



BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING

MONDAY, JANUARY 29, 2024

2:30 P.M.

2180 Milvia Street, 6th Floor, Berkeley, CA 94704 – Redwood Room

1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://cityofberkeley-info.zoomgov.com/j/1608158758>. To request to speak, use the “raise hand” icon on the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and Enter **Meeting ID: 160 815 8758**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.

To submit a written communication for the Committee’s consideration and inclusion in the public record, email policycommittee@berkeleyca.gov.

Written communications submitted by mail or e-mail to the Agenda & Rules Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

AGENDA

Roll Call

Public Comment

Review of Agendas

1. **Approval of Minutes: January 16, 2024**
2. **Review and Approve Draft Agenda:**
 - a. 2/13/24 – 6:00 p.m. Regular City Council Meeting
 - i. Request from Bay Area Housing Finance Authority for presentation on the ceremonial calendar.
3. **Selection of Item for the Berkeley Considers Online Engagement Portal**
4. **Adjournments In Memory**

Scheduling

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

Referred Items for Review

8. **Discussion and Possible Action on City Council Rules of Decorum, Procedural Rules, and Remote Public Comments**
9. **Amend Berkeley Municipal Code Chapter 3.78 To Expand Eligibility Requirements for Representatives of The Poor to Serve on The Human Welfare and Community Action Commission**
From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)
Referred: November 13, 2023
Deadline: July 25, 2024
Recommendation: Amend Berkeley Municipal Code Chapter 3.78 to expand eligibility requirements for Representatives of the Poor to serve on the Human Welfare and Community Action Commission, or any successor commission, to consider the current geographic formation of poverty in Berkeley.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Referred Items for Review

10. City Council Legislative Systems Redesign

Unscheduled Items

11. Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)

12. Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals

13. Discussion and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal

Items for Future Agendas

- Requests by Committee Members to add items to the next agenda

Adjournment – Next Meeting Tuesday, February 13, 2024

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

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

Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.

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

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

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

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



COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. 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. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

~~~~~  
I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, January 25, 2024.



Mark Numainville, City Clerk

### **Communications**

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

# BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

TUESDAY, JANUARY 16, 2024

2:30 P.M.

2180 Milvia Street, 6th Floor, Berkeley, CA 94704 – Redwood Room

1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://cityofberkeley-info.zoomgov.com/j/1608547170>. To request to speak, use the “raise hand” icon on the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and Enter **Meeting ID: 160 854 7170**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.

To submit a written communication for the Committee’s consideration and inclusion in the public record, email [policycommittee@berkeleyca.gov](mailto:policycommittee@berkeleyca.gov).

Written communications submitted by mail or e-mail to the Agenda & Rules Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

**Roll Call:** 2:35 p.m. All Present.

**Public Comment** – 3 speakers.

## **Review of Agendas**

1. **Approval of Minutes: January 3, 2024**  
**Action:** M/S/C (Arreguin/Hahn) to approve the minutes of 1/3/24.  
**Vote:** All Ayes.
2. **Review and Approve Draft Agenda:**
  - a. 1/30/24 – 6:00 p.m. Regular City Council Meeting  
**Action:** M/S/C (Arreguin/Hahn) to approve the agenda of 1/30/24 with the changes noted below.
    - *Item 24 Council Appointments (Arreguin) – revised item submitted*
    - *Item 26 BAHFA Presentation (City Manager) – Move report to the Information Calendar and schedule the presentation under Ceremonial Matters*
    - *Item 27 Building Emissions (City Manager) – removed from the agenda by the City Manager*
    - *Item 28 Underground Utilities (Wengraf) – Councilmember Harrison added as a co-sponsor; moved to Consent Calendar*
    - *Item 29 Security Cameras (Humbert) – Scheduled for January 30 Action Calendar***Vote:** All Ayes.
3. **Selection of Item for the Berkeley Considers Online Engagement Portal**  
- None Selected
4. **Adjournments In Memory** – None

## **Scheduling**

5. **Council Worksessions Schedule** – received and filed
6. **Council Referrals to Agenda Committee for Scheduling** – received and filed
7. **Land Use Calendar** – received and filed

## **Referred Items for Review**

8. **Discussion and Possible Action on City Council Rules of Decorum, Procedural Rules, and Remote Public Comments**  
  
**Action:** 2 speakers. Discussion of potential new procedures for public comments. Continued to next meeting.

9. **Amend Berkeley Municipal Code Chapter 3.78 To Expand Eligibility Requirements for Representatives of The Poor to Serve on The Human Welfare and Community Action Commission**  
**From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)**  
**Referred: November 13, 2023**  
**Deadline: May 13, 2024**  
**Recommendation:** Amend Berkeley Municipal Code Chapter 3.78 to expand eligibility requirements for Representatives of the Poor to serve on the Human Welfare and Community Action Commission, or any successor commission, to consider the current geographic formation of poverty in Berkeley.  
**Financial Implications:** None  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

**Action:** Continued to next meeting.

10. **City Council Legislative Systems Redesign**

**Action:** 2 speakers. Presentation of proposed elements of legislative process changes. Discussion by committee. Continued to next meeting. M/S/C (Arreguin/Hahn) to refer the questions in the supplemental materials to the Budget & Finance Committee for review and response.  
**Vote:** Ayes – Hahn, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

### Unscheduled Items

11. **Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)**
12. **Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
13. **Discussion and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal**

### Items for Future Agendas

- None

### Adjournment

**Action:** M/S/C (Arreguin/Hahn) to adjourn the meeting.  
**Vote:** Ayes – Hahn, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

Adjourned at 3:56 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on January 16, 2024.

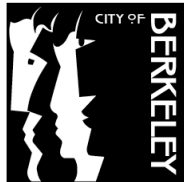
---

Mark Numainville, City Clerk

## **Communications**

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





**DRAFT AGENDA**  
**BERKELEY CITY COUNCIL MEETING**

**Tuesday, February 13, 2024**  
**6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – VACANT

DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.*

*Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at [http://berkeley.granicus.com/MediaPlayer.php?publish\\_id=1244](http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244).*

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <<INSERT ZOOM for GOV URL HERE>>. To request to speak, use the “raise hand” icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: <<INSERT MEETING ID HERE>>. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

*To submit a written communication for the City Council’s consideration and inclusion in the public record, email [council@berkeleyca.gov](mailto:council@berkeleyca.gov).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.*

*Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.*

## Preliminary Matters

### Roll Call:

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

**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. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

**Public Comment by Employee Unions (first regular meeting of the month):** *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

## 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 or Information 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. Amending the Miscellaneous CalPERS Contract to (a) Eliminate PEPRA Cost Sharing for Unrepresented Employees (b) Add Paramedic and Limited Term EMT to Safety Category**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,895-N.S. amending the contract between the Board of Administration, California Public Employees' Retirement System, and the City Council for the City of Berkeley (a) pursuant to California Government Code Section 20516 to eliminate the cost share contributions made on behalf of the City by PEPRA members of the Unrepresented Employees group, and (b) pursuant to California Government Code Section 20434 to add the Paramedic and Limited Term Emergency Medical Technician (EMT) classifications under the Safety category.

**First Reading Vote:** Ayes – Kesarwani, Taplin, Harrison, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf.

**Financial Implications:** See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

**2. City of Berkeley's 2024 State and Federal Legislative Platform**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the City of Berkeley's 2024 State and Federal Legislative Platform.

**Financial Implications:** See report.

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

# Consent Calendar

- 3. Amendments to the Regulations for Alternate Commissioners**  
**From: City Manager**  
**Recommendation:** Adopt a resolution removing the now dissolved Police Review Commission from the list of designated commissions on which Alternate Commissioners may serve; expanding the list of designated commissions by adding the following five commissions: Community Health Commission, Environment and Climate Commission, Parks, Recreation, and Waterfront Commission, Transportation and Infrastructure Commission, and Zero Waste Commission; adding a new requirement for temporary appointments made to any quasi-judicial commissions to two business days prior to the meeting; and rescinding Resolution No. 67,205-N.S.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900
  
- 4. Modifying the 2024 City Council Meeting Schedule**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution modifying the City Council regular meeting schedule for 2024, with starting times of 6:00 p.m., to reschedule the April 16, 2024 regular meeting to April 2, 2024.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900
  
- 5. Grant Application: National Endowment for the Arts Grant for up to \$150,000**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the National Endowment for the Arts (NEA) to receive up to \$150,000 for a Civic Arts grant program totaling \$300,000 to be regranted to nonprofit organizations for arts and cultural programming in the City of Berkeley in Fiscal Year 2026; to accept the grant if awarded; and to execute any resulting grant agreements and any amendments.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
  
- 6. Contract: Masako Miki Public Artwork Commission for Aquatic Park Pathway Wall**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with artist Masako Miki for an amount not to exceed \$69,000 for a public art commission of a ceramic tile mural on the 42'-long curved wall located along the San Francisco Bay Trail west of the intersection of Addison Street and Bolivar Drive in Aquatic Park.  
**Financial Implications:** Cultural Trust Fund - \$69,000  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

## Consent Calendar

**7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 13, 2024**

**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 - \$90,000

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

**8. Dissolution of the Human Welfare and Community Action Commission and the Peace and Justice Commission; and, establishment of the Berkeley Community Action Agency Commission**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance to: 1. Repeal Chapter 3.68, Peace and Justice Commission; and, 2. Repeal Chapter 3.78, Human Welfare and Community Action Commission; and, 3. Establish the Berkeley Community Action Agency Commission with Chapter 3.70

**Financial Implications:** See report

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

**9. Contract: Traditions Behavioral Health for Psychiatry Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract with vendor Traditions Behavioral Health to provide psychiatry services through June 30, 2027 in an amount not to exceed \$1,379,400.

**Financial Implications:** See report

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

**10. Contract: CompuCom Systems, Inc. for Professional Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with CompuCom Systems, Inc. for professional services for an amount not to exceed \$300,000 through December 31, 2024.

**Financial Implications:** See report

Contact: Kevin Fong, Information Technology, (510) 981-6500

## Consent Calendar

### 11. Recommendation on Public Safety/Crime Prevention for Women

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

**Recommendation:** That Council refer to the Council Public Safety Policy Committee to develop plans to implement public safety crime prevention programs to address the current rising crime against women, particularly older women. These plans should include a budget referral to the Council Budget and Finance Committee for consideration in the June budget process.

These plans should include:

1. Developing a plan of safety escorts modeled on the Respect-BART Escorts Program passed by Council in 2003 to address the rash of muggings on Berkeley BART paths (North Berkeley and Ashby). As in that plan, where \$40,500 was approved by Council, the Council Public Safety Policy Committee should identify the current amount of monies needed for funding for this newly developed 2024 plan and Council refer to the June budget process. These safety escorts should be available throughout the entire community of Berkeley upon request. The Council Public Safety Committee should also identify if a RFP need be issued for this purpose;
2. Develop a plan to engage Berkeley community ambassadors working under the Downtown Berkeley Association, Telegraph Business Improvement District and any similar ambassador programs to provide safety escort services upon request through the business districts they serve and nearby residences that can be reached by foot;
3. Explore if the City ride-share funded program, Go-Go Grandparent, should be expanded and in what form to provide ride shares for women concerned about their safety. Consider cost share, if necessary, for some women and working with the ride-share companies to ensure that they watch for the woman to safely reach her door before leaving; Consider the feasibility of lifting age or disability requirements. Identify a budgetary recommendation to be directed to the Council Budget and Finance Committee.
4. Develop a City-wide community forum targeted towards women with a special emphasis on safety and crime prevention for older, vulnerable women. This meeting should be led by the Berkeley Police Department with participation by other safety-related community resources and moderated by an official proposed by the Council Public Safety Committee. The Committee shall recommend that the forum be hybrid, both Zoom and in person. The Committee shall also discuss how City-wide promotion of this public safety crime prevention forum shall be conducted.
5. Consult with the Berkeley Police Department to provide data and other information identifying geographic locations which are high priority for safety escorts. Consult with Berkeley Police Department to secure other information as to where women are most at safety risk and what hours safety escorts, and other recommendations as stated above, be best utilized. The Berkeley Police Department shall provide this information at a Council Public Safety Committee meeting.

**Financial Implications:** See report

Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100

## **Action Calendar**

*The public may comment on each item listed on the agenda for action. 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 during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.*

*A member of the public may only speak at one of the two public comment periods for any single Action item.*

*The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, 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 – Scheduled Public Comment Period**

*During this public comment period, the Presiding Officer will open and close a comment period for each Action item on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters). The public may speak on each item. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.*

## **Action Calendar – Public Hearings**

*Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.*

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

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

## Action Calendar – Public Hearings

**12. Appeal of Landmarks Preservation Commission Decision – Approval of Structural Alteration Permit #LMSAP22022-0005 for 1960 San Antonio Avenue/645 Arlington Avenue- Spring Estate**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution affirming the Landmarks Preservation Commission (LPC) decision to approve a Structural Alteration Permit (SAP) to restore the terrace, remove the non-historic building addition, and repair railings and walkways of the Spring mansion; demolish the detached, non-historic garage and construct a new ten-car garage; demolish and replace the non-historic driveway, retaining walls and stairs on the east side of the property; construct a new, detached pool house; excavate and install a new swimming pool; and complete landscape improvements at a City Landmark residential property in the Hillside neighborhood, contingent upon rehabilitation of the historic gymnasium building, and dismiss the appeal.

**Financial Implications:** None

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

## Action Calendar – Old Business

**13. RFP for Development of West Berkeley Service Center (Continued from January 16, 2024)**

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

**Recommendation:** Refer to the City Manager to issue a Request for Proposal (RFP) for the development of the city-owned West Berkeley Service Center, (1900 Sixth Street), to permit site acquisition and construction of a 100-percent affordable housing project with the following key features: -Space on the ground floor of the building for administrative offices, community space and supportive services as currently provided by the City; -Maximizing the number of units under the existing zoning Mixed Use-Residential (MU-R) in conjunction with state law AB 1763 (2019); - A mix of unit sizes, including studios, one-bedroom, and two-bedroom units; -Require RFP applicants to include a plan for services provision and integration for the population(s) they propose to serve; -A preference for serving seniors and adults with mental health conditions while maintaining flexibility to serve other populations based on availability of funding.

The City Manager should also consider the feasibility of the following elements in the program design: -Universally designed housing for older adults with a portion of the units for assisted living and memory care; -A board and care facility with a minimum of 20 beds including space for staff and services; -Explore available federal, state, regional, local and private funding sources to finance the construction of a housing project, including with the potential target populations.

The issuance of an RFP should be timed to happen soon after funding for the development has been identified.

**Financial Implications:** See report

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



## Action Calendar – Policy Committee Track Items

### 14. Incentives for Equitable and Affordable Middle Housing

**From: Councilmember Taplin (Author), Councilmember Bartlett (Author)**

**Recommendation:**

1. Refer to the City Manager and the Planning Commission to study and return to Council potential amendments to the Berkeley Municipal Code and General Plan to further the City of Berkeley’s goals for affirmatively furthering fair housing with additional incentives for affordability and ownership opportunities, including first-time homebuyers and households inheriting properties from relatives, in “Middle Housing” zoning categories. At a minimum, consider: a. A local density bonus for on-site affordable housing for Middle Housing, including additional dwelling units, Floor Area Ratio, lot coverage, reduced or waived fees, and ministerial approval for projects with on-site deed-restricted units affordable to Low- and Moderate-Income households, and incentives for first-time homebuyer opportunities. Consider regulating maximum buildable width and/or depth to disincentivize higher-cost dwelling units. b. A density bonus for additional Accessory Dwelling Units in exchange for the inclusion of deed-restricted ADUs on-site affordable to Low- and Moderate-Income households. To the extent feasible, incorporate scope of study with Council’s referral to develop an Efficiency Unit Ordinance. c. A density bonus for Middle Housing residential projects in which an owner-occupier receives a minimum of in-kind compensation for the parcel with on-site ownership unit(s) in the project. Consider standard form agreements and other technical assistance. d. Pre-approved designs for bonus-compliant projects. e. Seek to leverage consistency and compatibility with state and regional resources including the Bay Area Housing Finance Authority (BAHFA), MTC/ABAG, AC Boost, and the CA Dream For All program.
2. Refer to the Fiscal Year 25/26 biennial budget process \$250,000 for technical assistance.

**Financial Implications:** See report

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

### 15. Arts and Community Storefront Activation

**From: Councilmember Bartlett (Author)**

**Recommendation:** Creating a plan/strategy to leverage Berkeley’s arts community and cultural resources to incentivize the occupation of empty storefronts.

**Financial Implications:** See report

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

### 16. Establishing a Black Arts and Culture District in the Adeline Corridor

**From: Councilmember Bartlett (Author)**

**Recommendation:** Adopt a resolution designating the Adeline Corridor as the Black Arts and Culture District. Include members of Healthy Black Families and Equitable Black Berkeley in the Planning Committee to emphasize community involvement and focus on arts, culture, and well-being for South Berkeley residents. Establish a Black Arts and Culture Center.

**Financial Implications:** See report

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

## Information Reports

### 17. Small Sites Program Update

**From: City Manager**

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

### 18. Bay Area Housing Finance Authority and 2024 Regional Affordable Housing Bond

**From: City Manager**

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

## Public Comment – Items Not Listed on the Agenda

### Adjournment

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

Archived indexed video streams are available at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

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 made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>

and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor  
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901  
Email: [clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov)

Libraries: Main – 2090 Kittredge Street,  
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,  
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

~~~~~




Commission on the Status of Women

CONSENT CALENDAR

February 13, 2024

To: Mayor and Members of the Berkeley City Council

From: Commission on the Status of Women

Submitted by: Carole Marasovic, Chair, Commission on the Status of Women

Subject: Recommendation on Public Safety/Crime Prevention for Women

RECOMMENDATION:

That Council refer to the Council Public Safety Policy Committee to develop plans to implement public safety crime prevention programs to address the current rising crime against women, particularly older women. These plans should include a budget referral to the Council Budget and Finance Committee for consideration in the June budget process.

These plans should include:

1. Developing a plan of safety escorts modeled on the Respect-BART Escorts Program passed by Council in 2003 to address the rash of muggings on Berkeley BART paths (North Berkeley and Ashby). As in that plan, where \$40,500 was approved by Council, the Council Public Safety Policy Committee should identify the current amount of monies needed for funding for this newly developed 2024 plan and Council refer to the June budget process. These safety escorts should be available throughout the entire community of Berkeley upon request. The Council Public Safety Committee should also identify if a RFP need be issued for this purpose;
2. Develop a plan to engage Berkeley community ambassadors working under the Downtown Berkeley Association, Telegraph Business Improvement District and any similar ambassador programs to provide safety escort services upon request through the business districts they serve and nearby residences that can be reached by foot;
3. Explore if the City ride-share funded program, Go-Go Grandparent, should be expanded and in what form to provide ride shares for women concerned about their safety. Consider cost share, if necessary, for some women and working with the ride-share companies to ensure that they watch for the woman to safely reach her door before leaving; Consider the feasibility of lifting age or disability requirements. Identify a budgetary recommendation to be directed to the Council Budget and Finance Committee.

4. Develop a City-wide community forum targeted towards women with a special emphasis on safety and crime prevention for older, vulnerable women. This meeting should be led by the Berkeley Police Department with participation by other safety-related community resources and moderated by an official proposed by the Council Public Safety Committee. The Committee shall recommend that the forum be hybrid, both Zoom and in person. The Committee shall also discuss how City-wide promotion of this public safety crime prevention forum shall be conducted.

5. Consult with the Berkeley Police Department to provide data and other information identifying geographic locations which are high priority for safety escorts. Consult with Berkeley Police Department to secure other information as to where women are most at safety risk and what hours safety escorts, and other recommendations as stated above, be best utilized. The Berkeley Police Department shall provide this information at a Council Public Safety Committee meeting.

CURRENT SITUATION AND ITS EFFECTS:

In recent years, crime has risen including crime during broad daylight. Women have been frequently targeted, many of which have been older women. Women need to feel safe in our community. Safety escorts will reduce crime. The Commission Chair has consulted with former Councilmember Linda Maio, who sponsored the 2003 item, who confirmed that muggings greatly diminished under the 2003 BART Escorts Program following implementation.

A City-wide community forum will make Berkeley residents more aware of the crime and precautions that need to be taken.

FISCAL IMPACTS OF RECOMMENDATION

Fiscal impacts shall be identified by the Council Public Safety Committee. The figure of \$40,500 earlier budgeted is obviously outdated as it is a figure from 20 years ago. In addition, that \$40,500 exclusively covered safety escorts down BART paths and during limited hours. This recommendation broadens safety escorts coverage to a City-wide basis. Substantial funding is needed to fully implement these plans. However, the safety of our Berkeley residents is critical.

ENVIRONMENTAL SUSTAINABILITY

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

BACKGROUND

On November 15, 2023, the Commission on the Status of Women voted as follows:

That Council refer to the Council Public Safety Policy Committee to develop plans to implement public safety crime prevention programs to address rising crime against women, particularly older women as stated in this recommendation in the

aforementioned 5 points. That Council refer plans developed based on the proposed recommendations for the safety of women, particularly older women, to the June budget process.

M/S/C: Marasovic, Arora

Ayes: Marasovic, Simon, Posey, Ortiz-Cedeno, Arora, Oliver

Noes: None.

Abstain:

Absent: Boyd

LOA: Seshagiri, Goodwin

RATIONALE FOR RECOMMENDATION

Safety is critical to our community. The crime landscape has changed where crime victims are targeted in broad daylight more commonly than in the past. Women have been frequently targeted with many victims older and more vulnerable. These safety issues require awareness, education and implementation of crime prevention models beyond police response after the fact.

ALTERNATIVE ACTIONS CONSIDERED

To leave the situation as is and not provide needed crime prevention protections for women.

CITY MANAGER

The City Manager takes no position on this recommendation.

CONTACT PERSON

Okeya Vance-Dozier, Community Services Specialist II, Office of the City Manager
(510) 981-7239

Carole Marasovic, Chair, Commission on the Status of Women, (510) 225-5060

Attachments:

1. BART RESPECT Escorts program contract (2003)
2. BART RESPECT Escorts program contract (2006)
3. Resolution No. 57,737-N.S.
4. City Council Meeting Minutes, November 1, 1994
5. Resolution No. 57,832-N.S.
6. Resolution No. 58,160-N.S.

7. Resolution No. 58,636-N.S.
8. Resolution No. 59,012-N.S.
9. Resolution No. 62,124-N.S.
10. Resolution No. 63,166-N.S.

CONTRACT STATUS FORM	CONTRACT NUMBER:		6085	
	CMS ID CODE:		CZTTS	
	CONTRACT TYPE:		Community Agency	
	CONTRACT AMOUNT:		\$40,500	
VENDOR:	Berkeley Boosters Association			
ADDRESS:	1642 University Avenue			
	Berkeley, CA 94703			
PROJECT MANAGER:	Douglas Hambleton		DEPT:	POLICE
KEYWORDS:	BART Safety Escort, winter months, commute hours, Ashby station, North Berkeley station, RESPECT Team, 10/27/2003, 03/05/2004, FY03-04			
COUNCIL AUTHORIZATION:	Resolution No:	Ordinance No:	Check One:	
	62,124		<input type="checkbox"/> A.R. 3.14 <input type="checkbox"/> BMC 7.12.030	
DATES:	06/24/03	Council Authorization		
	07/01/03	Contract Start		
	06/30/04	Contract Expiration		
	08/19/03	Received from Auditor		
	08/20/03	Vendor's Copy sealed and Mailed		
COMMENTS:				
RETENTION		CHECKLIST		
✓	CON 1	8/20	Clerk's Index	700 Form
	CON 2	8/20	CMS Log In	Promissory Note
DATE	6/30/09	8/20	CMS Log Out	
	Indefinite			
REVIEWED BY:	Danielle K. Muller		DATE:	08/20/03

EXPENDITURE CONTRACT REVIEW FORM
"NEW CONTRACTS"

CMS No.: CZTTS
 (To be filled in by department)

Contract No.: 6095
 (To be filled in by auditor)

CONTRACTOR NAME: BERKELEY BOOSTER ASSOCIATION - BERKELEY ESCORT

This contract package contains: Three Original (Department, Vital Record and Vendor) contracts in Folders		Attached	Waiver Attached	Not Required
*The Vital Record contract MUST be in a folder. *Optional: In lieu of folders, the Department and Vendor copies may be assembled with an Acco-fastener.				
1	Scope of Services	X	///	///
2	Payment Provisions	X	///	///
3	Evidence of Competitive Solicitation or CM Waiver	<input type="checkbox"/>	<input type="checkbox"/>	X
4	Workforce Composition (businesses with 5 or more employees)	X	<input type="checkbox"/>	<input type="checkbox"/>
5	Nuclear Free Berkeley Disclosure	X	///	<input type="checkbox"/>
6	Oppressive States Disclosure (Exception: Community-based, non-profit organizations)	X	<input type="checkbox"/>	<input type="checkbox"/>
7	Living Wage Certification (Exception: Construction contracts)**LWO form revised 8/02	X	<input type="checkbox"/>	<input type="checkbox"/>
8	Certification of Compliance with Equal Benefits Ordinance **EBO form revised 7/02	X	<input type="checkbox"/>	<input type="checkbox"/>
9	Certificate(s) of Insurance or Waiver (originals, not copies)	X	<input type="checkbox"/>	<input type="checkbox"/>
10	Insurance Endorsement	X	<input type="checkbox"/>	<input type="checkbox"/>
11	Council Resolution No.: 62,124 N.S.	X	///	<input type="checkbox"/>
12	Form 700, Statement of Economic Interests (consultant contracts only)	<input type="checkbox"/>	///	<input type="checkbox"/>

Requisition No.: 84856 *80437* (Hard copy attached)

Contract amount: \$ 40,500

Was there an advance payment made? Yes No

If so, Purchase Order No.: *47095 P*

Routing and signatures:

I certify that the contract package is complete and accurate.

- D. H. [Signature]* Police Department 981-5800 Phone No. 8/11/03 Date
- [Signature]* Police Department 981-5976 Phone No. 8/11/03 Date
- [Signature]* Dept. Admin. Officer/Accounting 981-5700 Phone No. 8/11/03 Date
- [Signature]* Department Head 8/12/03 Date
- [Signature]* Employee Relations Officer 8/12/03 Date
- Contract Compliance Officer (for construction contracts only) _____ Date

Routing continues to the following persons, who sign directly on the contract:

- City Manager (Will not sign the contract unless all signatures and dates appear above.)
- City Auditor (Initials *[Signature]*)
- City Clerk (Initials _____)

RECEIVED
AUG 15 2003
 City Auditor

COMMUNITY AGENCY CONTRACT

This contract is executed on July 1, 2003 and effective on July 1, 2003, between the CITY OF BERKELEY, a Charter City organized and existing under the laws of the State of California, ("CITY"), and Berkeley Boosters Association, a non-profit corporation under the laws of the State of California, doing business at 1642 University Ave, Berkeley, CA. ("CONTRACTOR").

