carbon emissions at an emergency and equitable pace is a necessary step to meet the goals of the Climate Action Plan and the Berkeley Energy Commission's Fossil Free Report.

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, 510-981-7140

ATTACHMENTS

1. Resolution
2. Appendix A: Current PG&E Rates
3. Appendix B: 2019-2020 CARE and FERA Income Eligibility
4. Appendix C: Default Enrollment Service for Jurisdictions Participating in EBCE
5. Appendix D: Residential Rate Scenarios
6. Appendix E: Commercial Rate Scenarios

Appendix A: PG&E Rates (2020)

CARE Income Guidelines

[good until May 31, 2020]

Number of People in Household	Total Gross Annual Household Income*
1-2	\$33,820 or less
3	\$42,660 or less
4	\$51,500 or less
5	\$60,340 or less
6	\$69,180 or less
7	\$78,020 or less
8	\$86,860 or less
Each Additional Person, add	\$8,840

FERA Income Guidelines

[good until May 31, 2020]

Number of People in Household	Total Gross Annual Household Income*
1-2	Not Eligible
3	\$42,661-\$53,325
4	\$51,501-\$64,375
5	\$60,341-\$75,425
6	\$69,181-\$86,475
7	\$78,021-\$97,525
8	\$86,861-\$108,575
Each Additional Person, add	\$8,840-\$11,050

Appendix B: 2019-2020 CARE and FERA Income Eligibility (February 2020)³³

		Average Monthly Bill (\$)
PG&E	Standard Residential Rate	\$89
	Solar Residential Choice	\$92
	Standard Commercial Rate	\$378
	Solar Commercial Choice	\$386

³³ PG&E, CARE (California Alternate Rates for Energy), https://www.pge.com/en_US/residential/save-energy-money/help-paying-your-bill/longer-term-assistance/care/care.page.

Appendix C: Default Enrollment Service for EBCE Jurisdictions

Jurisdiction	Residential Customers	Commercial Customers	Customers in FERA, and Medical Baseline Allowance Programs
Albany	Brilliant 100	Brilliant 100	Brilliant 100
Hayward	Brilliant 100	Brilliant 100	Bright Choice
Piedmont	Renewable 100	Bright Choice	Brilliant 100
All other jurisdictions, including Berkeley	Bright Choice	Bright Choice	Bright Choice

Appendix D: Residential Price Scenarios

	Current Average Monthly Bill		25% Increase in Exit Fees ³⁴		Brilliant 100 Premium (Mid-Point 3.5%) ³⁵	
	Average Monthly Bill (\$)	Average Monthly Cost Compared to Bright Choice (\$)	Average Monthly Bill (\$)	Increase Compared to PG&E (\$)	Average Monthly Bill (\$)	Marginal Monthly Increase over PG&E (\$)
Bright Choice	\$88.58	-	\$91.31	-	-	-
Brilliant 100	\$89.21	\$0.63	\$91.94	\$2.94	\$92.33	\$3.12
Renewable 100	\$92.80	\$4.22	\$95.53	\$6.53	-	-
PG&E	\$89.21	\$0.42	-	-	-	-

³⁴ See CPUC Decisions 18-10-019 and 20-02-047.

³⁵ See PCIA Update, EBCE, February 19, 2020, <https://ebce.org/wp-content/uploads/Item-10-PCIA-UPDATE-Informational-Item.pdf>. pp. 3-4.

Appendix E: Commercial Price Scenarios

	Current Average Monthly Bill		25% Increase in Exit Fees ³⁶		Brilliant 100 Premium (Mid-Point 3.5%) ³⁷	
	Average Monthly Bill (\$)	Average Monthly Cost Compared to Bright Choice (\$)	Average Monthly Bill (\$)	Increase Compared to PG&E (\$)	Average Monthly Bill (\$)	Marginal Monthly Increase over PG&E (\$)
Bright Choice	\$375.79	-	\$387.06	-	-	-
Brilliant 100	\$378.42	\$2.63	\$389.69	\$2.63	\$391.66	\$13.24
Renewable 100	\$393.49	\$17.7	\$404.75	\$17.7	-	-
PG&E	\$378.42	\$2.63	-	-	-	-

³⁶ See CPUC Decisions 18-10-019 and 20-02-047.

³⁷ See PCIA Update, EBCE, February 19, 2020, <https://ebce.org/wp-content/uploads/Item-10-PCIA-UPDATE-Informational-Item.pdf>. pp. 3-4.