WHEREAS, the City has entered into a grant contract with the United States Department of Housing and Urban Development (HUD), for a Community Development Block Grant under the Housing and Community Development Act of 1974, as amended (CDBG) and/or United States Department of Housing and Urban Development (HUD) for an Emergency Shelter Grant (ESG) under the Stewart B. McKinney Homeless Assistance Act of 1988, as amended and/or Government Code Section 12725 et. seq., as amended, and 42 United States Code (USC) 9901 et.seq., as amended, the Community Services Block Grant Act as amended (CSBG), and/or a Shelter Plus Care Grant (S+C) under the Stewart B. McKinney Homeless Assistance Act of 1988, as amended, and under said grant contract(s) and/or through the use of its General Funds including Measure O Homeless Funds, the City is undertaking certain activities; and

WHEREAS, the City desires to engage Contractor to render certain assistance for such undertaking.

NOW, THEREFORE, the City and Contractor mutually agree as follows:

ARTICLE 1, SCOPE OF SERVICES

A. Contractor agrees to perform all those services described in Exhibit A attached hereto and made a part hereof, in accordance with the terms and conditions stated therein.

B. Contractor shall provide all necessary supplies, equipment, materials, clerical and all other services required for satisfactory performance of this contract as described in Exhibit(s) A attached hereto and made a part hereof, in accordance with the terms and conditions stated therein.

ARTICLE 2, TIME PERIOD OF CONTRACT

Contractor shall begin performance under this contract on July 1, 2003, and shall continue until June 30, 2004, unless earlier terminated as provided in Article 37 below.

ARTICLE 3, PAYMENT

A. This contract is utilized in connection with programs which receive funding from any one or combination of federal and local sources, including but not limited to, CDBG, ESG, CSBG, Shelter Plus Care, and/or the City of Berkeley General Fund.

B. City agrees to pay Contractor its expenses incurred in the performance of this agreement, not to exceed \$40,500 in accordance with the Budget and Method of Payment attached hereto as Exhibit B, and made a part hereof, in accordance with the terms and conditions stated therein. Payment by City shall be subject to receipt of Contractor's invoice(s) and supporting documentation of expenditures. At the beginning of the contract period, City will inform Contractor of necessary procedures for billing and required documentation.

C. Fiscal Year 2004: Contractor acknowledges and agrees that the obligation of the City to pay the contract sum above is contingent upon the provision of funds from the State of California to the City's General Fund for the Fiscal Year 2004 which begins in July 2003 and extends through June 2004. Contractor acknowledges and agrees that if the

July 2003

State of California provides less monies to the City than was provided in Fiscal Year 2002, the City's General Funds will be adversely impacted and thus the City's ability to continue paying the above sums will be adversely impacted. In this event, the total not to exceed amount of this contract may be reduced unilaterally in the sole discretion of the City at any time during Fiscal Year 2004. The City may, but is not required to, allow the Human Welfare and Community Action Commission, the Homeless Commission, or other appropriate review body to consider the size of this reduction and make recommendations to the City Council for final approval.

D. Fiscal Year 2005: Continued payment to the eligible contractors for Fiscal Year 2005 which begins in July 2004 and extends through June 2005, the second year of the contract term, is subject to the contingencies set forth below:

- 1) Berkeley General Fund Category: City agrees to pay contractor the same sum specified in subsection B of Article 3 for services provided in Fiscal Year 2004, unless such sum is reduced pursuant to the terms provided for in subsection C. Payment of the same or reduced sum in the second year of this contract is contingent upon the following conditions precedent: a) City receives the same or greater level of funding from the State of California as it received in Fiscal Year 2004; b) satisfactory performance of the Contractor's duties under this contract during the prior year; and c) in the Fiscal Year 2005 budget, the City Council appropriates the same or greater amount of money from the General Fund as it did in Fiscal Year 2004 for the purpose of funding this contract. Contractor acknowledges and agrees that if the State of California provides less funds to the City in Fiscal Year 2005 than was provided in Fiscal Year 2004, the contract amount the City will pay Contractor may be reduced pursuant to the terms described in subsection C of this Article.
- 2) CDBG Public Services Category Funding: City agrees to pay contractor the same sum specified in subsection B of Article 3 for services provided in Fiscal Year 2004. Payment of the same sum under the second year of this contract is contingent upon the following conditions precedent: a) City receives the same or greater level of funding from HUD as it received in Fiscal Year 2004, and b) satisfactory performance of the Contractor's duties under this contract during the prior year. Contractor acknowledges and agrees that if City receives less funding from HUD in Fiscal Year 2005, the amount City will pay Contractor will be reduced accordingly in the sole discretion of the City, with the reduction being prorated across all agencies receiving contracts under this same funding category.
- 3) All Other CDBG Categories, S+C and ESG: Contract terms greater than one year are not authorized; therefore, the Contractor must reapply for funding.
- 4) CSBG and City of Berkeley General Funds: City agrees to pay contractor the same sum specified in subsection B of Article 3 for services provided in Fiscal Year 2004, unless such sum is reduced pursuant to the terms provided for in subsection C. In addition, payment of the same or reduced sum the second year of this contract is contingent upon the following conditions precedent: a) City receives the same or greater level of funding from HUD as it received in Fiscal Year 2004; b) City receives the same or greater level of funding from the State of California as it received in Fiscal Year 2004; c) in the Fiscal Year 2005 budget, the City Council appropriates the same amount of money from the General Fund as it did in Fiscal Year 2004 for the purpose of funding this contract; and D) Contractor satisfactorily performs duties under this contract during the prior year. Contractor acknowledges and agrees that if City receives less funding from the State of California and/or from HUD in Fiscal Year 2005, the amount the City will pay Contractor may be reduced. Contractor further acknowledges and agrees that if funding from the State of California or HUD to the City is reduced, the reduced contract sum for this contract will be reconsidered by the Human Welfare and Community Action Commission, the Homeless Commission, or other appropriate review body which will make recommendations to the City Council for final approval.

ARTICLE 4, BUDGET MODIFICATION

July 2003

A. A 10% variation among budget line item categories will be allowed, provided the total expenditure under all line items does not exceed the total contract amount.

B. A variation among budget line items exceeding 10% will be allowed at Contractor's discretion, provided written approval is granted by the Manager of Program Planning, Management and Budget (PPMB) Division or his/her designee prior to submission of Contractor's invoice, and provided that the contract total is not exceeded.

C. Expenditures covered by unauthorized budget modifications will be subject to disallowance by City and repayment by Contractor.

ARTICLE 5, METHOD OF PAYMENT MODIFICATION

A. Modifications in the Method of Payment requested by Contractor will be allowed provided the total contract amount is not exceeded and provided prior written approval is granted by the Manager of PPMB or his/her designee.

B. Modifications in the Method of Payment that exceed the total contract amount will require City Council approval.

ARTICLE 6, RECORDS

A. Contractor agrees to keep all necessary books and records, including property, personnel, and financial records, in connection with the operations and services performed under this agreement, in accordance with 24 CFR Part 570 and OMB Circular A-110.

- 1) Records of nonexpendable property shall be maintained in accordance with the procedures set forth in Attachment N of Office of Management and Budget Circular A-102, and shall contain any additional information which may be required by City.
- 2) Financial records of contract funds shall be kept separately and not co-mingled with records of other funds.
- 3) Solely for the purpose of verifying compliance with the terms of this Contract, Contractor shall maintain the following types of records:
 - a) job description, minimum qualifications, and compensation for all positions funded under this contract;
 - b) time sheets or comparable documentation for all personnel compensated with contract funds (such records shall clearly shows the time spent on contract activities).
- 4) Contractor assures that for contracts exceeding one hundred thousand dollars (\$100,000), to the best of its knowledge, it is fully complying with the earning assignment orders of all employees, and is providing the names of all new employees to the New Hire Registry maintained by the Employment Development Department as set forth in the Child Support Compliance Act of 1998, subdivision (1) Public Contract Code 7110.

B. Contractor agrees to maintain racial, gender, head of household, age, income, family size, and neighborhood residence data, as may be required under the law, showing the extent to which these categories of persons have participated in, or benefited from the contract activities.

C. Contractor agrees to maintain employee and applicant records in a confidential manner to assure compliance with the Information Practices Act of 1977, as amended, and the Federal Privacy Act of 1974, as amended.

July 2003

D. Contractor agrees to maintain and preserve such records during the period from start of contract performance until three (3) years from the submission of the final performance report or until the audit, referred to in Article 39, is conducted and Contractor receives City notification that said audit has been accepted, whichever is later, except as follows:

- 1) Records that are subject of audit findings shall be retained for five years after such findings have been resolved.
- 2) Records for non-expendable property which was acquired with contract funds shall be retained for three years after its final disposition.
- 3) Records for any person displaced as a result of contract activities shall be retained for three years after the contract activities have been completed or the person has received his/her final relocation payment, whichever is later.
- 4) Records pertaining to each real property acquisition shall be retained for five years after settlement of the acquisition, or until disposition of the applicable relocation records in accordance with paragraph (3) of this section, whichever is later.

E. The Secretary of HUD, the Comptroller General of the United States, the State Department of Economic Development, the City, or any of their duly authorized representatives shall have access to and right to examine such records related to this contract during this period.

ARTICLE 7, REPORTS AND ON-SITE REVIEWING

A. Reports: Contractor agrees to submit periodic program status and financial reports to City in a timely manner, and other reports and information as City determines are necessary to carry out its responsibilities in accordance with 24 CFR 570 and OMB Circular A-110.

B. On-Site Performance Review: Authorized representatives of HUD, the State of California, and the City shall have the opportunity to review Contractor's performance under this contract at the sites where such performance is being conducted. This review shall be in accordance with 24 CFR Part 570 and OMB Circular A-110. Such review is solely for the purpose of verifying that the Contractor is providing the quality and quantity of services specified in this contract and includes:

- 1) Observation of service delivery and training, as agreed upon by Contractor, and administrative activities in support of this contract.
- 2) Interview with Contractor personnel and staff currently involved in project operations.
- 3) Inspection of construction work in progress and upon completion.
- 4) Validation of source data used in the preparation of reports to the City, provided this does not result in any breach of client confidentiality and is mutually agreed upon.
- 5) Interviews with clients, when such interviews will not result in a breach of client confidentiality and are mutually agreed upon.
- 6) Inventory of personal property acquired with contract funds.

July 2003

Refusal or failure by Contractor to provide reviewing opportunities as described herein within ten (10) working days after notice from the City constitutes a violation of this contract and is cause for contract termination.

ARTICLE 8, FINANCIAL MANAGEMENT

The Contractor shall maintain a financial management system in accordance with OMB Circulars A-87, A-110 and A-122, which provide for:

- A. Records that identify adequately the source and application of funds for contract activities.
- B. Effective control over and accountability for all funds, property, and other assets. Contractor shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.
- C. Comparison of actual outlays with budgeted amounts for contract funds.
- D. Procedures to minimize the time elapsing between the transfer of funds from the City and disbursement by the Contractor, whenever funds are advanced by the City. CDBG funds shall be placed in an interest bearing account, where appropriate.
- E. Procedures for determining the reasonableness, allowability, and allocability of costs.
- F. Accounting records that are supported by source documentation.
- G. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

ARTICLE 9, REAL PROPERTY

A. Definition: Real property refers to land including improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

B. Use and Disposition: Use and disposition of real property acquired or improved, partly or wholly with contract funds in excess of \$25,000, shall be governed by requirements prescribed by HUD or its successor, and City, including the following:

- 1) Title to real property shall vest in Contractor subject to the condition that Contractor shall use the real property for the authorized purpose of this contract until (5) five years after the expiration of this contract or such period of time as determined by the City and stated in Exhibit A.
- 2) Contractor shall obtain approval from the City for use of the real property for activities other than those authorized by this contract when Contractor determines that the property is no longer needed for such purpose. Use for other activities shall be limited to those carried out under other federal grant programs, or under programs that have purposes consistent with those authorized for support by City.
- 3) If disposed of in a manner resulting in the Contractor being reimbursed in the amount of the current fair market value of the property, the Contractor shall reimburse the City in the amount of the current fair market value less any portion acquired or improved with non-CDBG funds. Such reimbursement is not required after the period of time specified in B (1) above.

ARTICLE 10, TANGIBLE PERSONAL PROPERTY

All procurement transactions funded under this contract for tangible personal property shall be conducted in a
July 2003

manner consistent with HUD regulations in OMB Circular A-110, Attachment N.

A. Definitions

- 1) Personal Property: Personal property refers to all property, except real property, which is acquired with contract funds. Tangible property has physical existence. Intangible property has no physical existence.
- 2) Non-expendable Personal Property: Non-expendable personal property means tangible personal property, acquired with contract funds, having a useful life of more than one year and an acquisition cost of \$300 or more per unit.
- 3) Expendable Personal Property: Expendable personal property refers to all tangible personal property acquired with contract funds other than non-expendable property.

B. Acquisition

- 1) Purchase of personal property exceeding \$300 per item and not delineated in Exhibit B shall require prior approval from the City.
- 2) Contractor shall submit documentation to City for each item of non-expendable property at the time such property is acquired. Documentation shall demonstrate proof of purchase and indicate date of acquisition, cost, and description of the item, and any other information which may be required by the City.

C. Identification, Inventory, and Maintenance

- 1) Contractor shall conduct annual inventories to verify the existence, condition, current utilization, and future need for non-expendable property. Contractor shall submit a written report on each inventory conducted by Contractor to the City. Such report shall account for any differences between Contractor's property records and the inventory findings.
- 2) Contractor shall ensure adequate safeguards to prevent loss, damage, and theft of property. In case such property is stolen or lost, Contractor shall immediately notify the Police Department, obtain a written police report, and notify the City within three (3) working days of discovering stolen or lost property.

D. Use and Disposition

- 1) Non-Expendable Property
 - a. Title to non-expendable personal property having a unit acquisition cost of less than \$1,000 shall vest in the Contractor. For non-expendable personal property having a unit acquisition price of \$1,000 or more, HUD/State/ City reserves the right to transfer the title to HUD/ State/City or to a third party when such third party is otherwise eligible under existing statutes.
 - b. Contractor shall use the property for the project or program for which it is acquired as long as needed, whether or not the project or program continues to be supported by Government funds. When no longer needed for the original project/program, Contractor shall use the property in connection with other Government sponsored activities in the following order of priority:

July 2003

- (1) Activities sponsored by HUD/State/City.
- (2) Activities sponsored by other Government agencies
- c. During the time the property is held for use on the project or program for which it was acquired, Contractor may make the property available for use on other projects or program if such other use does not interfere with the work on the project or programs for which it was originally acquired.
- d. When Contractor no longer needs the property as provided in (b) above, the property may be used for other activities as follows:
 - (1) Non-expendable property with a unit acquisition price of less than \$1,000 may be used by Contractor for other activities without reimbursement to the Government, or may be sold and the proceeds retained by the Contractor.
 - (2) Non-expendable property with a unit acquisition price of \$1,000 or more may be retained by Contractor for other uses provided compensation is made to HUD/State/City or its successor(s). If Contractor has no further need for the property and the property has further use value, Contractor shall request and follow disposition instructions from the City.

2) Expendable Property

- a. Title to expendable personal property shall vest in the Contractor upon acquisition. Upon termination of the contract, Contractor shall conduct an inventory to determine the amount of unused expendable personal property on hand which was acquired with contract funds. If there is a residual inventory of such property exceeding \$1,000 in total aggregate fair market value, upon termination or completion of the contract activities and if the property is not needed for any other Government sponsored project or program, the Contractor shall retain the property for use on non Government sponsored activities or sell it, but in either case, compensate the Government for its share.

ARTICLE 11, INTANGIBLE PROPERTY

A. Invention and Patents: Any discovery or invention arising out of or developed in the course of work aided by this contract shall be promptly and fully reported to the City. Contractor shall request City to determine whether patent protection on such invention or discovery should be sought, and to determine how the rights in the invention or discovery, including rights under the patent thereon, shall be allocated and administered to protect the public interest.

B. Copyrights: Except as otherwise provided in this contract, Contractor is free to copyright any books, publications, or other copyrightable materials arising out of or developed during the course of work aided by contract funds, but the City, State and HUD reserve a royalty-free, non- exclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work for government purposes.

C. Publications: Books, publications, and other printed materials resulting from and developed in the course of work aided by this contract, whether copyrighted or not, shall acknowledge the support of HUD/State/City funds by he City. Five (5) copies of each such publication are to be furnished to the City as the City may reasonably require.

D. Publicity: Any publicity generated by Contractor for the project funded pursuant to this contract, during the term of this contract or for one year thereafter, will make reference to the contribution of the City in making the project possible. The words "City of Berkeley " and the specific funding source will be explicitly stated in any and all pieces of publicity, including but not limited to fliers, press releases, posters, brochures, pubic service announcements, interviews, and newspaper articles.

July 2003

The City's staff will be available whenever possible at the request of Contractor to assist Contractor in generating publicity for the project funded pursuant to this contract. Contractor further agrees to cooperate with authorized City officials and staff in any City-generated publicity or promotional activities undertaken with respect to this project.

ARTICLE 12, PROCUREMENT STANDARDS

A. All procurement transactions funded under this contract shall be conducted in a manner that provides, to the maximum extent practical, open and free competition consistent with HUD Regulations at 24 CFR Part 570, OMB Circular A-110 Attachment O, and Executive Orders 11625, 12138, 12432.

B. Contractor shall make positive efforts to use small business and minority and women-owned business sources of supplies and services (see also Article 19) and business concerns located in Berkeley or owned in substantial part by Berkeley residents (see also Article 17).

C. For procurement of services, supplies, or other property, Contractor shall use one of the following procurement methods:

- 1) \$1 to \$999. Prices may be solicited by phone and selection determined by Contractor.
- 2) \$1,000 to \$5,000. Three or more prices may be solicited by phone and selection determined by Contractor.
- 3) \$5,000 to \$14,000. Three quotations must be received by phone, FAX or letter and documented. Selection is determined by Contractor.
- 4) \$15,000 to \$25,000. Three or more written bids must be requested with a specific due date. Award is made to the lowest responsible bidder.
- 5) \$25,000 and Over.
 - a). Competitive Sealed Bids - In competitive bids (formal advertising), sealed bids are publicly solicited and a firm fixed-price contract (lump sum on unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest in price.
 - b). Competitive Negotiation - In competitive negotiation, proposals are requested from a number of sources and the Request for Proposal is publicized, negotiations are normally conducted with more than one of the sources submitting offers, and either a fixed price or cost-reimbursable type contract is awarded, as appropriate. Competitive negotiations may be used if conditions are not appropriate for the use of formal advertising.

D. Contractor shall maintain records sufficient to detail the significant history of a procurement costing \$15,000 or more (\$10,000 or more for CDBG). These records shall include, but are not necessarily limited to, information pertinent to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection and the basis for the cost or price.

ARTICLE 13, RELEASE, INDEMNIFICATION AND INSURANCE

A. Release: Contractor, upon final payment of amount due under this contract, less any credits, refunds, or rebates due to City, releases and discharges City from all liabilities, obligations and claims arising from this contract.

B. Indemnification: Contractor, for itself, and its heirs, successors, and assigns, agrees to release, indemnify, hold harmless, and defend City, its officers, agents, volunteers, and employees, from and against any and all claims, demands, liability, economic loss of any type, damages, lawsuits, or other actions for damage or injury to persons or property arising out of or in any way connected with the Contractor's operations under this contract, or the performance

July 2003

of this contract by Contractor or its officers, employees, partners, directors, subcontractors, or agents.

C. Insurance:

1) The Contractor shall maintain at all times during the performance of this contract, a commercial general liability insurance policy with a minimum occurrence coverage in the amount of \$1,000,000; an automobile liability insurance policy (if applicable) in the minimum amount of \$1,000,000; and, if any licensed professional performs services under this contract, a professional liability insurance policy in the minimum amount of \$1,000,000 to cover any claims arising out of Contractor's performance of services under this contract. Said insurance, except professional liability, shall name the City, its officers, agents, volunteers, and employees as additional insureds and shall provide primary coverage with respect to the City. All said insurance policies shall provide that the insurance carrier shall not cancel, terminate, or otherwise modify the terms and conditions of said policies except upon thirty (30) days prior written notice to the City; shall be evidenced by the original Certificate of Insurance. If Contractor is to perform construction work under this contract, Contractor shall also provide an endorsement in the form of the City's form Endorsement, or the insurance carrier's standard form Endorsements evidencing the required coverage; and shall be approved as to form and sufficiency by the Employee Relations Officer.

2) If the commercial general liability insurance referred to above is written on a Claims Made Form, then, following termination of this Agreement, coverage shall survive for a period of not less than five years. Coverage shall also provide for a retroactive date of placement coinciding with the effective date of this contract.

3) If Contractor employs any person, it shall carry workers compensation and employers liability insurance and shall provide a certificate of insurance to the City. The workers compensation insurance shall provide that the insurance carrier shall not cancel, terminate, or otherwise modify the terms and conditions of said insurance except upon thirty (30) days prior written notice to the City; shall provide for a waiver of any right of subrogation against City to the extent permitted by law; and shall be approved as to form and sufficiency by the City's Employee Relations Officer.

4) Contractor shall forward all insurance documents to City of Berkeley contract monitor.

5) Construction Contracts Only: If the budgeted costs of construction activities funded by this contract, as delineated in Exhibit B, exceed \$100,000, Contractor shall comply with HUD's bonding policies and requirements as set forth in OMB Circular A 110 Attachment B.

6) Contractor shall not store hazardous materials or hazardous waste within the City of Berkeley without the proper permit from the City. If a release of hazardous materials or hazardous waste that cannot be controlled occurs in connection with the performance of this contract, contractor shall immediately notify the Berkeley Police Department and the City's Health Protection Office.

ARTICLE 14, CONFORMITY WITH LAW AND SAFETY

A. Contractor shall observe and comply with all applicable laws, ordinances, codes and regulations of governmental agencies, including federal, state, municipal, and local governing bodies, having jurisdiction over the scope of services or any part thereof, including all provisions of the Occupational Safety and Health Act of 1979 and all amendments thereto, and all applicable federal, state, municipal, and local safety regulations. All services performed by Contractor must be in accordance with these laws, ordinances, codes, and regulations. Contractor shall release, defend, indemnify, and hold City, its officers, agents, volunteers, and employees harmless from any and all damages, liability, fines, penalties, and consequences from any noncompliance or violation of such laws, ordinances, codes and regulations.

B. If a death, serious personal injury, or substantial property damage occurs in connection with the performance

July 2003

of this Agreement, Contractor shall immediately notify the City's Employee Relations Officer by telephone. Contractor shall promptly submit to City a written report, in such form as may be required by City, of all accidents which occur in connection with this contract. This report shall include the following information: (1) name and address of the injured or deceased person(s), (2) name and address of Contractor's subcontractor, if any, (3) name and address of Contractor's liability insurance carrier, and (4) a detailed description of the accident and whether any of City's equipment, tools, or materials were involved.

ARTICLE 15, CONFLICT OF INTEREST PROHIBITED

A. In accordance with Government Code section 1090, BMC 3.64, and Berkeley City Charter section 36, neither Contractor nor any person who is an employee, officer, director, partner, or member of contractor, or immediate family member of any of the preceding shall have served as either an elected officer, an employee, or a Board, Committee, or Commission Member of the City of Berkeley, who has formally or informally influenced the making of this contract.

B. In accordance with Government Code section 1090 and the Political Reform Act, Government Code sections 87100 et seq., no person who is a director, officer, partner, trustee, employee, or consultant of the Contractor or immediate family member of any of the preceding shall make or participate in a decision made by the City of Berkeley or a board or commission thereof, if it is reasonably foreseeable that the decision will have a material effect on any source of income, investment, or interest in real property of that person or Contractor.

C. Interpretation of this section shall be governed by the definitions and provisions used in the Political Reform Act, Government Code sections 87100 et seq., and the regulations manuals, and codes adopted thereunder, Government Code section 1090, BMC 3.64, and section 36 of the City of Berkeley Charter.

ARTICLE 16, CONSULTANTS TO SUBMIT STATEMENTS OF ECONOMIC INTEREST

The City's Conflict of Interest Code, Resolution No. 59,372-N.S., as amended, requires every consultant to disclose conflicts of interest by filing a Statement of Economic Interest (Form 730). Consultants agree to file such statements with the City Clerk at the beginning of the contract period and upon termination of the Contractor's service.

ARTICLE 17, ECONOMIC OPPORTUNITIES FOR LOCAL BUSINESSES AND LOW INCOME RESIDENTS

To the greatest extent feasible, Contractor shall offer opportunities for training and employment to lower income Berkeley residents, and patronize and award contracts for work in connection with this contract to business concerns which are located in Berkeley or owned in substantial part by Berkeley residents. Such economic opportunities shall be provided for in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and implementing regulations issued at 24 CFR Part 135.

ARTICLE 18, PROGRAM INCOME

A. Service Fees: Income earned from fees charged for services provided under this contract shall be considered additional revenue to be expended by Contractor during this contract period for additional services rendered as a result of such revenue. Should Contractor be unable to expend all fee-related revenue during the contract period, such revenue shall be considered carryover funds available for the successive CDBG year.

B. Facility Use Fees: Receipts derived from the operation of a public work or facility, the construction of which was assisted with contract funds, do not constitute program income.

C. Interest on Advances: Interest earned in excess of \$100 per fiscal year on advance of contract funds shall be remitted to the City.

July 2003

D. Proceeds from Sale of Personal Property: Proceeds from the sale of personal property acquired with contract funds shall be subject to the requirements set forth in Attachment N of the Office of Management and Budget Circular A-110, "Property Management Standards." See also Article 10.D.

E. Real Property: Proceeds from the lease of real property acquired or improved, in whole or in part, with CDBG funds in excess of \$25,000 shall be determined by the City. See Article 9.B.

ARTICLE 19, DISCRIMINATION PROHIBITED

Contractor hereby agrees to comply with the provisions of City Ordinance No. 5876-N.S., as amended from time to time, attached hereto as Exhibit C, and made a part hereof. In the performance of this agreement, Contractor agrees as follows:

A. Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age (over 40) sex, pregnancy, marital status, disability, sexual orientation, or AIDS. This requirement shall apply to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

B. No person shall, on the grounds of race, color, religion, ancestry, national origin, age (over 40), sex, pregnancy, marital status, disability, sexual orientation, or AIDS, be excluded from participation in the performance of this contract.

C. In the sale, lease or other transfer of land acquired, leased or improved with assistance provided under this contract, the deed or lease for such transfer shall contain a covenant prohibiting discrimination upon the basis of race, color, religion, sex, national origin, sexual preference, age or disability, in the sale, lease or rental, or in the use of occupancy of such land or any improvements erected or to be erected thereon.

D. In the performance of this contract, Contractor agrees to comply with all applicable provisions of Title II of the Americans with Disabilities Act of 1990 and any amendments thereto. Contractor shall further observe and comply with all applicable federal, state, municipal and local laws, ordinances, codes and regulations that prohibit discrimination against individuals with disabilities or require that individuals with disabilities are not excluded from participating in or receiving benefits, services or activities of the City.

If Contractor is or becomes a "public accommodation" as defined in Title III of the Americans with Disabilities Act of 1990, Contractor 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 Contractor. All Contractor's activities must be in accordance with these laws, ordinances, codes, and regulations, and Contractor shall be solely responsible for complying therewith.

E. Contractor shall permit City access to records of employment, employment advertisement, application forms, EEO-1 forms, and any other documents which, in the opinion of City are necessary to monitor compliance with the non-discrimination provisions, and will, in addition, fill-out in a timely fashion, forms supplied by City to monitor these non-discrimination provisions, to the extent required by HUD Regulations at 24 CFR Part 570.

F. For Construction Contracts Only

If the budgeted cost of construction activities funded by this contract exceeds \$10,000, as detailed in Exhibit B, Contractor shall comply with all requirements of Executive Order 11246, Equal Employment Opportunity, as amended
July 2003

by Executive Orders 11375 and 12086 attached hereto as Exhibit D, and made a part hereof.

ARTICLE 20, LOBBYING PROHIBITION

Contractor shall comply with Section 1352, Title 31, U.S. Code stipulating that no Government funds shall be spent for lobbying and agrees to disclose names of persons and amounts paid with non-Government funds to influence decisions by Congress or Executive Branch agencies.

ARTICLE 21, DRUG-FREE WORKPLACE

Contractor shall provide a drug-free workplace and establish a drug-free awareness program in compliance with the Drug-Free Workplace Act of 1988 and the required certification.

ARTICLE 22, NUCLEAR FREE BERKELEY

Contractor agrees to comply with BMC 12.90, the Nuclear Free Berkeley Act, as amended from time to time.

ARTICLE 23, BERKELEY LIVING WAGE ORDINANCE

A. Contractor hereby agrees to comply with the provisions of the Berkeley Living Wage Ordinance, B.M.C. Chapter 13.27. If Contractor is currently subject to the Berkeley Living Wage Ordinance, as indicated by the Living Wage Certification form, attached hereto, Contractor will be required to provide all eligible employees with City mandated minimum compensation during the term of this Contract, as defined in Chapter 13.27, as well as comply with the terms enumerated herein. Contractor expressly acknowledges that, even if Contractor is not currently subject to the Living Wage Ordinance, cumulative contracts, grants or other monies received by the City may subject Contractor to the requirements under B.M.C. Chapter 13.27 in subsequent contracts.

B. If Contractor is currently subject to the Berkeley Living Wage Ordinance, Contractor shall be required to maintain monthly records of those employees providing service under the Contract. These records shall include the total number of hours worked, the number of hours spent providing service under this Contract, the hourly rate paid, and the amount paid by Contractor for health benefits, if any, for each of its employees providing services under the Contract. These records are expressly subject to the auditing terms described in Article 39.

C. If Contractor is currently subject to the Berkeley Living Wage Ordinance, Contractor shall include the requirements thereof, as defined in B.M.C. Chapter 13.27, in any and all subcontracts in which Contractor engages to execute its responsibilities under this Contract. All contractor employees who spend 50% or more of their compensated time engaged in work directly related to this Contract shall be entitled to a living wage, as described in B.M.C. Chapter 13.27 and herein. All subcontractor employees who spend 25% or more of their compensated time engaged in work directly related to this Contract shall be entitled to a living wage, as described in B.M.C. Chapter 13.27 and herein.

D. Contractor's failure to comply with this Section shall subject Contractor to termination of this Contract pursuant to Article 36.

ARTICLE 24, BERKELEY EQUAL BENEFITS ORDINANCE

A. Contractor hereby agrees to comply with the provisions of the Berkeley Equal Benefits Ordinance, B.M.C. Chapter 13.29.

B. If Contractor is currently or becomes subject to the Berkeley Equal Benefits Ordinance, Contractor agrees to provide the City with any records the City deems necessary to determine compliance with this provision.

July 2003

These records are expressly subject to the auditing terms described in Article 39 of this contract.

C. Contractor's failure to comply with this Section shall subject Contractor to termination of this Contract pursuant to Article 37.

ARTICLE 25, RELIGIOUS ACTIVITY PROHIBITED

There shall be no religious worship, instruction or proselytization as part of or in connection with the performance of this contract.

ARTICLE 26, POLITICAL ACTIVITY PROHIBITED

None of the funds, materials, property or services contributed by the City under this contract shall be used in the performance of this contract to further the election or defeat of any candidate for public office, to support or defeat any ballot measure, for any partisan political activity, or for the conduct of political activities in contravention of Chapter 15 of Title 5, United States Code.

ARTICLE 27, COVENANT AGAINST CONTINGENT FEES

Contractor warrants that no person or selling agency or other organization has been employed or retained to solicit or secure this contract upon an agreement of understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warrant, the City shall have the right to annul this contract without liability or, in its discretion, to deduct from the compensation, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fees.

ARTICLE 28, LABOR STANDARDS (Construction Contracts Only)

A. Except as herein provided, all laborers and mechanics employed by Contractor or by Contractor's subcontractors in the construction, alteration or repair, including painting and decorating of projects, building, and work which is assisted with contract funds, shall be paid at rates not less than those currently determined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), and the Contractor and subcontractors shall comply with all regulations issued pursuant to these Acts and with other applicable federal laws and regulations pertaining to labor standards to the extent required by HUD Regulations at 24 CFR Part 570. Any additional contract provisions required by federal statutes to be inserted herein, are attached hereto as Exhibit E and made a part hereof.

B. This provision does not apply to:

- 1) The rehabilitation of residential property with less than eight dwelling units.
- 2) Projects where the total budgeted cost of construction activities is less than \$2,000.
- 3) Emergency Shelter Grant Funds

ARTICLE 29, FLOOD DISASTER PROTECTION

Use of contract funds for acquisition or construction in an area identified as having special flood hazards shall be subject to the requirements of the Flood Disaster Protection Act of 1973 (P.L. 93-234), including the mandatory purchase of flood insurance in accordance with the requirements of Section 102(a) of said Act.

July 2003

ARTICLE 30, CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

Contractor shall comply with the provisions of the Clean Air Act as amended (42 U.S.C. 1957 et seq.), and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), and the regulations thereunder (40 CFR Part 15 and 40 CFR Part 61).

ARTICLE 31, LEAD-BASED PAINT

Contractor shall comply with the lead-based paint requirement of 24 CFR Part 5 Subpart B issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.). Such requirements prohibit the use of lead-based paint for construction, rehabilitation, or modernization of residential structures; mandate the elimination of immediate lead-based paint hazards in residential structures assisted with CDBG funds; and require the notification of the hazards of lead-based paint poisoning to purchasers and tenants of residential structures constructed prior to 1950 and assisted with CDBG funds.

ARTICLE 32, ARCHITECTURAL BARRIERS ACT OF 1968

Any building or facility, excluding privately owned residential structures, designed, constructed, or altered with contract funds shall comply with the requirements of the "American Standards Specifications for Making Building and Facilities Accessible to, and Usable by the Physically Handicapped," Number A-117, I-R 1971, subject to the exceptions contained in 41 CFR Subpart 101-19.604, issued pursuant to the Architectural Barriers Act of 1968, 42 CFR U.S.C. 4151, as amended.

ARTICLE 33, ENVIRONMENTAL REVIEW RECORD (ERR)

The City will work with the Contractor to prepare the ERR. The ERR will cover areas such as historic preservation, floodplain management, endangered species, air quality, toxic chemicals, noise control, among others, in compliance with HUD Regulations at 24 CFR Part 58. These regulations cover all CDBG-funded projects. No funds will be disbursed under this contract until the ERR has been accepted and approved by HUD.

ARTICLE 34, RELOCATION

A. Contractors engaging in acquisition/rehabilitation activities must comply with the Uniform Relocation Act (URA), as amended, and applicable guidelines at 49 CFR Part 24 and 24 CFR Part 511, as well as the State of California Government Code 7265.3, as amended, and City policies.

B. Any person displaced by rehabilitation, financed partially or wholly with contract funds, shall be offered the option of relocation after completion of the rehabilitation in the dwelling from which the person was displaced, and shall be provided the benefits due in accordance with State of California Government Code 7265.2, as amended.

ARTICLE 35, NON-PROFIT STATUS

A. Except as herein provided, Contractor must be a non-profit corporation. Contractor shall furnish the City with a copy of its articles of incorporation, a copy of its by-laws, and a current list of its Board of Directors. If there are any changes in Contractor's non-profit status with the California Secretary of State, Contractor shall notify City within five (5) working days of the notice of said change. Loss of non-profit status or failure to maintain a status of good standing with the Secretary of State is cause for termination of the contract.

B. Contractor must be a neighborhood-based, non-profit organization, a small business investment company, or a local development corporation, according to the definitions set forth in 24 CFR 570.204(s), to be eligible to undertake economic development or neighborhood revitalization activities pursuant to 24 CFR 570.204(c). Contractor shall

July 2003

furnish the City with document(s), evidencing proof of such status. If there are any changes in such status, Contractor shall notify City within five (5) working days of said change. Failure to maintain eligible organizational status as required by Government regulations is cause for termination of the contract.

C. This provision may not necessarily apply to Contractor if Contractor is undertaking only rehabilitation activities pursuant to 24 CFR 570.202 or economic development activities pursuant to 24 CFR 570.203.

ARTICLE 36, CHANGES

A. The terms and conditions of this contract shall not be altered or otherwise modified except upon a duly executed written amendment to this contract.

B. Contractor may request changes in the Scope of Services described in Exhibit A. Such changes, including any increase or decrease in the amount of the Contractor's compensation (Exhibit B), require City Council approval and must be incorporated by written amendment to this contract.

ARTICLE 37, CONTRACT TERMINATION

This contract may be terminated for cause by Contractor upon thirty (30) days prior written notice. The City may terminate this contract in whole or in part with or without cause, which includes but is not limited to:

A. Failure, for any reason, of Contractor to fulfill in a timely and proper manner its obligations under this contract, including compliance with City, State and Federal laws and regulations and applicable directives.

B. Failure to meet the performance standards contained in Exhibit(s) A of this contract. When the City notifies the Contractor that its contract performance is below performance specifications as outlined in the contract Exhibits, a corrective action plan must be submitted in writing by the Contractor to the City within thirty (30) days. Failure to achieve the performance specifications within a maximum of sixty (60) days is cause for immediate contract termination.

C. Improper use or reporting of funds provided under this contract.

D. Reduction, suspension or termination of funding or grant(s) to the City from any Federal or State sources under which this contract is made, or the portion thereof earmarked for this contract or appropriated by the City Council for this contract.

E. A written notice shall be deemed served upon sending said notice in a postage-paid envelope addressed to the other party to this contract and depositing the same with the United States Post Office with postage prepaid. For purposes of this contract, all notices to the City shall be addressed as follows:

City Manager
City of Berkeley
2180 Milvia Street
Berkeley, California 94704

For purposes of this contract, all notices to Contractor shall be addressed to Contractor's authorized signee as indicated on the last page of this contract to the address indicated on page 1 of this contract.

F. If either party terminates this contract before the Contractor completes the services in Exhibit(s) A, in addition to any other rights and remedies provided by law or under this contract, Contractor shall be entitled to compensation for services performed hereunder, through and including the date of termination, but not to exceed the July 2003

payment according to the rate specified in Exhibit B. Contractor shall be entitled to all reasonable costs incurred in connection with such services. In no event will the amount paid exceed the full amount in Article 3 of this contract.

ARTICLE 38, CLOSE OUT PROCEDURES

Contractor shall prepare and submit a final invoice for final claims no later than sixty (60) days after the termination of this contract. The final invoice shall cover all claims for costs incurred by the Contractor during the period of the contract. All unexpended funds shall be returned to the City. Where funds are due the City, payment should be made to CITY OF BERKELEY and must accompany the final invoice.

ARTICLE 39, AUDIT

All contractors receiving \$300,000 or more in Government funds shall have their financial and compliance records, maintained in connection with the operations and services performed under this contract, audited annually by an independent auditing agent selected by the City. This audit will be conducted in accordance with the Single Audit Act of 1984, Office of Management and Budget Circulars A-133 (June 30, 1997), and any other prescribed guidelines. Contractors receiving \$300,000 or more in Government funds and choosing to select their own independent auditor shall provide the City with a copy of the audited Financial Statement which is to be prepared in compliance with OMB Circulars A-110 and A-133 (June 30, 1997). Contractors receiving less than \$300,000 in Government funds are exempt from audit pursuant to the Single Audit Act of 1984, but records must be available for review by appropriate officials. All contractors regardless of the amount of Government funds received, are subject to State and Local regulations.

Pursuant to Section 61 of the Berkeley City Charter, the City Auditor's Office may conduct an audit of Contractor's financial, performance and compliance records maintained in connection with the operations and services performed under this Contract. In the event of such audit, Contractor agrees to provide the City Auditor with reasonable access to Contractor's employees and make all such financial, performance and compliance records available to the Auditor's Office. City agrees to provide Contractor an opportunity to discuss and respond to any findings before a final audit report is filed.

The City will provide Contractor with the preliminary draft of the audit report and hold a conference with Contractor to discuss the report if any findings are noted. Contractor shall respond to all findings within ten (10) working days after the conference. The auditing agent will then prepare its final audit report and submit it to the City Manager. City will notify contractor of any disallowed expenses. Contractor shall make payment of disallowed expenses to City within thirty (30) days of such notification, unless otherwise specified by the City. Failure to reimburse the City may result in the discontinuance of any or all City contracts with Contractor and may make Contractor ineligible for additional or further funds from the City.

ARTICLE 40, GOVERNING LAW

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

ARTICLE 41, INDEPENDENT CONTRACTOR

A. Contractor shall be deemed at all times to be an independent contractor and shall be wholly responsible for the manner in which Contractor performs its obligations under this Agreement. Contractor shall be liable for its acts and omissions, and those of its employees and its agents. Nothing contained herein shall be construed as creating an employment, agency or partnership relationships between City and Contractor.

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

July 2003

C. Nothing in this Contract shall operate to confer rights or benefits on persons or entities not party to this Contract.

ARTICLE 42, CITY BUSINESS LICENSE, PAYMENT OF TAXES, TAX I.D. NUMBER

Contractor has obtained a City business license as required by B.M.C. Ch. 9.04, and its license number is written below; or, Contractor is exempt from the provisions of B.M.C. Ch. 9.04 and has written below the specific B.M.C. section under which it is exempt. Contractor shall pay all state and federal income taxes and any other taxes due. Contractor certifies under penalty of perjury that the taxpayer identification number written below is correct.

ARTICLE 43, ENTIRE AGREEMENT

A. The terms and conditions of this contract and all exhibits attached hereto or documents expressly incorporated by reference therein represent the entire contract between the parties hereto with respect to the subject matter hereof, and this contract shall supersede any and all other prior contracts, either oral or written, regarding the subject matter between the City and Contractor. No other contract, statement, or promise relating to the subject matter of this contract shall be valid or binding except upon a duly executed written amendment to this contract.

B. Should any conflicts arise between the terms and conditions of this contract and the terms and conditions of any exhibits attached hereto or documents expressly incorporated by reference therein, the terms and conditions of Federal Regulations shall control.

ARTICLE 44, OWNERSHIP OF DOCUMENTS

A. When this contract is terminated Contractor agrees to return to City all documents, drawings, photographs and other written or graphic material, however produced, that it received from City, its contractors or agents, in connection with the performance of its services under this contract. All materials shall be returned in the same condition as received.

B. All internal work, papers, internal drawings, internal memoranda of any kind, photographs, and any written or graphic material, however produced, prepared by Contractor in connection with its performance of services under this contract, shall be, and shall remain after termination of this contract, the property of Contractor. Contractor may use that material for any purpose whatsoever. However, if either party terminates this contract before Contractor completes all services required under Article 1, the latest set of draft documents shall be and shall remain the property of the City.

C. The final written product of this contract shall be the property of the City. City may use all or any part of the product for projects other than those contemplated by this contract. Contractor shall not be liable for any improper reuse of the product. City may also retain the original of any design documents upon request.

ARTICLE 45, SETOFF AGAINST DEBTS

Contractor agrees that City may deduct from any payments due to Contractor any monies that Contractor owes the City under any Ordinance, contract, or Resolution for any unpaid taxes, fees, licenses, unpaid checks, or other amounts.

ARTICLE 46, RECYCLED PAPER FOR WRITTEN REPORTS

If Contractor is required by this contract to prepare a written report or study, Contractor shall use recycled paper for said report or study when such paper is available at a cost of not more than ten percent more than the cost of virgin paper, and when such paper is available at the time it is needed. For the purposes of this contract, recycled paper is

July 2003

ARTICLE 49, ASSIGNMENT

This contract may not be assigned without the prior written consent of the City.

IN WITNESS WHEREOF, the City and Contractor have executed this contract through their duly authorized representatives as of the date first above written.

CITY OF BERKELEY

By [Signature]
City Manager

THIS CONTRACT HAS BEEN
APPROVED AS TO FORM BY
THE CITY ATTORNEY FOR THE
CITY OF BERKELEY
July 2003

Registered by:

[Signature]
City Auditor

Attest:

[Signature]
Deputy City Clerk

CONTRACTOR

By [Signature]
EXECUTIVE DIRECTOR
Title

IRS Tax I.D. No.: [Redacted]

B.M.C. § _____

City of Berkeley Business License No.: 2003-10724

Incorporated: Yes X No _____

Subject of Contract: PUBLIC SAFETY

EXHIBIT A

SCOPE OF SERVICES

EXHIBIT A
SCOPE OF SERVICES

Berkeley Boosters Association
P.O. Box 17
Berkeley, CA 94701
Telephone: (510) 704-0467
Fax: (510) 649-0886

E-mail: dmanson@berkeleyboosters.org
Web Site: www.berkeleyboosters.org

RESPECT GRANT 2003/2004: BART ESCORT SERVICE

I. PROGRAM DESCRIPTION:

During the winter months, the Berkeley Boosters Association will provide BART SAFETY ESCORT Service to BART patrons during the two (2) busiest commute hours each evening. The service will be provided at both the Ashby and North Berkeley BART stations. The patrons will be escorted from the BART station to their cars or homes within a radius of approximately five (5) city blocks.

II. SCOPE OF SERVICE:

The *Berkeley Boosters RESPECT Team* will provide, from Monday, October 27, 2003 (end of daylight savings time) to Friday, March 5, 2004, BART SAFETY ESCORT SERVICE at both the Ashby BART station and the North Berkeley BART station. The ESCORT SERVICE will be provided Monday to Friday for two (2) hours during the evening commute time (except on City Holidays). The training will occur during the week of October 20, 2003.

The staffing model calls for four (4) team members plus one supervisor at each station. The team members will wear uniforms (light blue baseball jacket with BART ESCORT and RESPECT insignia, navy pants, light blue shirt) and will be equipped with flashlights and police radios. Team members will be upper class Berkeley High School students (over the age of 15) and/or local community college, UC students, or community members. The Supervisors will be adults, typically veteran supervisors from within the Berkeley Police Department Traffic Enforcement Division.

III. TRAINING:

The team members will be trained through an intensive training that includes police radio training and protocol, conflict resolution, diversity training, public relations, positive communication skills, personal safety and other topics. This training will be provided by experienced personnel from within the Boosters, as well as various outside experts from within Berkeley Police Department and BUSD School Safety personnel. The BART Escorts work in teams of two (except supervisors, who may work alone). Each team is equipped with a police radio for emergencies. Each team member will be assigned a call number (e.g. G-31).

IV. NETWORKING WITH OTHER AGENCIES:

It is the responsibility of the Executive Director to establish contact with BART Police and the Berkeley Police Department Patrol Division. The Berkeley Police Department will assist in the radio training for the ESCORTS.

EXHIBIT B

PAYMENT

CONTRACT AMOUNT \$ 40,500

SIX (6) TWO MONTHS CASH ADVANCE PAYMENTS

LINE ITEM BUDGET ATTACHED.

RESPECT – BART ESCORTS PROGRAM

Operating Statement

July 1, 2003 – June 30, 2004

Date: As of 12/18/02

INCOME**GRANTS**

CITY OF BERKELEY \$40,500

TOTAL PROGRAM INCOME: \$40,500**EXPENSE****PERSONNEL**

Executive Director \$ 2,900

Administrative Director \$ 2,900

Supervisors \$ 8,820

Part Time Escorts \$11,500

Accounting \$ 1,200

Subtotal Personnel \$27,320

Employer Payroll Taxes @11% \$ 3,005

Worker's Comp @9% \$ 2,458

Health Insurance \$ 780

Subtotal Fringe Benefits \$ 6,243**TOTAL PERSONNEL & FRINGE BENEFITS \$ 33,563****EQUIPMENT**

Uniforms, Equipment & Supplies \$ 2,000

TOTAL EQUIPMENT \$ 2,000**OPERATING EXPENSE**

Grant Operating Expense \$ 4,937

TOTAL OPERATING \$ 4,937**TOTAL EXPENSES \$ 40,500**

**REQUEST FOR WAIVER OF COMPETITIVE SOLICITATION
BY CITY MANAGER**

DATE: August 11, 2003
TO: Weldon Rucker, City Manager
FROM: Roy L. Meisner, Chief of Police
DEPT. Police Department

**RE: REQUEST FOR WAIVER
BERKELEY BOOSTERS ASSOCIATION
CONTRACT NAME**

INSTRUCTIONS:

A written request must be submitted for a waiver consideration. Please complete and forward to City Manager.

We are requesting a waiver on the above contract for one the following reason(s). Explanation must clearly state why this exception meets the required criteria. For details see section on Evidence of Competitive Solicitation online.

- 1. Service is very **SPECIALIZED** because the Berkeley Booster Association is selected through the annual General Funded Community Agency allocations.
- 2. This product or service can only be provided by this contractor (**SOLE SOURCE**)

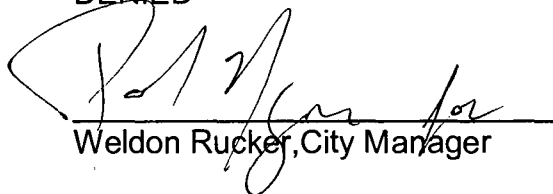
This service and/or product must be provided **IMMEDIATELY** because

4. OTHER CATEGORY. NOTE: The lack of advanced planning does not constitute an immediate need. The reason for this request is

WAIVER IS RECOMMENDED



DENIED


Weldon Rucker, City Manager

8/15/03
Date

NON-DISCRIMINATION WORK FORCE

FOR ALL NON-CONSTRUCTION CONTRACTS

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

ORGANIZATION: Berkeley Boosters Assn. / Police Activities League

ADDRESS: P.O. Box 17 Berkeley, Ca. 94701

BUSINESS LICENSE NO: 2003-10724

Occupational Category (see reverse side for explanation of terms)	Total Employees		WHITE		BLACK		ASIAN		HISPANIC		OTHER (SPECIFY)	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Officials/Administrators	1	0										
Professionals	0	2		1								Pacific Islander
Technicians	0	0										
Protective Service Workers	3	0	1		2							
Para-professionals	8	9	2	2	6	7						
Office/Clerical	0	1										Pacific Islander
Skilled Craft Workers	0	0										
Service/Maintenance	0	0										
Other (Specify)	0	0										
Totals	12	12	3	3	8	7					1	2

Is your business MBE/WBE/DBE certified? Yes No

If yes, by what agency? _____ or indicate ethnic identification _____

If yes, please specify: Male Female

Do you have a policy of non-discrimination? Yes No

Signed: [Signature] Date: 6/12/03
 Verified by: [Signature] Date: 6/23/03

City of Berkeley Contract Compliance Officer

CITY OF BERKELEY
Nuclear Free Zone Disclosure Form

I (we) certify that:

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

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

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

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

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

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

Printed Name: David MANSON Title: Executive Director
 Signature: *David W. Manson* Date: 6-12-03
 Business Entity: Berkeley Boosters Association / P.A.L.
 Contract Description/Specification No. _____
Attachment C

CITY OF BERKELEY
Oppressive States Compliance Statement for Personal Services

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

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

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

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

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

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

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

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

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

Printed Name: David W. Manson, Jr. Title: Executive Director

Signature: [Handwritten Signature] Date: 6-12-03

Business Entity: Berkeley Boosters Assn. P.A.L.

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

Signature: _____ Date: _____

Contract Description/Specification No.: _____

Attachment D

CITY OF BERKELEY
Living Wage Certification for Providers of Personal Services

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

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

Section I.

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

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

YES NO

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

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

YES NO

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

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

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

YES NO

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

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

YES NO

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

Section II

Please read, complete, and sign the following:

THIS CONTRACT IS SUBJECT TO THE LIVING WAGE ORDINANCE.

THIS CONTRACT IS NOT SUBJECT TO THE LIVING WAGE ORDINANCE.

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

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

Printed Name: David W. Manson, Jr Title: EXECUTIVE DIRECTOR
Signature: [Handwritten Signature] Date: 6/12/03
Business Entity: Berkeley Boosters Assn. / P.A.L.
Contract Description/Specification No: _____

Section III

• ** FOR ADMINISTRATIVE USE ONLY – PLEASE PRINT CLEARLY ***

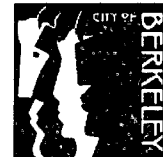
I have reviewed this Living Wage Certification form, in addition to verifying Contractor's total dollar amount contract commitments with the City in the past twelve (12) months, and determined that this Contract IS / IS NOT (circle one) subject to Berkeley's Living Wage Ordinance.

Police Department
Department Name

[Handwritten Signature]
Department Representative

To be completed by Contractor/Vendor

Form EBO-1 CITY OF BERKELEY



CERTIFICATION OF COMPLIANCE WITH EQUAL BENEFITS ORDINANCE

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

SECTION 1. CONTRACTOR/VENDOR INFORMATION

Form with fields for Name, Address, Contact Person, E-mail Address, Vendor No., City, State, ZIP, Telephone, and Fax No. Handwritten entries include Berkeley Boosters Assn., PO Box 17, David W. Manson, Jr, and various phone numbers.

SECTION 2. COMPLIANCE QUESTIONS

- Questions A through E regarding employee benefits, spouse benefits, and domestic partner benefits. Includes checkboxes for Yes/No and instructions on how to proceed based on answers.

SECTION 3. PROVISIONAL COMPLIANCE

- Questions A and B regarding contractor compliance with EBO and cash equivalent options. Includes checkboxes and detailed instructions.