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

ESTABLISHING EAST BAY COMMUNITY ENERGY'S BRILLIANT 100 AS DEFAULT ELECTRICITY SERVICE PLAN FOR RESIDENTIAL AND COMMERCIAL ACCOUNTS AND RENEWABLE 100 FOR MUNICIPAL ACCOUNTS

WHEREAS, Fossil fuel extraction and combustion is a primary cause of the present climate emergency that threatens the well-being of all living things; and

WHEREAS, according to scientists and engineers, transitioning society to less greenhouse gas (GHG) intensive forms of energy, namely cleaner electricity, is fundamental to decarbonization; and

WHEREAS, according to City data from 2016, Berkeley's residential electricity sector accounts for 3% of city-wide emissions, the commercial electricity sector accounts for 7% of city-wide emissions, and another 27% and 60% of emissions are attributed respectively to natural gas appliances and fossil fuel-powered transportation that can be phased out through electrification fueled by 100% GHG-free electricity; and

WHEREAS, the City of Berkeley has committed to a policy of decarbonization, including through Measure G (Resolution No. 63,518-N.S.) in 2006, calling for the City to reduce greenhouse gas emissions by 33% below 2000 levels by 2020, and 80% by 2050, the 2009 Berkeley Climate Action Plan (Resolution No. 64,480-N.S.), the Berkeley Climate Emergency Declaration (Resolution No. 68,486-N.S.), and the Fossil Free Referral; and

WHEREAS, Berkeley's Climate Action Plan identifies Community Choice Aggregation (CCA) agencies such as East Bay Community Energy (EBCE), which procure cleaner electric power from low-carbon sources on behalf of electricity customers, as a key strategy to meet local clean energy goals and greenhouse gas reduction targets; and

WHEREAS, on November 1, 2016, the City of Berkeley City Council adopted Resolution No. 67,730-N.S. authorizing Berkeley's participation in Alameda County's Community Choice Aggregation program known as East Bay Community Energy (EBCE) and subsequently appointed representatives to its Board of Directors; and

WHEREAS, on February 7, 2018, the EBCE Board of Directors established a default 85% carbon free default service plan known as Bright Choice for the City of Berkeley and other participating jurisdictions; and

WHEREAS, on April 24, 2018, the City Council adopted Resolution No. 68,404-N.S., selecting the *Brilliant 100* (100% GHG-free) electric service plan for all municipal accounts; and

WHEREAS, Cities have the authority to designate greenhouse gas-free default electric service plans as the default plan for eligible residential and commercial customers and the City Councils of other EBCE participating jurisdictions such as Albany, Piedmont and

Hayward selected default service plans featuring 100% GHG-free electricity for their customers; and

WHEREAS, EBCE's *Brilliant 100* service plan costs the same as the standard Pacific Gas & Electric rate and features 100% GHG-free electricity; and

WHEREAS, given the present climate emergency and the fact that the City of Berkeley is behind its Climate Action Plan targets, establishing a new default for residential and commercial customers while retaining protections for price sensitive groups to cost-effective GHG-free default electric services will likely yield substantially more GHG savings than the best marketing campaign aimed at encouraging customers to opt-up individually; and

WHEREAS, it is in the public interest to position city-wide residential and commercial customers to take advantage of electricity service with the lowest emissions factor, best environmental profile and least cost by replacing *Bright Choice* with *Brilliant 100* as the default service plan; and

WHEREAS, as a result of the new default, customers receiving subsidies through the California Alternate Rates for Energy Program, Family Electric Rate Assistance, and Medical Baseline Allowance Programs will continue to receive their monthly discounts through the PG&E portion of their bill; and

WHEREAS, residential and commercial customers may opt out of *Brilliant 100* default at any time; and

WHEREAS, because the energy sector, including the renewable industry, is rapidly evolving and the EBCE Board may decide to modify rate structures, it is prudent for the Berkeley City Council to reassess the default rate at regular intervals; and

WHEREAS, EBCE's *Renewable 100* service plan is priced at a 4% premium to the standard Pacific Gas & Electric rate and features 100% GHG-free and 100% renewable electricity; and

WHEREAS, while Berkeley's municipal sector electricity is already 100% carbon-free, it is in the public interest to upgrade municipal accounts from *Brilliant 100* to *Renewable 100* in recognition of the importance of supporting California's expanding solar and wind energy sector, which has the potential to overtime offset electricity generated from natural gas and nuclear, for a relatively small premium.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby selects *Brilliant 100* as the default electricity product, effective October 1, 2020 for residential customers and January 1, 2021 for commercial customers, and establishes yearly Council review of the default plan in order to determine whether further adjustment of the residential and commercial defaults are appropriate.

BE IT FURTHER RESOLVED that the City Council authorizes and directs the City Manager to select *Renewable 100* as the electricity product for the City of Berkeley's municipal accounts.