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

SECTION 4. REQUIRED DOCUMENTATION

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

SECTION 5. CERTIFICATION

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

Executed this 12 day of JUNE, in the year 2003, at Berkeley CA
(City) (State)

David W. MANSON, JR.
Name (please print)

[Signature]
Signature

Executive Director
Title

[Redacted]
Federal ID or Social Security Number

FOR CITY OF BERKELEY USE ONLY

- Non-Compliant (The City may not do business with this contractor/vendor)
- One-Person Contractor/Vendor Full Compliance Reasonable Measures

Provisional Compliance Category, Full Compliance by Date: _____

Staff Name (Sign and Print): Annie Thomas Date: 6/25/03

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/28/2003

PRODUCER (260)482-5455 FAX (260)483-6297
 Diller-Smith & Associates
 2526 Scotswoide Dr.
 P.O. Box 8517
 Ft. Wayne, IN 46808

INSURED California Police Activities League #2
 2000 East 14th Street
 San Leandro, CA 94577

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: CLARENDON AMERICA INSURANCE CO.	
INSURER B: AMERICAN NATIONAL LIFE INSURANCE CO. OF TX.	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

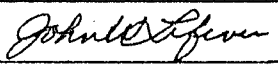
THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> INCLUDES ATHLETIC PARTICIPANTS GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO. JECT <input type="checkbox"/> LOC	ECP000305-00	01/01/2003	01/01/2004	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ NONE PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	EPC000305-00	01/01/2003	01/01/2004	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
A	EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE RETENTION \$	EEX000026-00	01/01/2003	01/01/2004	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 5,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	OTHER ACCIDENT/MEDICAL	FLD02-34200-BC	01/01/2003	01/01/2004	AD & D \$50,000 ACCIDENT MEDICAL EXCESS-MAX. BENEFIT \$50,000 DED.: NONE

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 A SEXUAL ABUSE/MOLESTATION POL#: ECP 000305-00 EFF: 1/1/03 TO 1/1/04
 \$25,000 PER OCCURRENCE AGGREGATE \$100,000
 CERTIFICATE HOLDER IS AN ADDITIONAL INSURED FOR CAL PAL. EVENT: PAL EVENTS
 EVENT DATE: COVERAGE PERIOD
 INSURED MEMBER CHAPTER: BERKELEY BOOSTERS/PAL, ATT CHERYL LA ROSA LONGO, PO BOX 17 BERKELEY, CA 94701

CERTIFICATE HOLDER

CANCELLATION

04/28/03 CITY OF BERKELEY BERKELEY POLICE DEPARTMENT ATT TRACY VESELY 2180 MILVIA STREET BERKELEY, CA 94704	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE John Lefever/AKB 
---	--

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

STATE COMPENSATION INSURANCE FUND

P.O. BOX 807 SAN FRANCISCO, CA 94142 10807

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

ISSUE DATE: 01-01-2002

GROUP: 000380
POLICY NUMBER: 0000609-2003
CERTIFICATE ID: 10
CERTIFICATE EXPIRES: 01-01-2004
01-01-2003/01-01-2004

CITY OF BERKELEY NB
PARKS & RECREATION, ATTN: TRACY A. VESELY
2180 MILVIA ST. 3RD FL.
BERKELEY, CA 94704

This is to certify that we have issued valid Workers' Compensation insurance policy in a form approved by the California Insurance Commissioner to the employer named below for the policy period indicated.

This policy is not subject to cancellation by the Fund except upon 30 days advance written notice to the employer.

We will also give you 30 days advance notice should this policy be cancelled prior to its normal expiration.

This certificate of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policies listed herein. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate of insurance may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies.

Theresa Hansen

Kenneth C. Bolter

AUTHORIZED REPRESENTATIVE

PRESIDENT

EMPLOYER'S LIABILITY LIMIT INCLUDING DEFENSE COSTS: \$1,000,000.00 PER OCCURRENCE

ENDORSEMENT #2085, ENTITLED "CERTIFICATE HOLDERS' NOTICE" EFFECTIVE 01-01-2003 IS ATTACHED TO AND FORMS A PART OF THIS POLICY

EMPLOYER

BERKELEY BOOSTERS ASSOCIATION
(A NON-PROFIT CORP.)
PO BOX 17
BERKELEY, CA 94701

Additional Coverages and Factors

12/23/2002

Line of Business Coverages for	General Liability				
Coverage	Limits	Ded/Ded Type	Rate	Premium	Factor
General Aggregate	2,000,000				
Products/Completed Ops	1,000,000				
Aggregate					
Personal & Advertising	1,000,000				
Injury					
Each Occurrence	1,000,000				
Fire Damage	50,000				
Medical Expense	NONE				

CONTRACTORS INVOICE

PLEASE TYPE

Respect "BART" ESCORTS

1. CONTRACTOR'S NAME (Agency) Berkeley Boosters	2. ADDRESS: CITY/STATE/ZIP PAL PO Box 17 Berkeley 94701
3. FUNDS REQUESTED FOR: a. <input checked="" type="checkbox"/> Initial Advance b. <input type="checkbox"/> Periodic Advance c. <input type="checkbox"/> Reimbursement d. <input type="checkbox"/> Final Invoice e. <input type="checkbox"/> Other Specify f. Report for Month/s of: _____ Month/s Day Year g. PROGRAM TYPE: CSBG _____ GENERAL FUND <input checked="" type="checkbox"/> OTHER _____	

4. COST INCURRED: a. From Start Of Agreement 7 1 03 Mo Day Yr	b. To End of Report Mo: 9 1 03 Mo Day Yr	5. PERIOD COST PROJECTED: a. From End of Report Mo: _____ Mo Day Yr	b. To End of Two Mo. Projection: _____ Mo Day Yr
---	---	--	--

COMMUNITY SERVICES CONTRACTORS INVOICE

6. COST CATEGORY	7. CONTRACT COMPONENT BUDGET (Nearest Dollar)	8. COSTS FOR REPORT MONTH ONLY (Nearest Dollar)	9. CUM. COSTS (Nearest Dollar)	10. COSTS PROJECTED (Nearest Dollar)	11. TOTALS (Column 9 + Column 10)
PERSONNEL SERVICES	a. 27320	a.	a.	a.	a.
FRINGE BENEFITS	b. 6243	b.	b.	b.	b.
TRANS. COST	c.	c.	c.	c.	c.
OPERATING COSTS	d. 4937	d.	d.	d.	d.
EQUIPMENT PURCHASES	e. 2000	e.	e.	e.	e.
INSURANCE	f.	f.	f.	f.	f.
OTHER: Specify	g.	g.	g.	g.	g.
OTHER: Specify	h.	h.	h.	h.	h.
TOTALS:	i. 40500	i.	i.	6750	6750

ADVANCE

P.O.# _____ FOR CITY USE ONLY INVOICE # _____	12. LESS CASH RECEIVED: \$ 0
BUDGET CODE: _____	13. NET AMOUNT OF THIS REQUEST \$ 6750
AMOUNT TO BE PAID \$ _____	

14. CONTRACTOR CERTIFICATION: I certify that the costs incurred are taken from the books of account and that such costs are valid and consistent with the terms of this agreement:

Cheryl Ja Rosa Longo Dir. of Admin. 6-23-03
 Authorized Contractor's Signature Title Date Signed

CITY STAFF ONLY
 PERFORMANCE SATISFACTORY FOR PAYMENT:

APPROVED BY: _____ EXAMINED BY: _____
 Signature Date Signature Date

- COPY 1 - FINANCE
- COPY 2 - HHS ACCOUNTING
- COPY 3 - CONTRACT MONITOR
- COPY 4 - CONTRACTOR

Rec #62,124

City of Berkeley, California

BUSINESS LICENSE

BUSINESS TYPE

POLICE ACTIVITIES LEAGUE

LOCATION IN BERKELEY

VARIOUS

OWNER

DAVID MANSON EXEC DIR

DBA

BERKELEY BOOSTERS ASSN/P. A. L.

MAIL ADD

P O BOX 17

CITY

BERKELEY CA 94701



LICENSE NUMBER

2003-10724

DATE

2003

EXPIRES: 12/31/03

0002

This license is renewable on or before 2/28/04

THIS LICENSE IS ISSUED WITHOUT VERIFICATION THAT THE LICENSEE IS SUBJECT TO AN EXEMPTION FROM LICENSING BY THE STATE.

THIS LICENSE MUST BE CONSPICUOUSLY POSTED AND BE RENEWED WITHIN 30 DAYS AFTER EXPIRATION.

IT SHALL NOT BE CONSTRUED AS AUTHORIZING THE CONDUCT OR CONTINUANCE OF ANY ILLEGAL OR UNLAWFUL BUSINESS.

LICENSE COLLECTOR

277239

325-766 (REV. 12/90)

Expenditure Contract Amendment Review Form

Original CMS #: Y3DFY
(To be filled in by department)

Amendment CMS #: RRKBC
(To be filled in by department)

Contract No.: 6724A
(To be filled in by auditor)

CONTRACTOR NAME: Berkeley Boosters Association

This contract package contains: <u>Three Original Contracts (Department, Vital Record and Vendor) contracts in Folders</u>	Attached	Waiver Attached	Not Required
*The Vital Record contract MUST be in a folder. *Optional: In lieu of folders, the Department and Vendor copies may be assembled with an Acco-fastener.			
1. Authorizing Council Resolution No.: <u>63,166 N.S.</u>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
2. Living Wage Certification (if not submitted with original contract) **LWO form revised 8/02 <u>Submitted With Original Contract</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Certification of Compliance with Equal Benefits Ordinance (if not submitted with original contract) **EBO form revised 7/02 <u>With Original Contract</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Insurance Certificate Original on File: Contract Number 6701 <u>copy attached</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Requisition No.: 105122 (Hard copy attached) Purchase Order No.: 56137

Original contract amount \$ 174,368
 Amount(s) added by previous amendment(s) \$ 0 (if applicable)
 Amount added by this amendment \$ 29,643
 Total contract amount after amendment \$ 204,011

Routing and signatures: All elements of the contract package including information provided above and on the Amendment Data Transmittal form have been reviewed for completeness and accuracy and evidenced by the following signatures:

Kristen Lee UK Housing PPMB x 5427 1/18/2006

1. <u>[Signature]</u> Project Manager	Dept./Division	Tel. No.	Date
2. <u>[Signature]</u> Dept. Admin. Officer or Accounting		<u>1/25/06</u>	Date
3. <u>[Signature]</u> Manager of Engineering (PW construction only)			Date
4. <u>[Signature]</u> Department Head		<u>1/18/06</u>	Date
5. <u>[Signature]</u> Employee Relations Officer		<u>1/29/06</u>	Date
6. Contract Compliance Officer (Construction only)			Date

Routing continues to the following persons, who sign directly on the contract:

- 7. City Manager (Will not sign unless all signatures and dates appear above)
- 8. City Auditor (Initials [Signature])
- 9. City Clerk (Initials _____)

RECEIVED
JAN 30 2006
City Auditor

CMS# RRKBC

AMENDMENT TO CONTRACT

THIS CONTRACT is entered into January 15, 2006, between the CITY OF BERKELEY ("CITY"), a Charter City organized and existing under the laws of the State of California, and The Berkeley Boosters Association ("CONTRACTOR"), a non-profit corporation under the laws of the State of California, doing business at P.O. Box 17, Berkeley CA 94701.

WHEREAS, CITY and CONTRACTOR previously entered into Contract Number 6724, dated July 1, 2005, which Contract was authorized by the Berkeley City Council by Resolution No. 62,976 - N.S.; and

WHEREAS, on December 13, 2005 by Resolution No. 63,166-N.S., the Berkeley City Council authorized an amendment of said contract, adding a total of \$29,643; \$10,000 for the Berkeley Guides program and \$19,643 for the BART Escorts program.

THEREFORE, City and Contractor mutually agree to amend said contract as follows:

1. Section 1 is amended to include the services detailed in Exhibit A, which is attached to and made part of this Contract.
2. Section 3 is amended to read as follows:

PAYMENT

For services referred to in Section 1, City will pay Contractor a total amount not to exceed \$ 204,011. City shall make payments to Contractor in accordance with provisions described in Exhibit B, which is attached to and made part of this Contract.

3. In all other respects, the contract dated July 1, 2003, shall remain in full force and effect.

IN WITNESS WHEREOF, City and Contractor have executed this Contract as of the date written on the first paragraph of this Contract.

CITY OF BERKELEY

By *Lino Co*
Deputy City Manager

THIS CONTRACT HAS BEEN
APPROVED AS TO FORM BY
THE CITY ATTORNEY FOR
THE CITY OF BERKELEY
6/01

Registered by:

Ann-Marie Han
City Auditor

Attest:

Wanda
Asst. Deputy City Clerk

CONTRACTOR: Berkeley Boosters Association

David W. Manson, Jr.
By: David W. Manson, Jr., Executive Director

EXHIBIT A
Page 47 of 102
STATEMENT OF WORK PLAN

(Please TYPE: Use additional sheets if necessary)
(Services For Berkeley Residents Only)

Agency: Berkeley Boosters Police Activities League

Contract Period: July 1, 2005 – June 30, 2006

Program Title: BART ESCORTS

A. Brief Program Description [Primary Goal(s)]

Youth Employment and Public Safety Program

Primary goals:

- 1) Job Training
- 2) Employment Support
- 3) Job Placement
- 4) Public Safety

**B. Scope of Services - Briefly describe each service activity or project to be undertaken.
(See attached)**

C. Networking and Merging of Efforts with Other Agencies. (Quantify planned contacts, referrals, etc., with and/or to specific agencies)

Berkeley Police Department – Training
Inter City Services – Training and Assessment
BART - Training

BART Escorts Program Description (Public Safety / Employment Training)

A violent incident in 1995 led to the establishment of this Berkeley Boosters PAL program. A woman was attacked and severely hurt at the North Berkeley BART station. The City of Berkeley approached us for help. We organized the BART Safety Escort program. BART gave us a grant for the purchase of uniforms, radios, and a van, and the City of Berkeley paid for the salaries of the employees. For the last 9 years, we have provided escort services at both the North Berkeley BART station and the Ashby BART station.

This program serves a dual purpose: providing a public safety benefit for Berkeley residents and also a youth employment program for Berkeley residents. We will operate during nine weeks in the winter during daylight savings time (January through March). At each station, we will have 6 people – one adult supervisor and five young people, high school or community college students or other at-risk youth. They will work in pairs, carry flashlights and escort BART patrons from the station to their parked cars or their homes. In this role, they will be equipped with, and trained to use police radios-which put them in direct contact with Police and Fire dispatch. They are able to immediately radio directly to the Public Safety Communications Center in cases of crimes, fires, medical emergencies or other critical needs.

These services will be provided Monday through Friday from 5:30pm to 7:30pm, during the heavy commute hours.

As a result of the dual nature of this program, the BART Escorts actually address several of the priorities outlined in the City Manager's letter to prospective applicants as important unmet needs:

- ❖ Provides healthy youth alternatives
- ❖ Reduces Poverty
- ❖ Ensures public safety

The BART Escorts will be responsible for the establishment and ongoing maintenance of a friendly, approachable presence to improve the feeling of safety and welcomeness at the Ashby and North Berkeley BART stations during the non-daylight savings commute hours. The BART Escorts will participate in training, evaluating and coaching sessions with the Berkeley Guides coordinator, the Berkeley Police Department, and their Supervisor/Job Coach, as well as the Executive Director of the Berkeley Boosters PAL. Their training shall include both employment / employability training as well as job-specific trainings such as conflict resolution, personal safety, verbal de-escalation, and customer service skills. They shall maintain accurate and complete records of their daily activities. They will be responsible to maintain the daily log book of incidents, events, contacts, and escorts. When appropriate, they shall refer individuals in need of services to the appropriate city or public service agency, and will initiate police intervention backup when necessary. *Berkeley Guides* will provide special attention to vulnerable groups such as children, older adults and disabled persons.

As an employment and job readiness program for Berkeley residents between 14 and 24, the BART Escorts program will also provide its participants with a meaningful job training experience. Not only will this serve as a means of providing gainful employment, but also serve as an entryway into other meaningful employment and career opportunities.

Since the State of California's Employment Development Department's Labor Market Information Division has identified that most new job growth will be in Health Care and Social Assistance, Retail Trade and Accommodation and Food Services, we will tailor our training towards skills that are valuable in those fields. We will spend one week prior and one week after the official start of BART Escort services providing vocational assessment tests, pre-employment training, and post-employment job search, resume building, networking training, and job placement assistance. Following U.S. Department of Labor recommendations that "proven techniques for developing improved employment outcomes for young people...includes four core areas: Preparatory Experiences, Connecting Activities, Work-Based Experiences and Leadership Development," our program plan includes activities designed to address each of these.

Our pre-session Training Week addresses the need to provide a meaningful Preparatory Experience. Drawing upon our years of experience providing team-building experiences that deepen the nature of interpersonal relationships among Police Officers and young people, we will provide participants with a full-day ropes course during our Training Week that will include trust-building and team-building activities with their supervisors and Police Department trainers. In addition, participants will be given a learning skills inventory and vocational assessment test. Results will be shared with the participants to help them begin to develop an understanding of their own unique skill sets. Connecting Activities will take place during the five-month course of our program. In addition to their regular contacts with positive adult role models serving as their supervisors (our BART Escorts supervisors are both long-time City of Berkeley employees within the Berkeley Police Department's Parking Enforcement Division and have been with us for the past four years), we will also provide once monthly social activities to reinforce their sense of teamwork and community.

The outcomes for the project fall under the City of Berkeley category of Employment:

- ❖ TRAINING:
 - By June 30, 2006, 10 (10) clients will have achieved marketable employment skills as evidenced by pre- and post-tests, and/or job placement.
- ❖ JOB PLACEMENT:
 - By June 30, 2006, ten (10) clients will have secured employment as evidenced by pay stubs.
- ❖ SUPPORT:
 - By June 30, 2006, ten (10) clients obtained continued employment training and/or placement assistance through ongoing Berkeley Boosters PAL staff support, as well as use of One Stop Career Center services, as evidenced by attendance sign-in sheets.

D. Service Activities (*Berkeley Residents Only Who Meet Income Guidelines – 200 percent of Poverty Level Only for CSBG/GF, or Those Who Receive TANF or SSI or Who Have a Disability.*) - The following indicates planned number of times a client will receive a service, and the planned number of clients to be served. A client is to be recorded only once during the program year; however, that same client may receive other types of services during the year. The Service Measure (s) should indicate, in a few words, the measurable unit of contact (e.g., bed nights, hours, sessions, classes, etc.)

Services Activity	Service Measure	Planned Quarterly		Planned Annually	
		* # of Client Contacts	# of New Clients	* # of Client Contacts	# of New Clients
Job Training	Hours	5	10	5	10
Vocational Skills / Aptitude Assessment	Hours	2	10	2	10
Employability Skills Training	Hours	2	10	2	10
Resume Building Skills Workshop	Hours	2	10	2	10

INCOME LIMITS FOR POVERTY, VERY LOW INCOME AND LOW INCOME FAMILIES -- 2005

Household Size →	Person							
	1	2	3	4	5	6	7	8
Poverty Level	9,570	12,830	16,090	19,350	22,610	25,870	29,130	32,390
200% of Poverty	19,140	25,660	32,180	38,700	45,220	51,740	58,260	64,780
Very Low (50% of AMI)	29,000	33,100	37,250	41,400	44,700	48,000	51,350	54,650
Low (80% of AMI)	46,350	53,000	59,600	66,250	71,550	76,850	82,150	87,450

* N/A if meeting with monitor indicates.

Page 50 of 102

1. Total number of clients with disabilities to be served: 0
2. Total number of homeless clients to be served: 0
3. Total number of Female Heads of Household to be served: 0
4. Total number of clients residing in the Target Area to be served: 10
5. Total number of clients not residing in the Target Area to be served: 0

G. Agency Fee Schedule - (*if applicable, attach copy*) N/A

H. Briefly Describe Method for Verification of Client Income Eligibility:

Self-Reported through intake forms and verified via collection of tax returns or paystubs

I. Specify the outcomes to be achieved by this contract. (Refer to *City-Wide Outcomes*.)

❖ TRAINING:

- By June 30, 2006, 10 (10) clients will have achieved marketable employment skills as evidenced by pre- and post-tests, and/or job placement.

❖ JOB PLACEMENT:

- By June 30, 2006, ten (10) clients will have secured employment as evidenced by pay stubs.

❖ SUPPORT:

- By June 30, 2006, ten (10) clients obtained continued employment training and/or placement assistance through ongoing Berkeley Boosters PAL staff support, as well as use of One Stop Career Center services, as evidenced by attendance sign-in sheets.

WORK PLAN – BART ESCORTS

List key activities for the period January 1, 2006 – June 30, 2006 for each major component or service. Complete and submit one Workplan sheet per program/project. Include number of new participants expected to be served each month, number of participant contacts, project phases, significant events, milestones, or construction deadlines as appropriate.

PROGRAM BART Escorts (NOTE: Total number of participants to be served is ALWAYS 12, with one exception: Escorts Provided. the figures that are provided below indicate the number of participant contacts)

Component/Service	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Total
Vocational Skills Assessment							1						2
Learning Styles Inventory							1						1
Employment / Employability Training							5			5			10
Work-Based Experiences							2	20	23				94
Police Safety Training							2						8
Support Programs Interface (One Stop Career Center, Inner-City Services, etc.)							1			1			3

9
12
12

PROPOSED BENEFICIARIES – BART Escorts

Please report the total number of participants residing in Berkeley to be served with this funding request during the period July 1, 2005 – June 30, 2006.

- 10 Total number of Berkeley residents the project will serve from July 1, 2005 – June 30, 2006. (estimate)
- 3 200% of Poverty or below (see chart below)
- 5 50% of Area Median Income (AMI) or below
- 2 80% of Area Median Income (AMI) or below

ANNUAL INCOME LIMITS FOR POVERTY, VERY LOW INCOME AND LOW INCOME FAMILIES – 2004								
Income Level	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
200% of Poverty	18,620	24,980	31,340	37,700	44,060	50,420	56,780	63,140
50% of AMI	29,000	33,100	37,250	41,400	44,700	48,000	51,350	54,650
80 % of AMI	46,350	53,000	59,600	66,250	71,550	76,850	82,150	87,450

Target Population and Outreach: Describe the population(s) targeted (e.g., youth, seniors, disabled, homeless) and your planned outreach to them.

The list of proposed beneficiaries of the BART Escorts service is to indicate the number of youth employees ages 14-24 ONLY that this program will serve. THIS FIGURE DOES NOT INCLUDE THE NUMBER OF BERKELEY RESIDENTS THAT WILL BE SERVED THROUGH THE PUBLIC SAFETY BENEFIT OF THIS PROGRAM WITH ESCORTS TO THEIR CARS OR HOMES. We have not included that estimate, because there is no way for us to accurately determine the level of income for those Berkeley residents. However, in the past, over a five-month period, we have averaged 630 total escorts for the past three years.

We will be targeting teens and young adults that are primarily residents of the South and West Berkeley areas. Our outreach efforts to recruit the appropriate youth to our program will include collaborating with other youth serving agencies such as Berkeley Youth Alternatives, the Young Adult Project, EBAYC R.I.S.E., Berkeley Alternative High School, and others to alert their participants about the program. In addition, we will also outreach through the faith community in South and West Berkeley and ask various spiritual leaders to inform their congregations about this opportunity.

1. Contractor shall provide the City with job descriptions of all of the employees' positions funded under this Contract, as listed in Exhibit B, Composite Program Budget.
2. Contractor shall provide the City with a list of authorized signatories for the Contractor's Advance Payment Request or Invoice and Quarterly Statement of Expense (or other cost documentation, as required by contracting department).

WORK PLAN – BERKELEY GUIDES

List key activities for the period July 1, 2005 – June 30, 2006 for each major component or service. Complete and submit one Workplan sheet per program/project. Include number of new participants expected to be served each month, number of participant contacts, project phases, significant events, milestones, or construction deadlines as appropriate.

PROGRAM Berkeley Guides

Component/Service	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Total
Escorts	7	7	7	7	7	7	5						42
Assistance / Directions	80	80	80	80	80	80	60						480
Intervention in Problematic Street Behaviors (Aggressive Panhandling / Mental Health Issues / Altercations)	40	40	40	40	40	40	25						240
Respond to Merchant Calls	40	40	40	40	40	40	25						240
Meet with Downtown Partners (DBA, BPD, Mental Health, Visitor & Convention Bureau)	21	21	21	21	18	16	10						118
Provide public safety presence at Berkeley events (Front Row Festival, Farmer's Market, Arts District Events)	4	5	4	8	8	8	5						37

**COMMUNITY AGENCY
EXHIBIT B
COMPOSITE PROGRAM BUDGET
REVENUE & EXPENSE SUMMARY**

BERKELEY GUIDES		Period 1/1/06-6/30/06		
Contractor: Berkeley Boosters Assoc./PAL		APPROPRIATE REQUIREMENTS		
SOURCES OF FUNDS		Expenditure Categories		
Revenue Categories	TOTAL	Salaries & Benefits	Services & Supplies	Fixed Assets
I. CITY OF BERKELEY ALLOCATED FUNDS				
A. CDBG	\$ -			
B. ESG	\$ -			
C. CSBG	\$ -			
D. General Funds	\$ 29,643	25,328	4,315	
E. Measure "E"	\$ -			
F. Others, Specify: S+C	\$ -			
Sub-Totals	\$ 29,643	\$ 25,328	\$ 4,315	\$ -
II. OTHER SOURCES OF FUNDS				
A. Federal	\$ -			
B. State				
1. Education	\$ -			
2. Family Planning	\$ -			
3. Prop 99	\$ -			
4. Other: Specify	\$ -			
5. Other: Specify	\$ -			
Federal & State Sub-Totals	\$ -	\$ -	\$ -	\$ -
C. Other Local (Redevelopment/Rent Board)	\$ -			
D. County	\$ -			
E. Patient/Client Fees/	\$ -			
F. Private/Foundations/Corporations	\$ -			
G. Fundraising Activity/Inkind	\$ -			
H. Miscellaneous/Other Local Gov.	\$ -			
Other Sub-Totals	\$ -	\$ -	\$ -	\$ -
GRANT TOTAL	\$ 29,643	\$ 25,328	\$ 4,315	\$ -

Community Agency
 Composite Program Budget
 Revenue Sources & Expenditure Categories Detail
 (Services Provided to Berkeley Residents Only)

Exhibit B
 Page 2 of _____

Contractor: Berkeley Boosters Association		Contract Service Category		Period 1/1/06-6/30/06		Contract Number	
Expenditure Categories							
PROJECTS							
Salary & Wages Position/Title	(*) FTE	Annual Salary	#1 BART Escorts		#2 Berkeley Guides		Total
			(*) FTE	Amount	(*) FTE	Amount	
Executive Director	1.00	56,000	3%	1,450	1%	600	\$ 2,050
Administrative Director	1.00	42,500	3%	1,450	1%	400	\$ 1,850
Coordinator	1.00	36,565	0%		8%	3,000	\$ 3,000
Supervisors (2)	1.00	2,800	100%	2,800	0%		\$ 2,800
Senior GUIDE	0.40	33,042	0%		6%	2,000	\$ 2,000
Part Time GUIDE	0.20	20,000	0%		4%	800	\$ 800
Part Time Escorts	0.10	6,750	100%	6,750	0%		\$ 6,750
Accounting		4,000	9%	350	1%	32	\$ 382
Page Sub-Totals			2.15	\$ 12,800	0.21	\$ 6,832	\$ 19,632

Community Agency
 Composite Program Budget
 Expenditure Categories & Benefits Detail
 (Services Provided to Berkeley Residents Only)

Page 3 of 4

Expenditure Categories		#1 BART Escorts		#2 Berkeley Guides		#3		Total
Salary & Wages Position/Title	(* FTE)	Annual Salary	(* FTE)	Amount	(* FTE)	Amount	(* FTE)	Amount
Salary Sub-Total			2.15	\$ 12,800	0.21	\$ 6,832	0.00	\$ 19,632
Benefits								
FICA 6.2% up to \$84,900			12%	1,536	12%	816		\$ -
Medi-care 1.45% unlimited			14%	1,792	14%	952		\$ -
Workers Comp				300		300		\$ 2,352
Health Insurance								\$ 2,744
Dental Insurance								\$ 600
Other:								\$ -
Benefits Sub-Total				\$ 3,628		\$ 2,068		\$ 5,696
Salaries & Benefits Total				\$ 16,428		\$ 8,900		\$ 25,328

Community Agency
Composite Program Budget
Revenue Sources & Expenditure Categories Detail
(Services Provided to Berkeley Residents Only)

Exhibit B
 Page 4 of _____

Expenditure Categories (CDBG, ESG, General Fund, CSBG)	#1 BART Escort	#2 Berkeley Guides	#3	Total
PROJECTS / PROGRAMS				
Services & Supplies				
Rent	350	50		\$ 400
Utilities	200	50		\$ 250
Insurance	750	200		\$ 950
Telephone	150	350		\$ 500
Postage	150	50		\$ 200
Printing	500	250		\$ 750
Travel				\$ -
Supplies		50		\$ 50
Other: Equipment	1,115	100		\$ 1,215
Other:				\$ -
Services & Supplies Sub-Total	\$ 3,215	\$ 1,100	\$ -	\$ 4,315
Fixed Assets				\$ -
Fixed Assets Sub-Total	\$ -	\$ -	\$ -	\$ -
Salaries & Benefits Sub-Total	\$ 16,428	\$ 8,900	\$ -	\$ 25,328
Total Budget	\$ 19,643	\$ 10,000	\$ -	\$ 29,643

ACORD™ CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 12/28/2005
PRODUCER (661) 327-3111 FAX (661) 327-1262 Thomas E Mestmaker Ins & Assoc c/o Wilson, Paves & Assoc 2300 Bahamas Drive Bakersfield CA 93309	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED	INSURERS AFFORDING COVERAGE	NAIC #
Berkeley Boosters Association PAL PO Box 17 Berkeley CA 94701	INSURER A: Lexington Ins Company	
	INSURER B: National Union Fire Ins	
	INSURER C:	
	INSURER D:	
	INSURER E:	

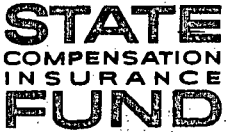
COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Sexual Abuse <input checked="" type="checkbox"/> Limit \$100,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	4194471	1/1/2006	1/1/2007	EACH OCCURRENCE \$ 1,000,000
		DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000				
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B		OTHER Accident Medical	SRG9101690	1/1/2006	1/1/2007	Limit \$50,000 Deductible \$50.00 Per Occurrence

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
 City of Berkeley Its Officers, Agents, Volunteers and Employees are named as Additional Insured with respects to the General Liability and only with regards to the operations of the Named Insured.* non payment of premium will result in a 10 day notice of cancellation

CERTIFICATE HOLDER City of Berkeley Its Officers, Agents, Volunteers and Employees 2180 Milvia Street Berkeley, CA 94704	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE Mike Wilson/RP
---	---



P.O. BOX 420807, SAN FRANCISCO, CA 94142-0807

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

ISSUE DATE: 01-01-2006

GROUP: 000380
POLICY NUMBER: 000609-2006
CERTIFICATE ID: 13
CERTIFICATE EXPIRES: 01-01-2007
01-01-2006/01-01-2007

CITY OF BERKELEY NB
PARKS & RECREATION C/O MARK SELEZNOW
2180 MILVIA ST
BERKELEY CA 94704

This is to certify that we have issued a valid Workers' Compensation insurance policy in a form approved by the California Insurance Commissioner to the employer named below for the policy period indicated.