Police Review Commission

INFORMATION CALENDAR

October 27, 2020

To: Honorable Mayor and Members of the City Council
 From: Police Review Commission
 Submitted by: Kitty Calavita, Chairperson, Police Review Commission
 Subject: Police Review Commission Work Plan for 2020-2021

INTRODUCTION

The Police Review Commission submits its work plan for the year beginning July 2020, in compliance with the 2016 City Council directive for commissions to submit work plans at the beginning of each fiscal year.

CURRENT SITUATION AND ITS EFFECTS

The Commission adopted the attached work plan at its September 9, 2020 meeting. (M/S/C: Mikiten/Chang; Ayes: Calavita, Chang, Leftwich, Mikiten, Mizell, Perezvelez, Ramsey; Noes: None; Abstain: None; Absent: Allamby.)

The work plan includes a list of policy subjects that the Commission is or anticipates addressing in this fiscal year. Foremost among those subjects is the Citywide effort to transform community safety; the Commission expects to participate in the upcoming process of envisioning and shaping a reimagined police department. As time and resources permit, the Commission would like more training about police procedures and tactics, and to learn more about training that our police officers receive. Additionally, the Commission would like to conduct more outreach to ensure that the public is aware of the Commission's existence and role. Finally, the Commission's role in hearing complaints of alleged police misconduct will continue.

If the ballot measure to establish a new Police Accountability Board and Director of Police Accountability position is passed by the voters this November, the current Commission should be phased out by June 30, 2021, which coincides with the period covered by this work plan.

BACKGROUND

The Police Review Commission was established by ordinance in 1973 to provide for community participation in setting and reviewing police department policies, practices, and procedures, and to provide a means for prompt, impartial, and fair investigation of complaints brought by individuals against the Berkeley Police Department.

Policy work is carried out by the Commission with support from staff, while complaint investigations are handled by staff with commissioner involvement if a case proceeds to hearing. Historically, review of police policies, practices and procedures was largely determined by the Commission itself, with some review generated by members of the public or the City Council but, in light of the heightened scrutiny of law enforcement and push for racial equity, more referrals have been coming from the City Council since June of this year. The number of complaint investigations and hearings remain externally driven.

ENVIRONMENTAL SUSTAINABILITY

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

POSSIBLE FUTURE ACTION

While the attached work plan reflects the Commission's priorities as of the date of its adoption, it is subject to change throughout the year should more urgent or important matters arise. These matters may take precedence as a result of Council referrals, incidents involving the police, or requests from the community.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

No fiscal impacts of possible future action are anticipated for the current fiscal year.

CONTACT PERSON

Katherine J. Lee, Police Review Commission Officer, 510-981-4960

Attachments:

- 1: Police Review Commission Work Plan for 2020-2021



Police Review Commission

Police Review Commission 2020-2021 Work Plan

Commission mission statement

The general purpose of the Police Review Commission is to provide for community participation in setting and reviewing police department policies, practices, and procedures, and to provide a means for prompt, impartial, and fair investigation of complaints brought by individuals against the Berkeley Police Department. (B.M.C. sec. 3.32.010.)

Goal #1: Participate in the process to transform community safety in the City of Berkeley.

a. Resources

PRC staff, BPD and other City staff, and consultants.

b. Program activities

The City Council, in a reflection of the community's desires, has directed the City Manager to embark on a process of re-imagining community safety in the City, which includes limiting the role of law enforcement and identifying elements of police work that can be achieved through alternative programs, policies, systems, and community investments. As the body tasked with reviewing police policies, practices and procedures, the PRC has a valuable perspective on the current work of our police force, and expects to participate, with other community stakeholders, in envisioning and shaping a reimagined police department that sheds some responsibilities – such as mental health responses and traffic enforcement – and employs alternative approaches to remaining duties where appropriate.

c. Outputs

Recommendations for programs, structures, and initiatives to transform community safety in the City, especially as they relate to changes in the current scope of responsibilities of the Police Department.

Goal #2: Review and set BPD policies, practices, and procedures.

a. Resources

PRC staff, BPD staff, meeting space or videoconferencing capability.

b. Program activities

A policy review may be initiated by the Commission, by a City Council referral, the Police Department, or a member of the public. The initial review steps may be undertaken by the Commission, a commission subcommittee, or staff, depending on the nature and breadth of the policy, practice, or procedure in question. The review could include: holding meetings and hearings to receive input from community members; meeting with and asking questions of the BPD; studying current policies, practices, and procedures; gathering policies from other jurisdictions; and surveying the literature regarding best practices.