This policy is not subject to cancellation by the Fund except upon 30 days advance written notice to the employer.

We will also give you 30 days advance notice should this policy be cancelled prior to its normal expiration.

This certificate of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policy listed herein. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate of insurance may be issued or to which it may pertain, the insurance afforded by the policy described herein is subject to all the terms, exclusions, and conditions, of such policy.

[Signature]

AUTHORIZED REPRESENTATIVE

[Signature]

PRESIDENT

EMPLOYER'S LIABILITY LIMIT INCLUDING DEFENSE COSTS: \$1,000,000 PER OCCURRENCE.

ENDORSEMENT #2065 ENTITLED CERTIFICATE HOLDERS' NOTICE EFFECTIVE 01-01-1999 IS ATTACHED TO AND FORMS A PART OF THIS POLICY.

EMPLOYER

BERKELEY BOOSTERS ASSOCIATION (A NON PROFIT CORP.)
PO BOX 17
BERKELEY CA 94701

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
8/4/2006

PRODUCER (661) 327-3111 FAX (661) 327-1262
 Thomas E Mestmaker Ins & Assoc
 c/o Wilson, Paves & Assoc
 2300 Bahamas Drive
 Bakersfield CA 93309

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
 Berkeley Boosters Association PAL
 PO Box 17
 Berkeley CA 94701

6724A

INSURERS AFFORDING COVERAGE

NAIC #

INSURER A: **Lexington Ins Company**
 INSURER B: **National Union Fire Ins**
 INSURER C:
 INSURER D:
 INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		GENERAL LIABILITY	4194471	1/1/2006	1/1/2007	EACH OCCURRENCE \$ 1,000,000
		<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Sexual Abuse <input checked="" type="checkbox"/> Limit \$100,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
		AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
		EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B		OTHER Accident Medical	SRG9101690	1/1/2006	1/1/2007	Limit \$50,000 Deductible \$50.00 Per Occurrence

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
 City of Berkeley Its Officers, Agents, Volunteers and Employees are included as Additional Insureds with respects to the General Liability and only with regards to the operations of the Named Insured. *CANCELLATION FOR NON PAYMENT WILL RESULT IN A TEN DAY NOTICE.

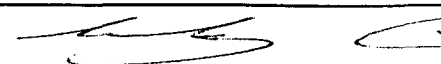
CERTIFICATE HOLDER

CANCELLATION

City of Berkeley, Its Officers, Agents
 Volunteers and Employees
 2180 Milvia Street
 Berkeley, CA 94704

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
 Mike Wilson/RP



IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

RESOLUTION NO. 57,737 -N.S.

AUTHORIZING FUNDING FOR THE RESPECT PROGRAM ESCORT SERVICE AT THE NORTH AND SOUTH BERKELEY BART STATIONS DURING EVENING COMMUTE HOURS FOR THE PERIOD NOVEMBER 1 THROUGH DECEMBER 31, 1994, AND EXECUTION OF AN AMENDMENT TO THE AGREEMENT WITH BERKELEY BOOSTERS AND BREAK THE CYCLE TO INCLUDE THESE SERVICES

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

That the City Manager is hereby authorized to provide funding for the RESPECT Program Escort Service at the North and South Berkeley BART Stations during evening commute hours for the period November 1 through December 31, 1994 in an amount not to exceed \$15,000, to escort commuting residents to their cars and homes and to assist in forming groups of residents to walk with one another to their destinations; and that during this time the City Manager shall (1) contact BART regarding sharing of financial support and (2) present to the Council the results of a program evaluation and a recommendation regarding the continuance of the service.

FURTHER RESOLVED that the City Manager is authorized to execute an amendment to the agreement with Berkeley Boosters and Break the Cycle to cover these services; a record signature copy of the amendment to be filed in the Office of the City Clerk.

Copies sent 11/4/94

To: Health & Human Services
City Manager
Independent Task Force
on Homelessness

RESOLUTION

No. 57,737 N.S.

Dated November 1, 1994

Adopted by the Council of the City of Berkeley by the following vote:

Ayes: Councilmembers Collignon, Dean, Maio, Olds, Shirek, Spring, Wainwright,
Woodworth and President Leiter.

Noes: None.

Abstaining: None.

Absent: None.

JEFFREY S. LEITER
Mayor and President of the Council

Attest: SHERRY M. KELLY
City Clerk and Clerk of the Council

**MINUTES
BERKELEY CITY COUNCIL
REGULAR MEETING**

November 1, 1994

Section A. Preliminary Matters

1. Roll Call: 7:08 p.m.

Present: Councilmembers Collignon, Dean, Maio, Olds, Shirek, Spring, Wainwright, Woodworth, President Leiter and Acting City Manager Rucker.

Absent: None.

2. Ceremonial Matters:

a. Presentation of the Meritorious Service Award from the California Emergency Services Association to the Hills Emergency Forum.

b. Proclamation proclaiming the week of November 13 through November 20, 1994 as Ecology Center Week in honor of the Ecology Center's 25th Anniversary.

c. Proclamation in observation of Diwali, the Indian New Year.

3. Comments From The Public: 11 speakers heard.

Comments from: Bert J. Mondino, 3010 Shattuck; Carolyn Erbele, 1711 Channing; John Roberts, 2927 Newbury Street; Clifford Fred, 1334 Peralta Avenue; William Rentz, 2262 Summer Street; John Yellen, P. O.Box 13531; Mark Liolios, 1846 Parker Street; John Raina, Jr., 1455 Stannage Avenue; Nancy Bickel, 1522 Summit; Dan Craig, 2230 Shattuck Avenue; Arash Davallon, 2601 Channing Way #309.

4. Consent Calendar: Various actions to remove, withdraw, and/or continue items as noted in specified sections.

5. Report-Closed Session: No report

Section B. Action On Minutes

Meeting of October 4 (spec. closed) and October 4 (reg.), 1994

Action: Approved Minutes of October 4, 1994 regular meeting. Continued Closed Session minutes to next meeting.

Motion:

Moved, seconded, carried (Wainwright/Spring) to take the action shown above.

Section D. Consent Calendar

The Second Reading of Ordinances was moved to the Consent Calendar by Councilmember Collignon, moved for adoption by Councilmember Wainwright and seconded by Councilmember Woodworth, and adopted by unanimous vote of the Council unless otherwise stated:

1. **Amending Section 5 of Ordinance No. 5061-N.S. Transfer Tax (Section 7.52.060 of the Berkeley Municipal Code), to extend the time limit on the completion of seismic work for purposes of the seismic retrofit exemption.**
Action: Adopted Ordinance No. 6262-N.S. Effective: December 1, 1994
2. **Authorizing the City of Berkeley to vacate a 5-foot wide sewer easement located at 1197 Cragmont and authorizing the execution of related quitclaim deed to Douglas and Patricia Hill.**
Action: Adopted Ordinance No. 6263-N.S. Effective: December 1, 1994

Section D. Consent Calendar

The Consent Calendar was moved by Councilmember Wainwright, seconded by Councilmember Woodworth, and adopted by unanimous vote of the Council unless otherwise stated:

(a) From City Manager:

1. **Needle Exchange Emergency Distribution**
Recommendation: Adopt a Resolution reviewing and confirming the continued existence of a local emergency with regard to HIV transmission from use of HIV-infected needles among injection drug users, and authorizing the Director of Public Health to take steps to enable the operation of needle exchange emergency distribution. Expense: None
Action: Adopted Resolution No. 57,733 -N.S.

2. **Contract: X-Rays And Laboratory Services**
Recommendation: Adopt a Resolution authorizing a contract with Alta Bates Medical Center for X-rays and laboratory services for calendar years 1993 and 1994; and authorizing execution of any amendments.
Expense: Not to exceed \$17,500 per each contract year
Action: Adopted Resolution No. 57,734-N.S.
3. **Contract: Sanitary Sewer Replacement Project**
Recommendation: Adopt a Resolution approving the Plans and Specifications for Sanitary Sewer Replacement Project Sub-Basin 11-107A at Santa Barbara Road, Indian Rock Avenue, Shattuck Avenue and Visalia Avenue; accepting the bid and awarding a contract to Woods Construction Company. Expense: \$529,511
Action: Adopted Resolution No. 57,735-N.S.
4. **Application: PG&E Energy Advantage Program**
Recommendation: Adopt a Resolution authorizing the City Manager to submit an application to the PG&E Energy Advantage Program for participation in its energy efficiency project support and low-cost financing program and accept funds, if awarded, and execute the resultant agreement and any amendments.
Revenue: Annual Net Savings: \$53,000 after Loan Repayment in year 6 of the Agreement.
Action: Adopted Resolution No. 57,736-N.S.

(b) From Mayor and Council:

1. **Trash Pick Up Time On Bowditch And Channing**
From: Councilmember Carla Woodworth
Recommendation: That Council direct the City Manager to modify pick-up times on Bowditch and Channing at the request of the residents. Expense: None
Action: Approved recommendation.
2. **Funding For RESPECT Escort Service For Two Months**
From: Councilmembers Linda Maio, Maudelle Shirek and Mayor Jeffrey Leiter
Recommendation: That Council provide two months of funding for the RESPECT Program Escort Service at North Berkeley and South Berkeley BART stations during the evening commute hours to escort commuting residents to their cars and homes, and to assist in forming groups of residents to walk with one another to their destinations, during which time the City Manager will 1) contact BART regarding sharing of financial support ; and 2) present to the Council the results of a program evaluation and a recommendation regarding the continuance of the service
Action: Approved recommendation. Adopted Resolution No. 57,737-N.S.

(c) From Others:

1. Review Of Sanitary Sewer Fund Billing

From: City Auditor Anna Rabkin

Recommendation: That Council request report back by January 31, 1995 on implementation of audit recommendations to collect over \$3 Million estimated owing to the Sanitary Sewer Fund. Revenue: Estimated owing \$3,050,000 to \$3,335,000

Contact: Anna Rabkin, City Auditor, 644-6440

a. City Manager Report For Information

Action: Removed from Consent Calendar for discussion by Councilmember Dean. Approved recommendation. Requested the City Manager report back regarding possible exemptions for businesses impacted negatively by work on sewer reconstruction.

Motion:

Moved, seconded, carried (Dean/Collignon) to take the action shown above.

2. Review Of Engineering Permittee's Compliance With Business License Requirements

From: City Auditor Anna Rabkin

Recommendation: That Council request the City Manager to report by February 1995 on implementation of procedures at permit issuing offices to ensure equitable compliance with the Business License Tax Ordinance.

Action: Approved recommendation.

Section F. Continued or Uncompleted Items

(a) From City Manager:

1. Allocation of \$60,000 Repaid By Redevelopment Agency Under Repayment Agreement For 3000 Block Of Sacramento Street To Housing Trust Fund (Continued from 10/4/94, Item G(a)1)

Recommendation: Adopt a Resolution which 1) approves allocation of funds repaid by the Agency under the Repayment Agreement for the 3000 Block of Sacramento Street Project to the Housing Trust Fund and 2) directs the City Manager to include allocation to the Housing Trust Fund in the next amendment to the Appropriation Ordinance for Fiscal Year 94-95. Expense: \$60,000

Action: Moved to Consent Calendar by Councilmember Dean. Adopted Resolution No. 57,738-N.S.

2. **Reduction Of Interest Rate On Loan From The City To The Redevelopment Agency For Development Of The 3000 Block Of Sacramento Street (CR#93-086) (Continued from 10/4/94)**
Recommendation: Adopt a Resolution authorizing City Manager to amend the Repayment Agreement between the City and the Redevelopment Agency for development of the 3000 Block of Sacramento Street to reduce the interest rate charged by the City. Repayment to the General Fund: \$555,629
Contact: Neil Mayer, Community Development, 644-6073
Action: Moved to Consent Calendar by Councilmember Dean. Adopted Resolution No. 57,739-N.S.

(b) From Mayor and Council:

1. **Allocation Of Funds For The Ohlone Mural (Continued from 10/25/94, Item D(b2))**
From: Councilmember Dona Spring
Recommendation: That Council allocate the \$3,000 approved in the 1994-95 budget (from Measure AA Funds) for the Ohlone Mural (work in progress) to commemorate the Ohlone Indians in Ohlone Park. Expense: \$3,000 has already been allocated and does not involve additional funds.
 - a. City Manager Oral Report
Action: Moved to Consent Calendar by Councilmember Spring. Approved recommendation. Adopted Resolution 57,740-N.S.

Section G. Reports For Action

(a) From City Manager:

1. **Contract: Lenny Goldberg & Associates**
Recommendation: That Council decide whether it wishes to continue its contract with Lenny Goldberg & Associates for legislative representation on rent control issues and if so, adopt a Resolution authorizing execution of a contract amendment extending the term to September 15, 1995. Expense: \$13,200 from salary savings
Action: All motions failed. No Action taken.
Motion:
Prior to discussion of this item, Mayor Leiter recused himself due to conflict of interest, and turned over the chair to Vice Mayor Collignon.
Councilmember Maio inquired of the City Attorney regarding her potential conflict of interest. The City Attorney indicated a formal advice letter would have to be obtained from the Fair Political Practices Commission (FPPC) in Sacramento; that Councilmembers Maio and Wainwright had the option to participate pending receipt of an opinion from the FPPC. Councilmember Maio stated she would like to wait for the FPPC opinion.
Moved, seconded, failed (Maio/Woodworth) to continue the item until a formal opinion from the FPPC has been obtained. (Ayes - Maio, Shirek, Spring, Woodworth; Noes - Collignon, Dean, Olds, Wainwright; Abstaining - Leiter)
Moved, seconded (Olds/Dean) not to continue the contract and wait until there

is some issue on rent control proposed in Sacramento and then select a consultant on a monthly basis.

Upon further discussion, Councilmember Dean added an amendment, to refer this issue back to the Rent Stabilization Office.

Upon call of the roll, the motion failed. (Ayes - Collignon, Dean, Olds; Noes - Shirek, Spring, Woodworth; Abstaining - Maio, Wainwright, Leiter)

- 2. Contract: Provision Of Licensed Drug/Alcohol Social Model Residential Recovery Home Bed Days To Individuals Referred By Berkeley Mental Health**
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Bi-Bett Corporation, for the provision of 1,095 licensed drug/alcohol social model residential recovery home bed days to individuals referred by Berkeley Mental Health from December 1, 1994 through November 30, 1995, and authorizing a two-month advance payment. Expense: \$50,000
Action: Adopted Resolution No. 57,741-N.S.
Motion:

Moved, seconded (Olds/Wainwright) to renegotiate this contract so that clarity can be obtained in the bidding process and Berkeley businesses will have a chance to be considered; that the item be brought back for reconsideration.

Moved, seconded, carried (Collignon/Maio) a substitute motion, to approve the City Manager's recommendation. (Noes - Olds)

- 3. Presentation And Adoption Of The Proposed Downtown Berkeley Public Improvements Plan and Mitigated Negative Declaration**
Recommendation: Adopt a Resolution adopting both the 1994 Downtown Berkeley Public Improvements Plan for public infrastructure improvements and the Mitigated Negative Declaration per the California Environmental Quality Act (CEQA)
Expense: Estimated to be between \$7 and \$8 Million
a. Board of Library Trustees Information Report
b. Planning Commission Report
c. Communications
Action: Adopted Resolution No. 57,742-N.S. and referred issues related to Negative Declaration to the City Manager.
Motion:

Mayor Leiter recused himself from participation due to conflict of interest and turned the chair over to Vice Mayor Collignon.

Moved, seconded, carried (Olds/Shirek) to take the action shown above.
(Abstaining - Leiter)

(c) From Others:

1. **Sather Gate Retrofit Project -- Recommendation To Study Alternative Design Work**

From: Citizens Budget Review Commission

Recommendation: That the City Manager authorize that the alternative study in parallel with the additional design work that is about to begin on the existing steel option.

a. **City Manager Report**

Recommendation: That Council not reject current bids for the project as designed by Degenkolb Engineers. Expense: Rejection of bid could result in loss of \$1,300,000 in FEMA monies and possible legal action by contractors/subcontractors.

Action: Approved the City Manager's recommendation not to reject current bids and continue with the project.

Motion:

Moved, seconded (Collignon/Shirek) to approve the City Manager's recommendation.

Moved, seconded, failed (Woodworth/Dean) to approve the Citizens Budget Review Commission's recommendation. (Ayes -Dean, Olds, Woodworth; Noes - Collignon, Maio, Shirek, Spring, Leiter; Abstaining - Wainwright)

The main motion carried. (Ayes - Collignon, Maio, Shirek, Spring, Woodworth, Leiter; Noes - Dean, Olds, Wainwright)

Section H. Reports For Information

(c) From Others:

1. **Measure O**

From: Peace & Justice Commission

Action: Received and filed.

Section I. Priority Items (Set For Certain)

**1. PUBLIC HEARING REGARDING ZONING APPEAL, 2109 CEDAR STREET
(Continued from 10/18/94, Item I.3)**

- a. Appeal filed by Charles Forline against the decision of the Zoning Adjustments Board which denied without prejudice (1) Use Permit under Section 9E.2(e) to establish a food service in an existing retail commercial space and (2) Variance under Section 9E.8(b)(2) to establish a food service without providing the required one additional off-street parking space (Submitted 9/20/94)
- b. Zoning Adjustment Board Report (Submitted 9/20/94)
- c. Communication from Charles Forline (submitted 9/20/94)

Action: Closed public hearing. Adopted Resolution No. 57,743-N.S. overruling the Zoning Adjustments Board's decision and granting the Use Permit and Variance based on findings and subject to conditions contained in the City Manager's report which was submitted for this meeting.

Motion:

Moved, seconded, carried (Wainwright/Maio) to close the public hearing.

Moved, seconded, carried (Olds/Dean) to overrule the Zoning Adjustments Board's decision and grant the Use Permit and Variance based on findings and subject to conditions contained in the City Manager's report.

Section J. Communications

The following communications were read, noted and filed, unless otherwise shown:

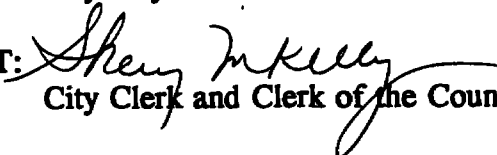
- 1. Mila Tolbert, Co-Chair, Oakland & March McGaugh, Co-Chair, Berkeley, The Association Of Concerned Neighbors Of Bateman-Fairview Park, regarding the AHA/BOSS proposal for a halfway house at 2350 Woolsey Street.
- 2. Communications in support of proposed Rose Street residence for AIDS patients:
 - a. Joyce Kraus, 1510 Summit Road
 - b. Bryan Uhlewbrock, 287 Hanover Avenue, Oakland, CA.
 - c. Sue Friday, 5361 Manila Avenue, Oakland, CA.
 - d. Leon Moffett, 287 Hanover Avenue, Oakland, CA.
 - e. Carol Mosher, Berkeley Friends Meeting
 - f. David C. Barrows, 240 Grand Avenue #24, Oakland, CA.
 - g. Lucy Jane Bledsoe, 1226 Cedar Street
 - h. Patricia E. Mullan, 1226 Cedar Street
- 3. Richard Katz, 39th Assembly District, State Capitol, Sacramento, CA., regarding Domestic Partners Registry bill.
- 4. Rick Crispino, Executive Director, P. O. Box 3780, copy of letter to Department of Health and Human Services Mental Health Division, announcing Bonita House has been chosen as one of six projects nationwide to receive a second round of funding through the Cooperative Agreements for Federal CMHA/CSAT Collaborative Demonstration Program for Homeless Individuals.

5. **Petition filed with the Berkeley City Clerk, with recommendations from John Yellen at the request of Councilperson Linda Maio at the Council meeting of Oct. 18, 1994 regarding proposed removal of residential Street Sweeping Program Westbrae/Gilman Commercial District. Referred to the City Manager by Councilmember Maio.**
6. **Connie Silvey, 1411 Gilman Street, regarding a proposed casino at the foot of Gilman Street.**
7. **Tra-My Culp, regarding the need for a left turn light at the intersection at University and San Pablo Avenue. Referred to the City Manager by Councilmember Maio.**
8. **Charles Smith, 61 San Mateo Road, submitting article entitled " Bicycles and Buses".**

Section K. Adjournment

Adjourned at 10:03 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of November 1, 1994, as approved by the Berkeley City Council.

ATTEST: 
City Clerk and Clerk of the Council

RESOLUTION NO.57,832-N.S.

AUTHORIZING FUNDING FOR THE RESPECT PROGRAM ESCORT SERVICE AT THE ASHBY AND NORTH BERKELEY BART STATIONS DURING EVENING COMMUTE HOURS FOR THE PERIOD FEBRUARY 1 THROUGH MARCH 25, 1995, AND EXECUTION OF AN AMENDMENT TO THE AGREEMENT WITH BERKELEY BOOSTERS ASSOCIATION TO EXTEND THESE SERVICES.

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

That the City Manager is hereby authorized to provide funding for the RESPECT Program Escort Service at the Ashby and North Berkeley BART Stations during evening commute hours for the period February 1, 1995 through March 25, 1995 in an amount not to exceed \$13,561, to provide escort services and coordination of safe travel to local destinations.

FURTHER RESOLVED that the City Manager is authorized to execute an amendment to the agreement with Berkeley Boosters Association to include these services; a record signature copy of the amendment to be filed in the Office of the City Clerk.

Copies sent 1/20/95

To: Health and Human Services

R E S O L U T I O N

No. 57,832 N.S.

Dated January 17, 1995

Adopted by the Council of the City of Berkeley by the following vote:

Ayes: Councilmembers Armstrong, Maio, Olds, Shirek, Spring, Wainwright,
Woodworth, Woolley-Bauer and President Dean.

Noes: None.

Abstaining: None.

Absent: None.

SHIRLEY DEAN
Mayor and President of the Council

Attest: SHERRY M. KELLY
City Clerk and Clerk of the Council

RESOLUTION NO. 58,160-N.S.

AUTHORIZING THE EXECUTION OF A CONTRACT AND ANY AMENDMENTS WITH BERKELEY BOOSTERS INC. FOR THE RESPECT PROGRAM BART ESCORT SERVICE FOR FY 1995-96.

WHEREAS, the RESPECT Program has completed three successful years of service to "at risk" youth and has also established a successful escort program for BART patrons from the Ashby and North Berkeley BART stations during the Standard Time months of November through March; and

WHEREAS, the City of Berkeley has received approximately \$50,000 from BART for one-time equipment costs to support this program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract with the Berkeley Boosters Inc. RESPECT Program to provide an escort service for BART patrons during the months of November 1995 through March 1996 in an amount not to exceed \$45,000 to be paid from budget code 010-4693-440.34-11.

BE IT FURTHER RESOLVED that the Contractor may receive a two-month advance payment.

FURTHER RESOLVED that record signature copies of said contracts and any amendments to be on file in the Office of the City Clerk.

The foregoing Resolution was adopted by the Berkeley City Council on September 12, 1995, by the following vote:

Ayes: Councilmembers Maio, Shirek, Spring, Wainwright and President Dean.

Noes: Councilmember Olds.

Abstain: Councilmembers Armstrong and Woodworth.

Absent: Councilmember Woolley-Bauer.

SHIRLEY DEAN
Mayor and President of the Council

Attest: SHERRY M. KELLY
City Clerk and Clerk of the Council

RESOLUTION NO. 58,636-N.S.

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND ANY AMENDMENTS WITH BERKELEY BOOSTERS ASSOCIATION FOR THE RESPECT PROGRAM AND THE BART ESCORT SERVICE PROGRAM IN AN AMOUNT NOT TO EXCEED \$87,500 FOR THE PERIOD JULY 1, 1996 TO JUNE 30, 1997

WHEREAS, the RESPECT Program has been successfully providing service to "at risk" youth since 1993; and

WHEREAS, the Program provides classroom education in ethnic diversity in Berkeley, and

WHEREAS, the Program provides escort services from the Ashby and North Berkeley BART Stations during the months of November through March.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract and any amendments with Berkeley Boosters Association to provide services to "at risk" youth under the RESPECT Program and Escort Service from Ashby and North Berkeley BART Stations during the months of November through March in an amount not to exceed \$87,500 from budget code 010-4676-440.34-11 for the period July 1, 1996 to June 30, 1997.


BE IT FURTHER RESOLVED, that Berkeley Boosters Association shall receive a two-month advance payment. A record signature copy of said contract and any amendments are on file in the Office of the City Clerk.

The foregoing Resolution was adopted by the Berkeley City Council on September 17, 1996, by the following vote:

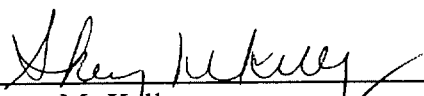
Ayes: Councilmembers Armstrong, Maio, Olds, Shirek, Spring, Wainwright, Woodworth, Woolley-Bauer and President Dean.

Noes: None

Absent: None.



Shirley Dean
Mayor and President of the Council

Attest: 

Sherry M. Kelly
City Clerk and Clerk of the Council

RESOLUTION NO. 59,012-N.S.

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND ANY AMENDMENTS WITH BERKELEY BOOSTERS ASSOCIATION FOR THE RESPECT PROGRAM AND THE BART ESCORT SERVICE PROGRAM, IN AN AMOUNT NOT TO EXCEED \$87,500 FOR THE PERIOD JULY 1, 1997 THROUGH JUNE 30, 1998

WHEREAS, the RESPECT Program has been successfully providing services to "at risk" youth since 1993; and

WHEREAS, the Program provides classroom education in ethnic diversity in Berkeley; and

WHEREAS, the Program provides escort services from the Ashby and North Berkeley BART Stations during the months of November, 1997 through March, 1998.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract and any amendments with Berkeley Boosters Association to provide services to "at risk" youth under the RESPECT Program, and Escort Service from Ashby and North Berkeley BART Stations during the months of November, 1997 through March, 1998 in an amount not to exceed \$87,500 from budget code 010-4676-440.34-11 for the period July 1, 1997 to June 30, 1998.


BE IT FURTHER RESOLVED, that Berkeley Boosters Association shall receive a two-month advance payment. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

The foregoing Resolution was adopted by the Berkeley City Council on June 10, 1997, by the following vote:

Ayes: Councilmembers Armstrong, Breland, Maio, Olds, Shirek, Spring, Woolley, Worthington and Mayor Dean.

Noes: None.

Absent: None.



Shirley Dean, Mayor

Attest: 

Sherry M. Kelly, City Clerk



RESOLUTION NO. 62,124-N.S.

RESOLUTION ADOPTING THE CITY OF BERKELEY BUDGET FOR FISCAL YEAR 2004

WHEREAS, on May 13, 2003 the City Manager presented to the Council a Proposed Biennial Budget for fiscal years 2004 and 2005, and

WHEREAS the City Manager's Proposed Budget included a specific balancing plan to address the projected budget deficits for FY2004, a contingency plan for additional reductions in the event of mid-year impacts from the State Budget, and preliminary reduction proposals to address the looming FY2005 deficit; and

WHEREAS, the City Council held a series of meetings to consider the Proposed Budget, including public hearings held on May 20th, 2003 and June 17th 2003, and;

WHEREAS, members of the City Council presented recommended revisions to the Proposed Budget at the Council meeting of June 10th and the Special Meeting of June 17th, and;

WHEREAS, in addition to formal budget adoption, Council action is required to authorize two-month advances for selected community agencies receiving City funds in FY2004;

NOW THEREFORE, BE IT RESOLVED that City Council approves the FY2004 Budget as contained in the City Manager's Proposed FY2004 & FY2005 Budget, presented on May 13th, 2003 (Attachment A and Attachment A - Exhibit 1), and amended by the City Council on June 24th, 2003 (Attachment B), including the reallocation of up to \$140,000 in Bicycle Plan Implementation funds for construction on new, permanent and landscaped traffic circles.

BE IT FURTHER RESOLVED, that the appropriations constituting the FY2004 Adopted Budget will be reflected in a separate FY2004 Annual Appropriation Ordinance, as required by City Charter.

BE IT FURTHER RESOLVED, that the City Council adopts the contingency plan (Attachment A - Exhibit 2) consisting of additional budget reductions that may be needed in order to address potential adverse impacts from the FY2004 State Budget, provided that the City Manager will present a report to the City Council assessing the impacts of the State Budget and, if needed, recommending mid-year balancing measures prior to implementing any of the contingency plan reductions.

BE IT FURTHER RESOLVED, that the City Manager is directed to ensure that salary savings from vacant positions be held in reserve to help further buffer any adverse impacts from the State Budget; and be it

BE IT FURTHER RESOLVED, that the City Council commits to a series of city-wide priority-setting discussions to inform development of recommendations to address the looming \$8 million General Fund deficit projected for FY2005.

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute contracts and/or amendments, as necessary, to provide two-month advances to selected community agencies receiving City funds in FY2004, as reflected in Attachment C.

BE IT FURTHER RESOLVED, that the City Manager is authorized to finalize and submit the Community Action Plan for the Community Services Block Grant for 2004.

The foregoing Resolution was adopted by the Berkeley City Council on June 24, 2003 by the following vote:

Ayes: Councilmembers Breland, Hawley, Maio, Spring, Worthington, Wozniak and Mayor Bates.

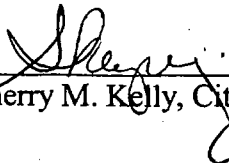
Noes: Councilmember Olds.

Abstain: Councilmember Shirek.

Absent: None.



Tom Bates, Mayor

Attest: 

Sherry M. Kelly, City Clerk

ATTACHMENT A

CITY OF BERKELEY

Please refer to Department File copy or online at:
<http://www.ci.berkeley.ca.us/citycouncil/2003citycouncil/packet/budget/>



PROPOSED FY 2004 & FY 2005 BIENNIAL BUDGET

**City Manager's
Budget Reductions Proposals
FY 2004**

Fund	Department	Division	Description	STAFFING		FY2004 Reductions	Dollars
				FTE	F/A		
GENERAL FUND - Recurring Reductions							
<i>Fund Transfer (from General Fund to Other Funds)</i>							
	Fire	Emergency Services	Transfer staff costs to Measure Q - Emergency Fire Equipment			\$ 50,000	
	HHS	Environmental Health	Office Specialist II-Shift 18% costs to Sewer Fund			26,746	
	HHS	Mental Health	Transfer General Fund costs to MH Realignment funds			331,823	
	HHS	Public Health	Transfer General Fund costs to other funds			154,213	
	Housing		Housing Trust Fund / Shift to CDBG (RHIP Fees)			130,000	
	Housing		Transfer funding for .15 Sr. Planner to Permit Fund			10,000	
	Human Resources	Administration	Transfer 10% of Director salary and IS Support Technician to Training Funds			29,088	
	PRW		Transfer .20 of OSII to Playground Camp Fund			11,649	
	Planning	Toxics	Reallocate labor costs to other funds			15,254	
	Transportation	Administration	Shift staffing costs to Off-Street Parking Fund			30,600	
			Sub-Total Transfers			\$ 788,773	

Attachment A
EXHIBIT - 1

**City Manager's
Budget Reductions Proposals
FY 2004**

Expend. Category	Program	Description	FTE	Class	Reduction	Dept. Total
Expenditure Reductions						
Citywide	Facilities Maintenance	Reduce Citywide Facilities Maint. Costs			\$ 50,000	
Citywide	Fleet Maintenance	Reduce Fleet Costs / No. of Vehicles and Maint. Costs			75,000	
Citywide	Administrative Overhead	Telephones / Pagers/ Cell Phones			80,000	
Citywide	Administrative Overhead	Reduce Citywide Travel Costs (20% Reduction)			40,000	
Citywide		Living Wage Set-Aside			133,000	
						378,000
City Clerk	Administration	Eliminate Asst. Management Analyst	1.00	V	74,192	
City Clerk	Elections	Reduce Runoff Election costs			15,779	
						89,971
City Manager	Administration	Delete E-Civis Grant Locator contract			11,000	
City Manager	Neighborhood Services	Delete Asst. to CM	1.00	V	110,689	
City Manager	Neighborhood Services	Delete CIP funding in Neigh. Services			25,000	
City Manager	Animal Services	Delete Animal Services Operations Supervisor	1.00	V	74,780	
City Manager	Program Evaluation	Delete Membership in ICMA Perf. Meas. Project			5,000	
						226,469
Finance		Eliminate one vehicle			3,226	
Finance		Reduce overtime			25,000	
Finance		Reduce existing contracts			100,000	
Finance		Misc program reductions			65,000	
Finance		Delete 1.0 Sr Field Representative	1.00	V	72,000	
Finance		Delete 2.0 OS/Is / Replace with 1.0 AOS/III (Accounting)	1.00	F	57,401	
						322,627
Fire	Fire Suppression	Reduce Overtime			50,000	
						50,000
HHS		Public Health - Delete Comm. Health Worker	1.00	F	47,964	
HHS		Senior Programs - Eliminate 1 vehicle			14,300	
HHS		Eliminate funding for Hourly Administrative Support			11,000	
HHS		Pre-Apprenticeship Program Support			11,430	
						84,694
Housing		Combine HIV/AIDS Housing & Homelessness Prevention Prog			30,000	
Housing		Reduce funding for Utility Bill Payment Assistance			45,000	
Housing		Eliminate Contract with Ecology Center			40,000	
Housing		Reduce Funding for Community Agencies (5%)			139,000	
Housing		Reduce Sr. Mgmt. Analyst	1.00	V	107,718	
Housing		Reduce Funding to Municipal Renewable Energy Program			76,000	
Housing		Reclass Sr. Mgmt. Analyst to Community Serv. Specialist II		F	27,000	
						464,718

**City Manager's
Budget Reductions Proposals
FY 2004**

Fund	Department	Program	Description	FTE	Rate	Reductions	Sworn FTEs
	Human Resources	Administration	Eliminate Dept Vehicle			3,765	3,765
	I/T	Network Support	Re-organization - Network Admin./Help Desk	5.00	F	250,000	250,000
	OED	Economic Development	Eliminate staff position I- Comm Dev. Proj. Coordinator			101,349	
	OED	Arts	Reduce Arts Grants (2.5%)			6,250	
	OED	Arts	Civic Arts - Berkeley Art Center Contract (2%)			1,250	
	OED	Arts	Civic Arts - Community Arts Organizations (10%)			3,100	
	OED	Arts	Civic Arts - N. Shattuck Concerts			5,000	
	OED	Business Assistance	South Berkeley - Misc. Prof. Services			8,700	
	OED	Business Assistance	West Berkeley Market			25,000	
	OED	Business Assistance	North Shattuck Association			15,000	
	OED	Business Assistance	South Berkeley Neighborhood Development Corp.			4,967	
	OED	Marketing	Adjust ConVis Contract (1% of Hotel Tax Revenues)			10,000	180,616
	PRW	Aquatics	Close One of Five Pools during Winter Months (Rotating annually)			Unfunded in baseline	
	PRW	Administration	Reduce Unallocated Contract Funds			56,544	
	PRW	Recreation	Eliminate .50 Recreation Activity Leader	0.50	V	23,400	
	PRW	Recreation	Eliminate Citywide Special Programs			19,010	98,954
	Planning	Advanced Planning	Reclass Planning positions			13,000	
	Planning	Building & Safety	Delete Senior Mgmt. Analyst	1.00	V	112,530	
	Planning	Current Planning	Reclass positions / Reduce Non-Personnel Costs			29,510	155,040
	Police	Community Services	Berkeley Boosters / Guides			19,300	
	Police	Community Services	Berkeley Boosters / Escorts			4,500	
	Police	Customer Service	Second Floor Counter - Reduce 1.0 FTE	1.00	V	73,270	
	Police	Patrol	Reduce Overtime			50,000	147,070
	PRC	Police Review Commission	Reduce Non-Personnel Expenditures			2,000	
						\$ 2,453,924	
TOTAL RECURRING GENERAL FUND PROPOSED REDUCTIONS						\$ 3,242,697	
Annual FTE						15.5	
Sworn FTE						0	
Cumulative						0	

**City Manager's
Budget Reductions Proposals
FY 2004**

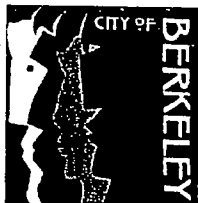
Fund/Department	Program	Description	STAFFING		FY2004	Total
			FTE	AV	Reductions	
GENERAL FUND - One-Time Extraordinary Reductions						
		Reduce Transfer to Public Liability Fund			\$ 373,000	
		Deferral of Capital Program Allocations				
		Streets Capital			375,000	375,000
		Sidewalk Capital			75,000	75,000
		Transportation / New Traffic Signals			120,000	120,000
		Parks ADA Capital			137,500	137,500
		Curb Ramp ADA Capital			37,500	37,500
		City Buildings ADA Capital			37,500	37,500
		TOTAL One-Time General Fund Proposed Reductions			\$ 1,155,500	\$ 782,500
 OTHER RESERVES / FUND BALANCES						
		Cost Savings Strategy				
		Continue Selective Hiring Freeze			\$ 1,000,000	
		Draw-down of Reserves				
		General Fund Reserve				1,000,000
		PERS Super-Fund Savings / Offset Retirement Cost Increase				1,000,000
		Reserves / Other Fund Balances				1,000,000
		Total Available Reserve Balances (to Buffer FY2005 Reductions)			\$ 1,000,000	\$ 3,000,000

**City Manager's
Budget Reductions Proposals
FY 2004**

FUND						
NON-REVENUE FUND						
WIA	HHS	Employment	Funding Reduction In WIA/Employment Programs	2.00	F/V	\$ 150,000
Mental Health (065)						
	HHS	Mental Health	Reduction in Mental Health Programs (FY2005)	3.00		331,823
	HHS	Mental Health	Reduce 2.0 Mental Health Clinicians	2.00		152,239
	HHS	Mental Health (AB2034)	Reduction in State-funded Grant Program / Homeless	TBD		718,645
Berkeley Housing Authority (205)						
	BHA	Public Housing	Reduce Administrative Support for Public Housing	2.00	F/V	150,000
Measure B Sales Tax (390)						
	Public Works		Reduce Capital Funding Allocation			1,000,000
Parks Tax (450)						
	Parks		Transfer Payroll to other funds			80,850 Transfer
	Parks		Transfer Landscape Architect costs to Projects			110,250 Transfer
	Parks		Reduce Water Costs (10%)			32,000
	Parks		Reduce Cell Phones/Pagers			5,000
	Parks		Reduce Event Fee Waivers (Portables)			15,000
	Parks		Eliminate 1.0 Landscape Gardener	1.00	V	68,250
	Parks		Eliminate 1.0 Bldg Mtc Mechanic	1.00	V	73,500
	Parks		Eliminate Seasonal Employment Program			54,000
	Parks		Reduce Berkeley Youth Alternatives Contract			20,000
	Parks		Reduce East Bay Conservation Corp Contract			30,000
	Parks		Reduce budgeted overtime by 42%			25,000
	Parks		Reduce budgeted landscape supplies			50,000
	Parks		Eliminate 3 vehicles			30,000
	Parks		Reduce annual CIP funding			20,000
Additional Program Reductions						
						150,000
Streetsight Assessment (470)						
	Public Works		Reduce Overtime			10,000
	Public Works		Elimiate Survey Technician	0.40	F	28,243
Sewer Fund (830)						
	Public Works		Eliminate .5 Survey Technican	0.50	F	35,304
Clean Storm Water (831)						
	Public Works		Eliminate .1 Survey Technican	0.10	F	7,061
			Reduce Contract Services			150,000

**City Manager's
Budget Reductions Proposals
FY 2004**

Fund	Department	Program	Proposition	STAFFING	FY 2004 Reductions	Dept. Totals
	Fleet Maintenance (865)					
		Public Works	TBD		300,000	
	Facilities Maintenance (866)					
		Public Works	Eliminate janitorial overtime		20,000	
		Public Works	Other		80,000	
				7.00	<u>\$ 2,544,458</u>	<u>\$ 1,352,707</u>



Office of the Mayor

Attachment B

Revised Budget Proposal Mayor Tom Bates

June 20, 2003

**Mayor Tom Bates
Revised Budget Proposal
June 20, 2003**

**SUMMARY OF REQUESTED ACTIONS
JUNE 24th CITY COUNCIL MEETING**

Special Session (5 p.m.)

1. Adopt a parking fee structure that will raise \$2.8 million in new revenue.

Regular Session (7 p.m.)

2. Adopt the Manager's Proposed FY 2004 Budget with amendments as indicated in Attachment A.
3. Provide Commission and the City Manager a 60 day review period for all funding allocation increases in excess of \$2500.
4. Create a State Budget Emergency Reserve.

Overview

First, I want to thank city staff, commissioners, and my colleagues for all of the time, energy, and hard work that went into our budget process. I believe we are accomplishing this difficult task in a way that all of Berkeley can be proud.

As we near the end of this year's process, I respectfully put forward this revised budget proposal (included as Attachment A) in an effort to reconcile the various budget requests and suggestions made by Members of the Council and the public. If the Council is amenable, I would like to use this revision as the starting point for our discussion on June 24th.

I believe the budget presented in this revised proposal restores funding to a number of important community services, provides a buffer to protect us from state funding cuts, and keeps our books in balance.

Revenue Available

The Council will make its final decision on new parking fine revenue at the June 24th meeting. In this budget, I am recommending that the Council adopt a fee structure that raises \$2.8 million through increase parking fines. A \$2.8 million increase would raise an additional \$800,000 above the City Manager's recommendation of \$2 million.

Table 1 indicates this additional available revenue.

TABLE 1: Total Additional Revenue Available	
Additional Parking Fine Increase	\$800,000
Unallocated Community Agency Funds	\$115,000
TOTAL FUNDING AVAILABLE	\$915,000

Protect Important Community Services

In this proposal, I have reconciled the various requests made by Council Members and the community. (See attached spreadsheet for the specifics.) With large county and state funding cuts expected this year, it is crucial that Berkeley protects front line programs and services.

I add one note of caution to those organizations receiving additional funding under this proposal. If the state adopts a budget that cuts city funding, we may need to revisit these allocations. All organizations should develop contingency plans in case the Council makes emergency funding reductions later this fiscal year.

TABLE 2: Funding Additions by Program	
Arts Programs	\$105,600
Health/ Family/ Community Services	\$226,404
Homeless/ Housing Programs	\$111,435
Youth and Education Programs	\$237,500
Other Funding Increases	\$5,000
TOTAL RESTORATION	\$685,939

- **Arts Programs -- \$105,600**

The City has a vibrant cultural arts community and economy. In this budget, I recommend restoring approximately \$45,600 in arts program funding. I am also recommending \$10,000 for the Office of Economic Development to produce an arts newsletter to help publicize our many wonderful cultural events.

I am recommending that we restore \$50,000 of the cut made in funding for community events. For years, the city has been budgeting costs for community events far below their actual costs. Last year, we spent double the amount that had been budgeted for community events. The City Manager has recommended reducing our expenditures on community events from last year's total of \$269,542 to \$195,000 in fiscal year 2004. The City Manager will return in July with a recommendation on how to determine specific event funding allocations given the adopted budget.

In addition, I am asking the Council to place the funding earmarked for the Black Repertory Theater into a South Berkeley Arts Reserve until a comprehensive report on their organization can be completed.

- **Health/ Family/ Community Services -- \$226,404**

In this budget, I am requesting we add \$226,404 to our budget for health, family, and community services. This funding will improve detox services, help protect families

from domestic violence, help feed seniors, and keep the Ed Roberts Campus facility moving towards permit approval.

- **Homeless/ Housing Programs -- \$111,435**

With County and State cuts to front line homeless and housing programs, I am requesting that the City Council restore \$111,435 to protect these essential services. This funding will help provide food, clothing, and employment services to our homeless population. While I am recommending that we restore funding to the Coalition for Alternatives in Mental Health, I request that the Council direct the City Manager to withhold the second six months of funding pending programmatic and structural reforms.

- **Youth and Education Programs -- \$237,500**

In this budget, I am requesting we restore \$95,500 in funding to youth and education programs, including the Berkeley Youth Alternatives, Jubilee, Berkeley Cougars, and the Flaming Five Drill Team. In addition, I have set aside \$72,000 for the Athletes United for Peace (or other organization) to fund a midnight basketball program. If the Council approves this earmark, I would ask Athletes United and other organizations to submit proposals through the relevant Commission and staff review.

I am also requesting that \$70,000 be set aside for a Youth Services Volunteer Initiative. In response to a recommendation from the Youth and Education Summit, we are developing a centralized conduit for recruiting and matching community volunteers with youth in the community. This position would work hand-in-hand with the Berkeley Schools Volunteers (BSV), coordinating and matching tutors and mentors with students in need of one on one academic, social and emotional support. BSV would continue to coordinate and train volunteers placed via the schools (classrooms and after school). The **BERKELEY CHAMPIONS FOR KIDS** would focus effort on volunteers who want to work in community-based programs, such as libraries, recreation centers, community-based after school programs, faith-based organizations, neighborhood associations, etc.

Commission and Manager Review

For all allocation adjustments in excess of \$2,500, I request that the Council direct the City Manager and the relevant Commissions to review these allocation changes and report back to the Council with any concerns or recommendations. This review should be completed within 60 days from the budget adoption on June 24th.

If the Manager or Commissions recommend changes, they should be brought to the Council at its first meeting in September. In the interim, programs may request partial funding (up to a two month advance) from the City Manager. That interim funding will be provided at his discretion until the review is complete.

Mayor Bates Revised Budget Proposal

- 5 -

State Budget Emergency Reserve

TABLE 3: Reserves	
State Budget Emergency Reserve	\$229,061

I also recommend setting aside \$229,061 in a "State Budget Emergency Reserve" as a buffer against possible state budget cuts. If any of this funding remains after the state adopts its budget, I request that it be transferred to the Housing Trust Fund and allocated as part of the normal process.

ATTACHMENT A: SUMMARY OF PROPOSED COUNCIL BUDGET ADDITIONS

	AMOUNT											
	Bates	Breland	Henry	Maso	Ode	Shirek	Spring	Worthington	Wozniak	June 24 PROPOSAL		Note
Arts Programs												
Arts - Community Organizations	\$ 3,100									\$ 3,100		
Arts - Grants	6,250									\$ 6,250		
Berkeley Arts Center	1,250									\$ 1,250		
OBA Arts - Frost Row							2,500			\$ 2,500		
Shotgun Players	1,000									\$ 1,000		
Integrated Arts for Disabled	1,500						1,500			\$ 1,500		
North Shattuck Music Series							5,000			\$ 5,000		
*AW - Totland	25,000			25,000			25,000			\$ 25,000		
Office of Economic Development -- Arts Newsletter	10,000			10,000						\$ 10,000		
Restore Community Event Funding										\$ 50,000		City Manager will return with expenditure plan.
Black Rep Theater	\$ (22,500)									\$ (22,500)		Place funds in South Berkeley Arts Reserve pending report on the Theater Group.
Arts Subtotal										\$ 105,600		
Health/ Family/ Community Services												
Family Violence Law Center - DV Advocacy Project	\$ 3,800						7,000			\$ 3,800		
Family Violence Law Center - DV & Homelessness Prevention	3,680						Incl.			\$ 3,680		
Habitat	10,250			10,200			10,250		28,000	\$ 28,000		
Community Gardening Collaborative	10,000			10,200			10,000			\$ 10,000		
Center for Independent Living - Employment	3,374									\$ 3,374		
Fresh Choice Ecology Center	10,000						10,000			\$ 10,000		
Japanese American Services	2,450									\$ 2,450		
ERIC - Facility Planning	40,000						25,000			\$ 40,000		
Pacific Center - Facility Planning	25,000									\$ 25,000		
Restore 2 weeks of Summer Recreation Programs	60,000		60,000							\$ 60,000		
Litlong Medical Center - Detox Facility			5,000							\$ 5,000		
San Pablo Park - Climbing Wall			60,000							\$ -		Refer to the City Manager for review.
Restore funding for Mini-Bus Driver and Van		66,900								\$ -		Funding restored in Manager's recommendation
West Berkeley Neighborhood Development Corp.		25,000								\$ 25,000		Provide the second half of their annual funding only if the organization makes structural and programmatic reforms. Set aside funding to offset City Recreation fees increases for low income youth in South Berkeley.
Rec Program Fee Reduction						10,000				\$ 10,000		

Health/ Family/ Community Services									
Subtotal									
									\$ 226,404
Homeless/ Housing Programs									
Berkeley Ecum. Ministries - Arne Carter									
Free Clothing	10,400								\$ 10,400
Berkeley Emergency Food Project - Quarter Meal	27,504		27,504						\$ 18,004
Berkeley Emergency Food Project - Women's Shelter	1,234								
BOSS - Harrison House	14,550								\$ 4,367
BOSS - Housing Advocacy	21,433								\$ 21,433
Finch - HVC, Houshg Resources Counselor	5,671								\$ 5,671
Housing Rights, Inc - AHAP	15,000		15,000		15,000				\$ 15,000
Jobs for Homeless Consortium - Suicide Clinic	19,000								\$ 19,000
	4,000		4,000		4,000				\$ 4,000
Coalition for Alternatives in Mental Health	13,560	13,500	13,560		13,500	11,000			\$ 13,560
Housing Trust Fund- provide addtl. funding			TBD			222,051			
Homeless/ Housing Programs Subtotal									
									\$ 111,435
Youth and Education									
BYA - Preschool Program/ After school program									
	27,500		27,500		35,000				\$ 27,500
BYA - Performing Arts									
	15,000		15,000						\$ -
BYA - Twilight Basketball									
	23,800		23,800						\$ 23,800
BYA - Parks - Youth employment									
	20,000		20,000						\$ 20,000
Jubilee - Interfaith Youth Initiative									
	6,000	6,000	6,000		6,000				\$ 6,000
Athletes United for Peace									
	72,000		72,000						\$ 72,000
Berkeley Cougars									
	15,000	15,000			15,000				\$ 15,000
Youth Services Volunteer Initiative									
	70,000								\$ 70,000
Flaming Five Drill Team									
		3,200							\$ 3,200
Youth and Education Subtotal									
									\$ 237,500
Infrastructure									
Sidewalk repair - restores proposed reduction									
			75,000						\$ -
Traffic Circles									
		Measure B (\$225K)	TBD						
Street Smarts Pedestrian Safety Lights									
					2,500				\$ -

OTHER											
Public Financing of Campaigns							50,000			\$ -	Refer this request to City Clerk's on-going research into campaign reform options.
Neighborhood Ombudsman							80,000			\$ -	Program currently under review by Mayor's Permit Task Force. Await those recommendations before funding program.
Increase in Council Members Budget							10,000			\$ 5,000	Supplement for Council Member Spring to accommodate increased staff costs due to disability.
PROGRAM FUNDING TOTAL	\$ 575,906	\$ 128,600	\$ 125,000	\$ 354,364	\$ -	\$ 23,500	\$ 565,601	\$ -	\$ 28,000	\$ 685,939	
REVENUE SOURCES											
Parking Fine Increase										\$ 600,000	
Unallocated Community Funding										\$ 115,000	
TOTAL										\$ 815,000	
STATE BUDGET EMERGENCY RESERVE										\$ 229,061	Maintain reserve to buffer state budget impacts. After state budget adoption, transfer to the HTF.

*City Manager and the relevant Commissions review allocation changes over \$2500 and report back to the Council with any concerns or recommendations.