If a subcommittee or staff perform the initial work, it will be presented to the full Commission for review and approval.

c. Outputs

Based on the information gathered, the Commission will make a recommendation to the BPD, City Manager or City Council about a change in a policy, practice, or procedure.

d. Outcomes

The desired change is a new or improved policy, practice, or procedure. If new, it will provide guidance where it did not previously exist or was not well-documented. A revised policy, practice, or procedure will reflect a change to conform with new laws, to embrace best practices that have changed since the original policy was established, or to better align with community values.

This fiscal year, policy review must be considered in the context of the overarching effort to transform community safety.

e. Specific policies, practices, or procedures to be addressed in the current fiscal year will include ongoing, recurring, and new reviews.

Topics for which review was begun last fiscal year and will continue:

- New or revised policies and practices to address disparities in BPD pedestrian and traffic stop, citation, search, and arrest rates; and other

efforts to ensure unbiased policing. (Note that three PRC members are on the Mayor's Working Group on Fair & Impartial Policing.)

- Complete conversion of all BPD General Orders into Lexipol policies.
- Surveillance Acquisition Policies and Surveillance Technology Use Policies. Under the Surveillance Technology Use and Community Safety Ordinance, the PRC reviews these policies when new technologies or new uses of existing technologies are proposed, and makes a recommendation to the Council.

Matters for which review has begun or is anticipated to start this year:

- Uses of tear gas in narrowly defined circumstances.
- Evaluation of a proposed ordinance regulating Police Acquisition and Use of Controlled Equipment, as referred from the Council Agenda & Rules Committee.
- Assessment of use of body-worn cameras and re-visiting of policy recommendations made in March 2018.

Recurring topics:

- Memoranda of understanding and mutual aid pacts with other law enforcement agencies (an annual process).

Not all reviews of police policies, practices, or procedures can be anticipated in advance, as some issues are undertaken based on a request from the City Council or a civilian. Also, the PRC may undertake a review in response to particular police activity or incident.

Goal #3: Process complaints regarding individual police officer misconduct.

a. Resources

PRC staff are responsible for carrying out this goal, with critical participation by Commissioners. BPD staff are also involved.

b. Program activities

Staff will receive complaints of alleged misconduct by police officers, conduct an investigation, and, if warranted, prepare the case for a hearing before a Board of Inquiry. Rotating panels of three Commissioners serve as the BOI, except in death cases, where the Commission sits as a whole.

Cases may be closed without a hearing; the reasons for such closures include: mediation between the complainant and subject officer is completed; the complainant withdraws the complaint; or the complainant does not cooperate in the investigation.

c. Outputs

Following a BOI hearing, a Findings Report will be sent to the Chief of Police and City Manager, who may rely on the PRC's findings in determining whether to impose discipline.

Based on prior years, it is anticipated that about seven BOI hearings will be held this fiscal year.

d. Outcomes

By providing a venue for investigation of complaints that is separate from the Police Department, civilians may be more willing to file complaints, and view the process as more objective than investigations conducted by the Police Department internally. Addressing problematic behavior identified by the PRC may result in corrective action or discipline. Police officers' awareness of the PRC's complaint process may influence their behavior in a positive way.

Goal #4: Participate in training.

a. Resources

PRC staff and BPD staff

b. Program activities

Presently, Commissioners are not subject to any mandatory or prescribed course of training, other than the training that all commission chairs and vice-chairs must complete. Each Commissioner receives a 2-hour orientation from PRC staff covering topics relevant to service on the commission, the role of Commissioners and PRC staff in reviewing policy and processing complaints, and service on Boards of Inquiry. Commissioners are to meet with the Chief of Police and schedule a ride-along.

Currently, additional training on the organization of the BPD, police policies, relevant law, and officer training occurs sporadically. In light of an October 2018 Council referral asking the PRC to explore mandatory

training requirements, the Commission has asked the PRC Chair and PRC Officer to arrange for ongoing training.

c. Outputs

The results will be Commissioners who are better and more uniformly knowledgeable about police procedures, staffing and organization, training, tactics, and relevant law.

d. Outcomes

The outcome will be policy reviews and Board of Inquiry decisions that are based on a deeper understanding of police work and police-community relations such that both the police and the community will have more confidence in the work of the PRC.

Goal #5: Conduct outreach activities.

a. Resources

PRC staff

b. Program activities

The Commission, through its Outreach Subcommittee, will develop and implement activities and strategies to better inform the community about the PRC's mission and services, including its policy review function and intake of civilian complaints about officer misconduct as an agency independent of the Police Department.

c. Outputs

The results will include increased presence at community fairs and other events; speaking to community groups, churches, and the like; holding Commission meetings at various locations; updated literature describing the Commission's work; a revamped website.

d. Outcomes

The outcome will be larger numbers of community members who are aware of the PRC and informed about its services and activities.



Communications

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

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