**City Manager's
Budget Reduction Proposals
FY 2004
Contingency "B" List**

Fund	Department	Program	Description	FTE	F/V	FY Reductions	Dept Totals
General Fund - Recurring Reductions							
<i>Expenditure Reductions</i>							
	Citywide		Reduce Citywide Facilities Maint. Costs			50,000	
	Citywide		Reduce Fleet Costs / No. of Vehicles and Maint. Costs			120,000	170,000
	Attorney		Reduce Legal Secretary	1.00	F	75,000	75,000
	City Clerk		Eliminate Assistant City Clerk	1.00	F	57,362	57,362
	City Manager		Delete NewsScan Service			24,900	
	City Manager		Delete Senior Staff Position	1.00	V	153,538	
	City Manager		Delete CIP funding in Neigh. Services			50,000	
	City Manager		Reduce Unallocated funding - Animal Services			35,000	
	City Manager		Delete Sr. Management Analyst	1.00	F	75,000	
	City Manager		Berkeley Alliance			80,000	418,438
	Finance		Delete 1.0 Assistant Magment Analyst (Customer Service)	1.00	F	93,296	
	Finance		Delete 1.0 Sr Accountant	1.00	V	52,500	
	Finance		Delete 1.0 Programmer Analyst	1.00	F	94,000	239,796
	Fire		Delete Asst. Fire Chief	1.00	V	180,000	
	Fire		Delete Fire Inspector	1.00	V	96,000	
	Fire		Reduce Overtime / Fire Suppression			100,000	376,000
	HHS		Director and Administration - Reduce admin support	0.75	V	44,245	
	HHS		Associate Management Analyst position elimination	1.00	F	86,178	
	HHS		Public Health - Delete P/T Home Service Aides	1.50	F	81,212	
	HHS		Senior Programs - Delete Mini Bus Driver	1.00	F	52,622	
	HHS		Reduce 50% Senior Service Assistant	0.50	V	29,286	
	HHS		Senior Programs - Restructure Operations	2.20		164,342	
	HHS		Employment and Youth - Reduce Youth Services Advisor	0.50		22,034	
	HHS		Employment Specialist	0.50	F	30,319	510,238
	Housing		Reduce Funding for Community Agencies (addtl. 5%)			139,000	
	Housing		Eliminate Housing Inspector and Permit Specialist	2.00	F/V	66,005	205,005
	Human Resources		Eliminate Professional Position (TBD)	1.00	V	83,822	83,822

Attachment A
EXHIBIT - 2

**City Manager's
Budget Reduction Proposals
FY 2004
Contingency "B" List**

Fund	Department	Program	Description	FTE	FM	Reductions	Dept Totals
	UT		Delete Sr. Management Analyst / Telecommunications	1.00	F	100,095	100,095
	OED		Admin. - Reduce Admin Support Line Items			58,301	
	OED		Reduce Arts Grants			56,250	
	OED		Civic Arts - Reduce Berkeley Art Center Contract (10%)			4,373	
	OED		South Berkeley - Misc. Prof. Services			10,875	
	OED		Econ./Sustainable Development - WBAIC			4,000	
	OED		Econ./Sustainable Development - SBA			10,000	
	OED		Telegraph Avenue Association			4,050	
	OED		Alameda County Economic Development Advisory Board			2,774	150,623
	PRW		Reduce YAP Non-Personnel Costs			15,000	
	PRW		Reduce Fee Waivers for Facility Rentals			10,000	
	PRW		Eliminate 1.0 OSII for YAP Program	1.00	F	65,100	
	PRW		Reduce Summer Programs			56,000	
	PRW		Eliminate 1.0 Asst. Recreation Coordinator	1.00	F	55,000	
	PRW		Delete One Admin.	1.00	F	100,000	301,100
	Police		Eliminate Berkeley Boosters / Guides			173,700	
	Police		Eliminate Berkeley Boosters / Escorts			40,500	
	Police		Reduce Overtime			150,000	
	Police		Special Enforcement Unit	2.00	V	278,998	
	Police		Property Crimes Unit	1.00	V	139,499	
	Police		School Resource Officers	1.00	V	139,499	922,196
	PRC		Reduce Clerical support	0.87		50,440	50,440
CITY-WIDE GENERAL FUND PROPOSALS						\$ 3,660,115	
A List Reductions						\$ 3,242,697	
Cummulative Reductions						\$ 6,902,812	
Annual		FTE			28.82		
Cumulative		FTE			44.32		
Sworn FTE					6		
Cumulative		FTE			6		

COMMUNITY AGENCY ADVANCES

Attachment C

AGENCY NAME	DEPT	FY 2004 Contract	FY 2004 Advance
1 Affordable Housing Assoc.	Housing	102,211	25,553
2 Ala Costa Center	Housing	32,839	16,420
3 AC Homeless Action Ctr.	Housing	42,700	21,350
4 Asian for Jobs Oppor.	Housing	156,000	39,000
5 Bay Area Comm. Resrcs.	Housing	17,000	8,500
6 Bay Area Hispano Inst.	Housing	116,803	29,201
7 B A O R P	Housing	28,047	14,023
8 Berkeley Adult School	Housing	27,560	13,780
9 Berk-Albany Licensed Day Care	Housing	287,500	71,875
10 Berkeley Arts Center Assoc	OED	54,977	9,163
11 Berkeley Booster Escort	Police	40,500	6,750
12 Berkeley Booster Guides	Police	173,585	28,931
13 Berkeley Community Media	IT	279,000	65,375
14 Berkeley Convention & Visitors Bureau	OED	228,375	38,063
15 Berkeley Dispute Resolution Serv.	Housing	77,700	19,425
16 Berk. Ecum. Min. Found.	Housing	52,000	13,000
17 Berk. Food & Housing Proj.	Housing	489,308	122,327
18 Berkeley Place	Housing	24,826	12,413
19 Berk. Youth Alternatives	Housing	80,720	20,180
20 Bonita House	Housing	25,020	12,510
21 Black Repertory Group	Housing	22,500	11,250
22 Building Opp. For Self-Sufficiency	Housing	437,129	94,282
23 Center for Access & Tech.	Housing	6,000	6,000
24 Center for Ind. Living	Housing	200,040	50,010
25 Christmas in April	Housing	110,360	19,742
26 Coal. for Alter. in Mental Health	Housing	75,000	18,750
27 Comm. Energy Services Corp.	Housing	338,097	84,524
28 Dorothy Day House	Housing	30,888	15,444
29 East Bay Asian Youth	Housing	293,494	73,374
30 East Bay Comm. Law Center	Housing	20,800	10,400
31 Easy Does It	Housing	688,948	172,237
32 Eden Council for Hope and Opp.	Housing	184,339	46,085
33 Ephesian Child Care Center	Housing	116,096	29,024
34 Family Violence Law Center	Housing	33,120	16,560
35 Family Violence Law Center	Police	39,000	6,500
36 Fred Finch Youth Center	Housing	43,250	21,625
37 Housing Rights, Inc.	Housing	35,147	17,574
38 Inter City Services	Housing	141,229	35,307
39 Japanese America Servs.	Housing	22,050	11,025
40 Jubilee Restoration	Housing	82,400	20,600
41 Lifelong Medical Care	Housing	280,401	66,350
42 Luther Church of the Cross	Housing	15,000	7,500

COMMUNITY AGENCY ADVANCES

Attachment C

AGENCY NAME	DEPT	FY 2004 Contract	FY 2004 Advance
43 McGee Ave. Baptist Church	Housing	21,611	10,806
44 Multi Cult. Institute	Housing	115,782	28,946
45 New Bridge Foundation	Housing	135,000	33,750
46 New Light Sr. Citizens, Inc.	Housing	83,150	20,788
47 Nia House Learning Center	Housing	36,471	18,236
48 Northern Cal. Land Trust	Housing	25,000	12,500
49 Options Recovery Services	Housing	54,304	13,576
50 Pac. Ctr. for Human Growth	Housing	27,000	13,500
51 Resources for Comm. Dev.	Housing	141,750	35,438
52 Saint John's Child Care	Housing	26,834	13,417
53 Sick Child Care Program	Housing	32,000	16,000
54 South Berk. Comm. Church	Housing	55,000	13,750
55 Stiles Hall	Housing	27,680	13,840
56 Telegraph Avenue Association	OED	54,000	9,000
57 Through the Looking Glass	Housing	35,000	17,500
58 Tinkers Workshop	Housing	20,000	10,000
59 United for Health	Housing	13,374	6,687
60 Women's Daytime Drop In Ctr.	Housing	87,710	21,928
61 Women's Employ. Res. Corp.	Housing	43,367	21,684
62 Women's Refuge, Inc.	Housing	21,060	10,530
Subtotal		6,608,052	1,763,878
Agencies Added via Budget Amendments			
a) Young Artists Workspace	Parks	25,000	4,166
b) Habitot	Parks	28,000	4,666
c) Community Garden Collaborative	Parks	10,000	1,666
d) Fresh Choice Ecology Center	Housing	10,000	1,666
e) Ed Roberts Campus	Housing	40,000	6,666
f) Pacific Center for Human Growth	Housing	25,000	4,166
g) West Berkeley Neighborhood Dev. Ctr.	OED	25,000	4,166
h) Jobs for Homeless Consortium	Housing	19,000	3,166
i) Athletes United for Peace	Parks	72,000	12,000
j) Berkeley Cougars	Parks	15,000	2,500
Subtotal		269,000	44,828
Totals		6,877,052	1,808,706

RESOLUTION NO. 63,166-N.S.

ALLOCATING ANTICIPATED, ONE-TIME GENERAL FUND REVENUE IN THE AMOUNT OF \$898,564 AND APPROVING ADDITIONAL STAFFING FOR PERMIT CENTER ACTIVITY

WHEREAS, the City Council adopted the FY 2006 & FY 2007 Biennial Budget on June 28, 2005; and

WHEREAS, Council referred a number of programs to the FY 2006 budget process (Exhibit A) for continued funding; and

WHEREAS, several non-discretionary costs have arisen (Exhibit A) since July 1, 2005 that require allocation of funds not currently included in the FY 2006 Adopted Budget; and

WHEREAS, General Fund revenues for FY 2006 are projected to be \$1.08 million more than the FY 2006 Adopted Budget; and

WHEREAS, activity at the Permit Service Center has increased and four additional positions are needed to maintain adequate service levels; and

WHEREAS, the Permit Service Center Fund has a sizeable fund balance that can accommodate the addition of four new positions at a cost of approximately \$500,000.

NOW THEREFORE, BE IT RESOLVED the Council of the City of Berkeley allocates anticipated, one-time General Fund revenue in the amount of \$898,564 to provide continued funding for specific programs and to fund non-discretionary costs that have arisen since July 1, 2005 identified in Exhibit A as amended, and approve additional staffing for Permit Center activity.

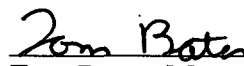
The foregoing Resolution was adopted by the Berkeley City Council on December 13, 2005 by the following vote:

Ayes: Councilmembers Capitelli, Maio, Olds, Worthington, Wozniak and Mayor Bates.

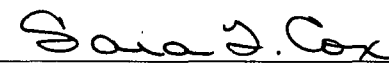
Noes: Councilmember Spring.

Abstain: Councilmembers Anderson and Moore.

Absent: None.



Tom Bates, Mayor

Attest: 

Sara T. Cox, City Clerk

**FY 2006 and FY 2007
Recommended Budget Augmentations**

Exhibit A

	1-Time	Recurring	Total
REVENUES			
Available New Revenue			
Use of Reserve	\$ 247,000		
Revised FY 2006 Revenue Projections	\$ 1,083,261		
Total Available Revenues:	\$ 1,330,261		\$ 1,330,261
EXPENDITURES			
Homeless & Social Programs			
Paratransit Services		\$ (9,000)	
Civic Arts Coordinator		\$ (24,165)	
Pedal Express		\$ (12,500)	
Berkeley Boosters - BART Escorts		\$ (19,643)	
Japanese American Services of the East Bay		\$ (7,500)	
Berkeley Day Time Drop In Center		\$ (8,856)	
BOSS		\$ (31,000)	
Veterans Building Unbudgeted Costs for Agencies		\$ (112,000)	
Berkeley Boosters, Berkeley Guides Program		\$ (10,000)	
Subtotal	\$ -	\$ (234,664)	
Other Program Costs			
Police Crime Analyst		\$ (40,000)	
NewsScan		\$ (9,400)	
Lead Abatement Survey & Analysis		\$ (10,000)	
Subtotal	\$ -	\$ (59,400)	
Non-discretionary Costs Since 7/1/05			
Telephone Emergency Response System		\$ (7,500)	
PG&E Street Lights - outstanding bills	\$ (247,000)		
Hurricane Katrina - estimated non-reimbursable costs	\$ (100,000)		
Increased Fuel Costs (estimated)		\$ (250,000)	
Subtotal	\$ (347,000)	\$ (257,500)	
Total Recommended Expenditures:	\$ (347,000)	\$ (551,564)	\$ (898,564)
Total Remaining Available Revenue:			\$ 431,697



Office of the Mayor

ACTION CALENDAR

February 13, 2024

(Continued from January 16, 2024)

To: Honorable Members of the City Council

From: Mayor Jesse Arreguin, Councilmember Rashi Kesarwani,
Councilmember Sophie Hahn, and Councilmember Susan Wengraf

Subject: RFP for Development of West Berkeley Service Center

RECOMMENDATION

Refer to the City Manager to issue a Request for Proposal (RFP) for the development of the city-owned West Berkeley Service Center, (1900 Sixth Street), to permit site acquisition and construction of a 100-percent affordable housing project with the following key features:

- Space on the ground floor of the building for administrative offices, community space and supportive services as currently provided by the City;
- Maximizing the number of units under the existing zoning Mixed Use-Residential (MU-R) in conjunction with state law AB 1763 (2019);
- A mix of unit sizes, including studios, one-bedroom, and two-bedroom units;
- Require RFP applicants to include a plan for services provision and integration for the population(s) they propose to serve;
- A preference for serving seniors and adults with mental health conditions while maintaining flexibility to serve other populations based on availability of funding.

The City Manager should also consider the feasibility of the following elements in the program design:

- Universally designed housing for older adults with a portion of the units for assisted living and memory care;
- A board and care facility with a minimum of 20 beds including space for staff and services;

- Explore available federal, state, regional, local and private funding sources to finance the construction of a housing project, including with the potential target populations.

The issuance of an RFP should be timed to happen soon after funding for the development has been identified.

BACKGROUND

Berkeley General Plan Policy H-18 encourages the use of city-owned sites, including parking lots for affordable housing or mixed-use projects: “When appropriate and feasible, use City-owned or controlled sites for affordable housing and/or mixed-use residential projects with a substantial portion of affordable units.”

On May 28, 2019, (Attachment #1), the City Council stated the intent for the use of the West Berkeley Service Center property, 1900 6th Street, would be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations and maximizing the number of affordable units on site. They further referred to the City Manager to conduct a basic analysis of the development potential for the site, including build-out scenarios for a three to seven story building on the site that would include amenities, supportive social services, and community space.

Staff returned “Referral Response: Analysis of the Development Potential for the West Berkeley Service Center Site” to Council as a comprehensive Information Report on the September 7, 2023 City Council Agenda. In the report, staff analyzed Zoning Designation, State Streamlining Laws and State Density Bonus to provide considerations for development potential. Current zoning of the site is MU-R. Given staff assumptions as provided in the report (Attachment #2), it could be possible to build 190 units in six stories with AB1763. AB1763 (2019) expands State Density Bonus Laws to housing projects that are 100 percent to low-income households (excluding manager units) with up to 20 percent of units for moderate-income households. Also, projects near transit, such as the West Berkeley Service Center site, are not subject to density limits, may raise height limits by three stories or 33 feet, and are allowed up to four concessions.

Recommendations for Council action included rezoning the site to C-W and allocating funding for environmental review, or referral to the City Manager to develop recommendations to Council that would inform a RFP to develop senior housing on the site under the current MU-R zoning.

CURRENT SITUATION AND ITS EFFECTS

The population of Berkeley residents 65 and older has steadily increased in recent years. Projections from multiple sources, including the Alameda County Plan for Older Adults, show that by 2030 over 20% of Berkeley residents will be over 65. Based on surveys completed by the Age Friendly Berkeley Initiative (2018) older adults

increasingly prefer to age in their communities with housing affordability and availability, along with transit access, noted as major areas of concern, especially for low-income respondents. Wait lists for affordable senior housing units are as long as 8 years.¹

Board and Care facilities operate under the supervision of the Department of Social Services through a Community Care License and are staffed 24 hours per day, seven days per week. They provide residential care for seniors and/or people with disabilities who need assistance in their daily lives including room and board, meals, a supportive living environment with daily activities for participation and entertainment, and assistance with personal care. There is a critical lack of Board and Care facilities in the state. In recent years, the number of licensed board and care facilities, including Adult Residential Facilities and Residential Care Facilities for the Elderly has been declining largely due to inadequate funding and rising housing construction costs.² San Francisco has lost more than a third of its facilities that serve seriously mentally ill people under the age of 60 which is consistent with what other counties report, anecdotally, up and down the state.³ More housing and mental health resources are critical to address the needs of our most vulnerable low-income adults who are most at-risk of homelessness: older adults, persons with disabilities, and persons with severe mental illness.

Currently, the City's Health, Housing and Community Services Department is utilizing the West Berkeley Service Center to house the West Berkeley Family Wellness Center that provides services such as Women, Infants and Children's (WIC) program, immunization programs, programs offering nursing support, Berkeley Black Infant Health and free yoga classes. Community Development Block Grant (CDBG) funds have been identified for improvements to the facility and have a five-year requirement for use, once all the funds are drawn down, without a pro-rata repayment. These improvements are scheduled to begin during the first quarter of 2024. During that time, a temporary facility will be needed to accommodate the temporary relocation of these programs to ensure continuation of services and activities during the construction period of any new housing project.

It is, currently, uncertain how this proposed development could be funded. The City of Berkeley Housing Trust Fund and funds from the 2018 Bond Measure O are in short supply or already dedicated to other projects. However, additional resources may

¹ Age Friendly Berkeley Action Plan, 2018: <https://berkeleyca.gov/sites/default/files/2022-01/Age-Friendly-Berkeley-Action-Plan.pdf>

²White Paper: County Behavioral Health Directors Association, February 28, 2020: Loss of Board and Care Facilities Is at Crisis Level: <https://namisantaclara.org/wp-content/uploads/2020/11/Loss-of-Board-and-Care-Facilities-is-at-Crisis-Level-2.28.20.pdf>

³ San Francisco Chronicle article: SF Board-and-Care homes for Seriously Mentally Ill Shuttering as Costs Soar, April 16, 2019: <https://www.sfchronicle.com/bayarea/article/SF-board-and-care-homes-for-seriously-mentally-13766754.php>

become available through a proposed regional housing bond measure⁴ or earmarked funding. Preparing an RFP that would be ready for issuance at the time resources have been identified would expedite development of the West Berkeley Service Center, ensuring critical resources can be provided for the community.

FINANCIAL IMPLICATIONS:

Staff time required for developing recommendations for an RFP. In addition, a budget will need to be developed for the temporary relocation of the West Berkeley Family Wellness Center services and possibly any pro-rata CDBG repayment.

ENVIRONMENTAL SUSTAINABILITY:

Aligns with environmental sustainability goals by providing housing densification along transit corridors.

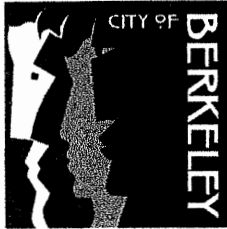
CONTACT PERSON:

Mayor Jesse Arreguin (510) 981-7100

Attachments:

1. May 28, 2019 Council referral: Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services
2. September 7, 2023, Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

⁴ Bay Area Housing for All website: <https://bayareahousingforall.org/>



Office of the Mayor

ATTACHMENT 1

CONSENT CALENDAR

May 28, 2019

To: Members of the City Council

From: Mayor Jesse Arreguin and Councilmembers Kesarwani, Wengraf, and Bartlett

Subject: Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services

RECOMMENDATION

State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units.

The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center:

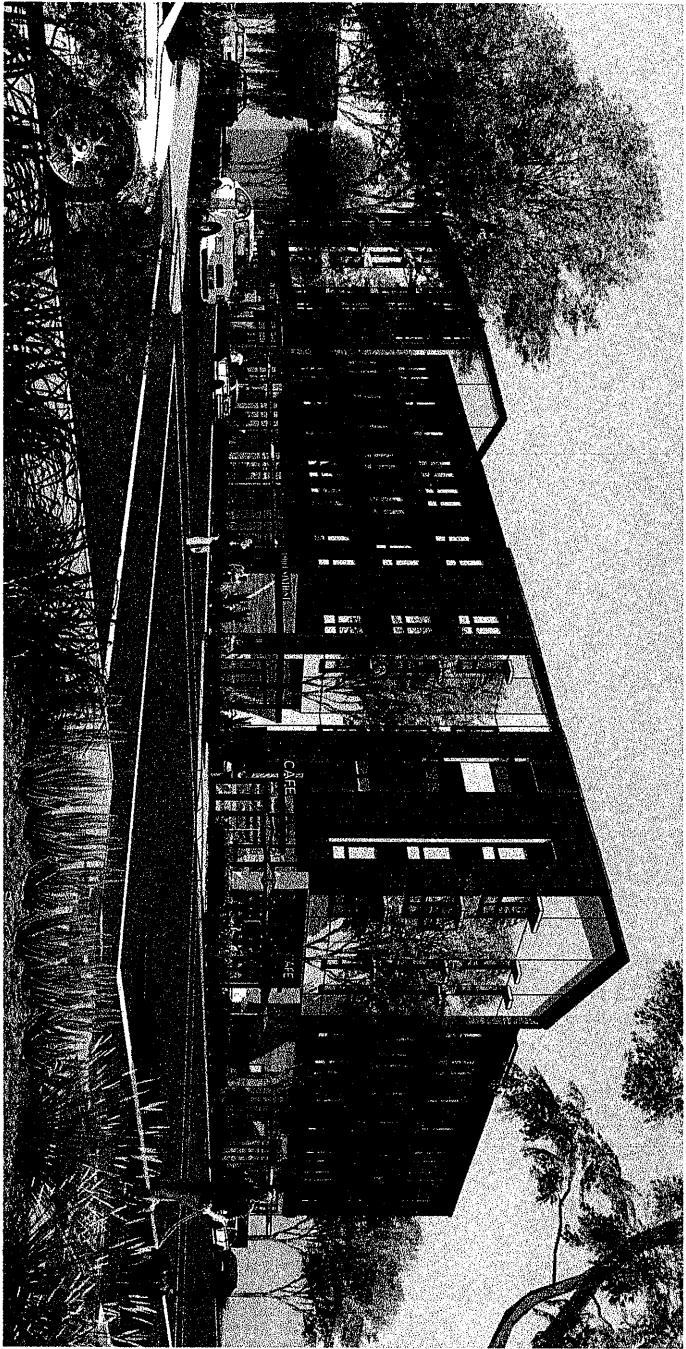
- a. Refer to the City Manager to conduct a basic analysis of the development potential for the West Berkeley Service Center site including build-out scenarios for a three-, four-, five-, six- and seven-story building at the site, using Mixed-Use Residential (MUR), West Berkeley Commercial (C-W), and Multiple-Family Residential (R-3) Development Standards. Each buildout scenario should reflect base project conditions, and conditions if a Density Bonus is granted including waivers and concessions, or if Use Permits are used to modify standards. The scenarios should also incorporate space on the ground floor for resident amenities, supportive social services, and community space. The results of the development scenarios will be presented to the City Council and Planning Commission.
- b. Refer to the Planning Commission to consider any modifications to the underlying zoning at the West Berkeley Service Center site to maximize the production of senior housing, including consideration of an overlay zone.
- c. Based on recommendations from the Health, Housing and Community Services Department, the Housing Advisory Commission, Measure O Bond Oversight Committee, Commission on Aging, and taking into consideration requirements and restrictions associated with potential funding sources, create

based on more current information, since predevelopment work could proceed immediately after a contract award.

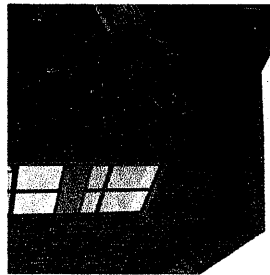
- A Request for Proposals (RFP), as opposed to a Request for Information (RFI), may be the best tool to use for soliciting development concepts from housing developers if Council wishes to use this process to award a contract, such as a Disposition and Development Agreement. An RFI is typically used to collect information from many potential bidders in anticipation of releasing a request for bids, to inform the request. An RFP is an excellent tool to use when the City wants bidders to apply their creative thinking to the proposed project and wants to award a contract. The RFP can ask the bidders to respond to multiple City priorities. Since identifying and analyzing options to develop the site will require an investment of staff time from respondents, developers are more likely to respond with more fully developed proposals if the process is used to award a contract.
- As a precursor to developing an RFP, it would help staff to understand Council's priorities for the site, particularly what project components are most important, such as maximizing the number of affordable units for seniors, providing deeply affordable units, inclusion of community services space, a memory care facility, etc. Understanding the ranking of Council priorities will help staff and bidders evaluate trade-offs and enable more responsive proposals, making the process more efficient for the City and developer alike.

CONTACT PERSONS

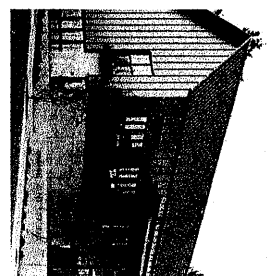
Timothy Burroughs, Director, Planning and Development Department, 510-981-7437
Kelly Wallace, Interim Director, Health, Housing and Community Services Department,
510-981-5107



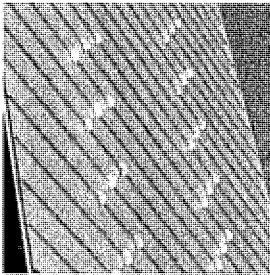
DESIGN INSPIRATION



BOARD & BATTEN
NATURAL COLOR



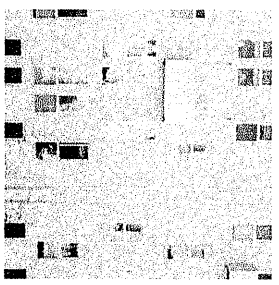
BOARD & BATTEN
TINTED



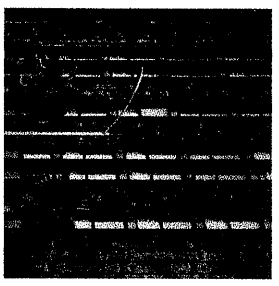
METAL ROOFING



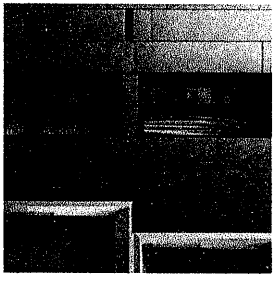
WALL SCONCE



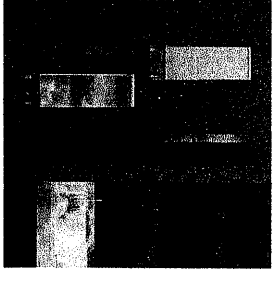
WINDOW PATTERN



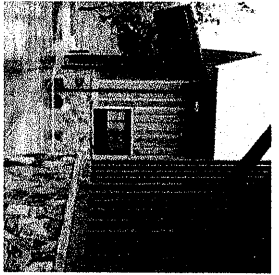
WINDOW PATTERN



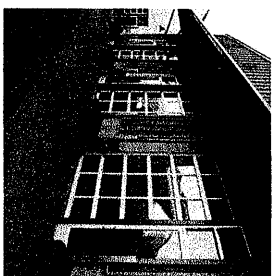
CEMENT BOARD



CEMENT BOARD



CONTEMPORARY BARN



STORE FRONT

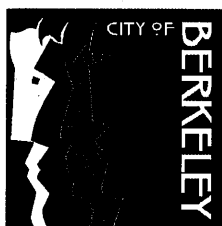
6th Street Senior Affordable Housing Berkeley, California

Perspective View 1

Project No.: 31804-P01

05.18.2018

SGPA ARCHITECTURE
AND PLANNING



Office of the City Manager

ATTACHMENT 2

September 7, 2023

To: Honorable Mayor and Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

SUMMARY

In 2019, the City Council referred to the City Manager to conduct an analysis of the development potential of the West Berkeley Service Center (WBSC) site for senior housing and related support services. This memorandum analyzes a range of buildout scenarios under various zoning and permitting options, including State Density Bonus Law, and presents options for Council action.

BACKGROUND

In 2016, the City Council adopted a referral to identify City-owned properties that have the potential to be used for affordable housing sites (**Attachment 1**). In 2017, staff identified the West Berkeley Service Center (WBSC) at 1900 Sixth Street, which currently houses a variety of social services, as one of several sites that met selected criteria for housing development suitability (included in **Attachment 2**).¹ In 2019, the City Council adopted a referral that asked the City Manager to further analyze the development potential options for the WBSC to achieve Council goals for that site (**Attachment 2**).

SITE AND SURROUNDING AREA

The approximately 32,550 square-foot parcel is located at the southwest corner of Hearst Avenue and Sixth Street (Figure 1). It currently serves as the location of the West Berkeley Family Center, operated by the Health, Housing, and Community Services Department's Public Health Division (HHCS/PHD). At the site, HHCS/PHD currently offers a variety of public health and social services for low-income Berkeley

¹ The 2017 staff report identified six city-owned properties and grouped them into three categories based on how they met the following housing suitability criteria: 1) located within zones allowing multifamily development; 2) larger than 15,000 square feet; 3) not protected as parks or open space under Measure L, the Berkeley Public Parks and Open Space Preservation Ordinance; 4) whether there were existing active City uses on the site. The West Berkeley Service Center was in "Group 2" because it met the first three criteria but it does have active City uses on site.

September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

residents, such as the Women, Infant, and Children (WIC) program, Black Infant Health, Immunization clinics and services, food and diaper distribution, and public health emergency preparedness. Additionally, there are current plans to create a community garden and co-locate various social, public health, and educational services at the site until future development initiatives can be realized. Public transit accessibility is plentiful, with several high-frequency AC Transit routes and Amtrak located within half a mile. In addition, the 4th Street shopping corridor and community health care facilities are nearby. Adjacent uses on the block consist of a range of commercial uses, including office, retail, personal services and exercise studio in one and two-story buildings.

The parcel is in the West Berkeley Plan area as part of a transition area between the Fourth Street retail district and the residential area to the east. It is zoned for Mixed-Use Residential (MU-R) (Figure 2) and has a General Plan land use classification of Mixed Use (MU) (Figure 3).

September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

Figure 1: Aerial of Project Site



September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

Figure 2: Zoning - West Berkeley Service Center and Adjacent Properties



September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

Figure 3: General Plan Land Use Designation - West Berkeley Service Center and Adjacent Properties



ANALYSIS OF ZONING OPTIONS

Consistent with the Council's referral, staff analyzed options to maximize residential density, including affordable senior units, to maintain existing social services, and to introduce supportive housing uses.

September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

Staff analysis considered the impacts of the following variables on development potential:

- *Zoning Designation.* Maintaining the existing MU-R zoning, amending the zoning designation to West Berkeley Commercial (C-W) or Multiple-Family Residential (R-3), or establishing an overlay district.
- *State Streamlining Laws.* The relevance of state laws such as SB 35 or AB 2162 that allow for streamlined, ministerial approval.
- *State Density Bonus.* The use of the Density Bonus Law to increase allowed floor area or building envelope.

The Council referral directed staff to evaluate the development potential for a project containing senior housing with ground-floor resident amenities, supportive social services, and community space. Depending on the type of senior housing desired, the project could include the following (which require different zoning permits):

- A Mixed-Use Residential project, containing dwelling units, incidental residential amenities, community center space, and offices for supportive social services. This would require a Use Permit with a public hearing (UP(PH)) in the MU-R, C-W and R-3 districts.
- A Senior Congregate Housing project, containing group living accommodations occupied by persons 60 years or older who live in sleeping rooms without kitchen facilities, which contains congregate bath and/or dining facilities. This would require a UP(PH) in the MU-R, C-W and R-3 districts.
- A Community Care Facility, consisting of a state-licensed facility for non-medical care and supervision of elderly persons, is allowed with a Zoning Certificate in the C-W district, and a Use Permit in the R-3 district. Construction of new community care facilities is allowed with a Use Permit in the MU-R district, pursuant to changes recently adopted by the City Council in July that align the zoning code with State law requirements.

Regardless of the type of senior housing developed, the project would be required to comply with the development standards of the applicable zoning district. Table 1 below lists the development standards for each potential zoning district under consideration.

The R-3 zone provides the most restrictive development envelope. Changing the site's zoning to R-3 would require changing the General Plan land use designation of the site from Mixed Use to the lower density Medium Density Residential designation. This change may be inconsistent with the objective of optimizing the site's development potential for senior housing.

September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

Table 1. Permit Requirements and Development Standards

Development standard		MU-R (existing)	C-W (on same block)	R-3 (across 6 th Street)
Lot area, Min.	Per dwelling unit	1,250 sq. ft.	N/A	N/A
	Per GLA resident	N/A	N/A	350 sq. ft.
FAR, Max.		1.5	3.0	N/A
Building Height, Max.	Height	35 ft.	50 ft.	35 ft.
	Stories	3	4	3
Setbacks, Min.	Front	5 ft.	0 ft.	15 ft.
	Rear	0 ft.	0 ft.	15 ft.
	Interior Side	0 ft.	0 ft.	4 ft. (1 st -2 nd stories)
				6 ft. (3 rd story)
	Street Side	10 ft.* Across from residential district	20 ft.* Across from R-1(A)	6 ft. (1 st story)
				8 ft. (2 nd story)
10 ft. (3 rd story)				
Building Separation, Min.	0 ft.	0 ft.	8 ft. (1 st story)	
			12 ft. (2 nd story)	
			16 ft. (3 rd story)	
Usable open space per dwelling unit, Min.	150 sq. ft. (dwelling units)	40 sq. ft. (dwelling units)	200 sq. ft. (dwelling units)	
		No minimum (GLA's)	90 sq. ft. (GLA's)	
Lot Coverage, Max.	100%	100%	50% (One or two-story building)	
			45% (Three-story building)	

Staff also considered an overlay zone, which is typically applied over multiple underlying zoning districts in order to establish additional regulations that serve a particular public purpose (e.g., Hillside Overlay, Civic Center District). An overlay zone typically modifies development standards and administrative processes, rather than allowed land uses. Given these limitations, staff do not recommend rezoning to R-3 nor creating an overlay zone.

September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

REFINING OPTIONS

State Streamlining Laws

California has passed laws that allow certain affordable housing projects to undergo streamlined ministerial processes subject only to objective development standards. Use of these laws increases development certainty while reducing project timelines, both of which lower costs and ultimately support the production of affordable units. As shown in Table 2 on the following page, the State streamlining laws relevant to the project are SB 35 (2017) and AB 2162 (2018).²

Given the state requirements for affordability levels, workforce benefits, and additional supportive housing requirements, SB 35 is the most likely streamlining mechanism to be used. SB 35 has lower affordability requirements and no supportive housing requirement compared to AB 2162, which requires maintaining services to formerly homeless residents and partnership with a service provider. For these reasons, staff's analysis assumes that the developer would likely opt to meet SB 35 requirements to achieve streamlining.

Density Bonus Law

For housing development projects that provide a certain percentage of affordable units or senior housing, the California Density Bonus Law³ requires cities to grant a density increase over "the otherwise maximum allowable gross residential density" for the zoning district and the General Plan. In addition to a bonus in number of units, State Density Bonus Law provides for incentives and concessions to reduce the cost of providing affordable housing, and/or waivers to development standards (e.g., open space requirements, height limits, setbacks, parking requirements) to achieve the densities allowed by the law.

The amount of the density bonus and the number of incentives or concessions granted generally increases with project affordability levels. At the affordability level required by SB 35 for ministerial approval in Berkeley (currently 50 percent of units for low-income households), a project can receive a 50 percent density bonus and three incentives or concessions.

In addition, AB 1763 (2019) expands State Density Bonus Law to housing projects that are 100 percent to lower-income households (excluding manager units) with up to 20 percent of units for moderate-income households. Projects near transit, such as the West Berkeley Service Center site, are not subject to density limits, may raise height limits by three stories or 33 feet, and are allowed up to four concessions.

² Based on staff's analysis, the site is not eligible for streamlining under the provisions of AB 2011.

³ Government Code Section 65915.

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&lawCode=GOV

September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

Table 2. Applicable State Ministerial Approval Laws for Affordable Housing Developments

State Law Requirements	SB 35	AB 2162
Housing Type	Residential and mixed-use projects with at least 50% affordable housing	100% affordable housing projects where at least 25% of units (or 12 units, whichever is greater) are set aside for supportive housing (housing for formerly homeless residents)
Additional Requirements	N/A	Onsite supportive services aimed at transitioning residents to regular life and housing, units with bathrooms and private cooking facilities, developer supportive services plan
Workforce Requirements	If government project: The project must pay prevailing wages If project has at least 75 units and is not 100% affordable: The project must use skilled and trained workforce	N/A
Tribal Consultation	Required	Not required
Time Limit to Determine Eligibility	Up to 150 units: 60 calendar days Over 150 units: 90 calendar days	30 days
Time Limit to Review and Act on Application	Up to 150 units: 90 calendar days Over 150 units: 180 calendar days	Up to 50 units: 60 days Over 50 units: 120 days

Development Potential

The maximum development potential of the site depends on a number of factors that a developer would take into consideration when designing a project. Staff made a set of assumptions in order to illustrate the relative difference in development potential under the MU-R and C-W zoning district standards, as well as the magnitude of change allowed with State Density Bonus law under SB 35 (50 percent bonus) or unlimited bonus under AB 1763.⁴ Specifically, staff assumed an average unit size of 550 square feet⁵ and 20 percent common area⁶ in both the base and density bonus projects, and 85 percent lot coverage in the density bonus project.

⁴The City Council's referral specified affordable senior housing, thus staff did not consider a scenario allowed under density bonus law for senior housing that does not include affordability requirements.

⁵ Staff reviewed the average unit size of five recent affordable senior housing projects approved or constructed in the region and found the average unit size to be approximately 550 square feet, consisting of studios, 1- and 2-bedroom units.

⁶ Residential floor area not part of dwelling unit, such as common space, circulation (e.g., hallways).

September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

As shown in Table 3 below, State Density Bonus Law allows significantly more units to be built than would otherwise be allowed in the base project. This is especially true for a 100 percent affordable project. With a zoning designation of MU-R, the base project could contain up to 26 units, as the maximum density is limited to one dwelling unit per 1,250 square feet of lot area. Applying a 50 percent density bonus to the base project to facilitate SB 35 streamlining, up to 39 units would be allowed. AB 1763 does not limit the project density, so the limiting factor would be the additional three stories allowed above the maximum of three stories, for a total of up to six stories allowed on the site. Given staff assumptions for unit size and lot coverage, it could be possible to build 190 units in six stories with AB 1763. With a zoning designation of C-W, the base project could contain 105 units, potentially increasing to approximately 150 units in six stories with a 50 percent density bonus, and potentially around 230 units in seven stories with an AB 1763 density bonus.

Table 3. West Berkeley Service Center Example Development Scenarios

Project Type	% of Project As Affordable Housing	MU-R	C-W
Base project	0%	26 units, 3 stories	105 units, 4 stories
50% density bonus	50% (Required for SB35 streamlining)	39 units, 4 stories	150 units, 6 stories
No density limit + 3-story height increase (AB 1763)	100%	190 units, 6 stories	230 units, 7 stories

Table 3 shows that the development potential of the site is greater when subject to the C-W district standards than the MU-R standards under the base and density bonus project conditions. However, because a project under AB 1763 would not be subject to a density standard, a 100 percent affordable project with MU-R zoning results in a development potential that is similar to that which can be achieved under C-W standards. The expanded baseline building envelope allowed in the C-W district provides for a further increase in the number of potential units under AB 1763. Ultimately, the number of units, building envelope and amount of affordable housing depends on a number of factors, such as the availability of affordable housing subsidy and overall economic feasibility. Recently developed affordable housing projects have tended to include fewer than 100 units.

September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

Zoning Map and General Plan Amendment

The build-out scenarios presented above indicate that a zoning map amendment from MU-R to C-W would maximize production of affordable housing at the site. In addition, the C-W district would allow new construction of community care facilities with a Zoning Certificate while MU-R would require a Use Permit. This action would require a General Plan amendment to change the land use designation from Mixed Use-Residential (MU) to Avenue Commercial (AC). The associated environmental review process would consist of preparing an addendum to the Housing Element EIR, as the site has been identified as a sixth cycle Housing Opportunity Site.⁷

Fiscal Impacts

Staff estimates that it would take approximately three to six months for staff to work with a consultant to prepare required environmental review documents, which would include required technical studies and tribal consultation. This effort is estimated to cost approximately \$60,000, excluding any additional City contributions from the Housing Trust Fund program that would likely be needed for a 100% affordable housing project (beyond state and federal tax credits) or staff time to manage the rezoning and environmental review. The amendments and resolution would be considered by the Planning Commission, followed by the City Council for approval and adoption.

NEXT STEPS

The City Council can consider whether to proceed with rezoning the site to C-W and allocate funding for the environmental review, or refer to the City Manager to develop recommendations to Council that would inform a Request For Proposals (RFP) to develop senior housing on the site under the current zoning (MU-R). The RFP would include specifications for the desired amount of housing on site, unit sizes, level of affordability, as well as integration with amenities and services.

Attachments:

1. Council Referral: Analyzing All City-Owned Properties for Potential for Housing Development (2016)
2. Council Referral: Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services (2019)
 - Also Includes Referral Response: Analysis of City-Owned Property for Potential for Housing Development (2017)

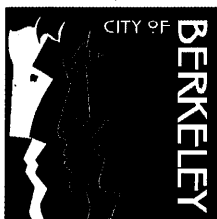
⁷ The lot area is approximately 32,500 square feet.
dix C-25. It was not included in the fifth cycle housing element, so AB 1397 does not apply.

September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

cc: LaTanya Bellow, Deputy City Manager
Anne Cardwell, Deputy City Manager
Jenny Wong, City Auditor
Farimah Brown, City Attorney
Mark Numainville, City Clerk
Matthai Chakko, Assistant to the City Manager
Jordan Klein, Planning and Development Director
Lisa Warhuus, Health, Housing and Community Services Director

Attachment 1



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR

April 5, 2016

To: Honorable Mayor and Members of the City Council
From: Councilmember Susan Wengraf
Subject: Analyzing All City-Owned Properties for Potential for Housing Development

RECOMMENDATION

Request that the City Manager explore the opportunity for the City of Berkeley to build housing on city-owned property: conduct an inventory of city owned properties and return to City Council as soon as possible with an evaluation and analysis of those properties that are appropriate for the development of affordable housing.

BACKGROUND

Across the state of California, urban centers are experiencing a crisis in housing availability at all levels of affordability. The crisis is very severe in the Bay Area. Lack of funds and subsidies from the state and federal government has exacerbated the obstacles to developing housing at all levels of affordability. In addition, the scarcity and the high cost of land in the Bay Area and in Berkeley, specifically, is an enormous barrier to producing affordable housing. Berkeley needs to optimize its limited resources now and look to partner with housing developers to build housing on city-owned land.

The City of Berkeley has a unique opportunity. The two senior centers, "North", on MLK and Hearst, and "South" on Ellis and Ashby and the Service Center on 6th Street are all in need of significant renovation. Now is the time to evaluate these properties to determine if it is feasible to create a mixed-use, housing/community center on these sites prior to spending millions of dollars on the current structures.

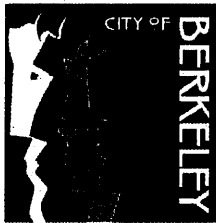
All City owned properties should be explored and evaluated for their potential as sites for housing development.

In addition, the Berkeley Unified School District owns property that has the potential to be developed as housing. The City of Berkeley should work closely with the BUSD to encourage them to move forward with their own analysis of potential housing sites that are currently under- utilized.

This severe housing crisis calls for all publicly owned land to be evaluated and considered.

FINANCIAL IMPLICATIONS: Staff time

CONTACT: Councilmember Susan Wengraf Council District 6 510-981-7160



Office of the Mayor

CONSENT CALENDAR
May 28, 2019

To: Members of the City Council

From: Mayor Jesse Arreguín and Councilmembers Kesarwani, Wengraf, and Bartlett

Subject: Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services

RECOMMENDATION

State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units.

The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center:

- a. Refer to the City Manager to conduct a basic analysis of the development potential for the West Berkeley Service Center site including build-out scenarios for a three-, four-, five-, six- and seven-story building at the site, using Mixed-Use Residential (MUR), West Berkeley Commercial (C-W), and Multiple-Family Residential (R-3) Development Standards. Each buildout scenario should reflect base project conditions, and conditions if a Density Bonus is granted including waivers and concessions, or if Use Permits are used to modify standards. The scenarios should also incorporate space on the ground floor for resident amenities, supportive social services, and community space. The results of the development scenarios will be presented to the City Council and Planning Commission.
- b. Refer to the Planning Commission to consider any modifications to the underlying zoning at the West Berkeley Service Center site to maximize the production of senior housing, including consideration of an overlay zone.
- c. Based on recommendations from the Health, Housing and Community Services Department, the Housing Advisory Commission, Measure O Bond Oversight Committee, Commission on Aging, and taking into consideration requirements and restrictions associated with potential funding sources, create

recommendations to Council regarding levels of affordability, unit sizes, on-site services and other features to be included in a senior housing and social services development, including senior living housing types. These recommendations will be presented to the City Council to inform the issuance of an RFP.

POLICY COMMITTEE RECOMMENDATION

On April 25, 2019, the Land Use, Housing and Economic Development Committee adopted the following action: M/S/C (Droste/Hahn) to send the item to the full Council with a Positive Recommendation. Vote: All Ayes.

BACKGROUND

The population of Berkeley residents 65 years and older has steadily increased in recent years. In 2017, older adults were estimated to make up 13.5% of our community – an increase of approximately 2% from the 2010 Census (11.7%) and approximately 3% from the 2000 Census (10.2%). Recent projections from multiple sources, including the Alameda County Plan for Older Adults, show that by 2030 one in five residents (20.5%) in Berkeley will be over 65, nearly doubling the current population. Advances in medicine and the spike of 'baby boomers' born after World War II have resulted in a late-twentieth century demographic phenomenon, popularly referred to as the 'silver tsunami', that cities across the country are similarly anticipating.

Based on surveys completed by AARP (2012) and the Age Friendly Berkeley Initiative (2018) we know that older adults increasingly prefer to age in their communities, which tells us we need a continuum of housing options for this growing population, in tandem with services. We also know that housing affordability and availability, along with transit access, are major areas of concern, especially for low-income respondents. In 2014, 23% of Berkeley residents 60 years and older were living under 200% of the Federal Poverty Level, according to the American Community Survey. As of July 2018, there were 738 dedicated affordable units for seniors, with a waitlist of 6-8 years. Amidst the current affordability crisis, low- and fixed-income seniors are struggling just to stay housed, let alone receive the care they require.

In an effort to respond to current and future needs, the Berkeley Age Friendly Continuum was formed out of conversations between residents and those providing and working in aging services across the city. The goal of this work is to strengthen Berkeley as a place to age, and ensure implementation of an integrated, person-centered, replicable, continuum of supports and services for older adults and those with disabilities as they navigate transitions of aging. This effort is now supported by the City of Berkeley, Kaiser, Sutter and AARP, and is heavily informed by the Age Friendly Cities and Communities effort led by the World Health Organization. Their three-year Action Plan will soon be released, focusing on how we can move forward aging standards, and ensure ours is a livable community where all generations thrive.

While the initial work of the Age Friendly Continuum has been focused on conducting a comprehensive needs assessment, setting priorities, articulating an organizational structure, and developing a 3-year plan, their longer term goal has always included piloting a senior housing and services facility that could be a model for the future of aging in place in Berkeley. One of the recommendations from their soon to be released Age Friendly Berkeley Action Plan under Housing and Economic Security, is to “develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status”.

In April 2016, the City Council passed a referral to identify City owned properties that have the potential to be used for affordable housing sites. An information report with the referral response was presented in February 2017, with the West Berkeley Service Center (WBSC) identified as a potential site for future development. In May 2017, Council then passed a budget referral for a feasibility study for the construction of affordable senior housing, specifically mentioning the WBSC along with the North and South Berkeley Senior Centers. Located at 1900 6th Street, the WBSC is an approximately 31,000 square foot parcel situated in a Mixed Used Residential (MUR) zone. Public transit accessibility is plentiful, with several high-frequency AC Transit routes and Amtrak located within half a mile. In addition, the 4th Street shopping corridor, and community health care facilities are nearby. The site is currently home to several tenants that provide a variety of services, including the City of Berkeley Aging Services, the Black Infant Health Program, Public Health Nurses and the Meals on Wheels program. It is also covering services provided by the North Berkeley Senior Center (NBSC) for the next 18-24 months until renovations at the NBSC are completed.

Initial plans were to keep the WBSC under the scope of the Measure T1 process. Measure T1, passed by Berkeley voters in 2016, is a \$100 million bond for rebuilding and renovating the City's aging infrastructure, including City owned facilities. Yet what this site needs is beyond an infrastructure upgrade, and its history as a hub for senior services presents an opportunity. West Berkeley has an extremely limited number of affordable housing units for seniors, despite being in a location that is easily accessible to various medical and aging services. And thanks to the passage of Measure O, a \$135 million dollar housing bond, combined with other funding opportunities, it could now be possible to fund the development of a senior housing and services facility modeled after the work of Age Friendly Berkeley, that becomes the gold standard for aging in place in our community, and the region.

Such a development would be consistent with the West Berkeley Plan, which calls for the residential development of MUR zones to facilitate the activation of such blocks while also maintaining a high level of services for the diverse population of West Berkeley. Additionally, the Plan calls for the development of housing, which provides on-site supportive services, as an explicit goal. However, to fully understand the possibilities of potential development of the site, the Planning Commission will need to consider several zoning options to find the optimal conditions.

After any rezoning is approved and recommendations on the development program are made by relevant City Commissions and the Council, the next step is to issue an RFP for development of the WBSC. We recommend consideration of the following criteria:

- Focuses on universally designed, affordable housing for older adults
- Incorporates the latest in technology and aging
- Functions both as services linked to housing and as a community hub of activity
- Reserves a portion of the units for assisted living and memory care
- Consistency with the recommendations of the Age Friendly Berkeley Initiative
- Maximize sustainability and energy efficiency

Any proposed development could have access to various forms of funding, including but not limited to Measure O (which explicitly mentions senior housing), new markets and low-income tax credits, local/regional/state funding such as U1, A1, and Prop 63/MHSA, along with private foundations.

RATIONALE FOR RECOMMENDATION

With Berkeley's senior population expected to skyrocket over the next decade, steps must be made to increase housing and services. There is currently a lack of senior housing in Northwest Berkeley, despite being in close proximity to various healthcare, shopping, and transit options. Affordable housing is particularly limited with wait lists for some senior housing projects between 6-8 years. There is also a need for a neighborhood hub for access to information and activities for older people in the area, along with meeting rooms and event space.

In 2017, Council voted to look into the feasibility of developing housing at Berkeley's senior centers, as recommended by the community. There are limitations to providing services at the North and South Berkeley Senior Centers due to their current R-2A residential zoning, and site constraints exist at the North Center due to the proximity of the BART tunnel. The development of WBSC for senior housing and services is consistent with both zoning regulations and the West Berkeley Plan. Such a development is also consistent with the Age Friendly Continuum.

Developing the former West Berkeley Senior Center into senior housing and services would uphold and honor the legacy of elder advocates who championed the creation of the Center to serve the needs of the West Berkeley Community, and would be consistent with its long-standing use.

FINANCIAL IMPLICATIONS

Staff time to conduct the analysis of development potential at the West Berkeley Service Center site, prepare reports for Council and Planning Commission discussion, and to work with City Commissions to create recommendations on the development program for a senior housing project. According to the staff memo dated March 7, 2019 "Process for Considering Proposals to Develop the West Berkeley Senior Center Site for Senior

Housing”, city staff estimate that the analysis of development potential will take approximately 40-60 hours of staff time.

ENVIRONMENTAL SUSTAINABILITY

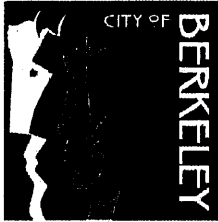
Not applicable.

CONTACT PERSON

Mayor Jesse Arreguín	510-981-7100
Councilmember Rashi Kesarawni	510-981-7110
Councilmember Susan Wengraf	510-981-7160
Councilmember Ben Bartlett	510-981-7130

Attachments:

1. Age Friendly Initiative, HHCS Presentation, City Council Worksession on July 17, 2018
2. Referral Response: Analysis of City-Owned Property for Potential Housing Development, February 14, 2017
3. Budget Referral: Feasibility Study For The Construction Of Affordable Senior Housing, May 16, 2017
4. Staff Report to the Land Use, Housing, an Economic Development Committee: Process for Considering Proposals to Develop the West Berkeley Senior Center Site for Senior Housing, March 7, 2019



Office of the City Manager

WORKSESSION

July 17, 2018

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Paul Buddenhagen, Director, Health, Housing & Community Services

Subject: Berkeley Age Friendly Initiative

SUMMARY

At the request of City Council, the Health, Housing and Community Services Department is providing an overview and update on the Age Friendly Berkeley initiative. Helping Berkeley's older adults remain in Berkeley and live long, healthy and fulfilled lives is the goal of the Age-Friendly Berkeley initiative. It's a collaborative effort between the City of Berkeley, Lifelong Medical Care, the Center for Independent Living, and Ashby Village. This report provides information on the key findings from a community survey that was conducted in March and April 2018 to help plan the work. This report also provides highlights from informational interviews that were conducted with City staff from various Departments to identify projects that City Departments have completed, or are considering, that consider the needs of older adults as they age in Berkeley.

The community survey and the informational interviews are strategies used to inform the development of the City of Berkeley Aging Friendly City Plan. This Plan will include recommended actions to achieve the goal of creating a livable community for all Berkeley residents, and will be submitted to the World Health Organization in November 2018. This report provides Council with information to inform the discussion on better serving our seniors.

The community survey gathered input from Berkeley community members age 50 and over. The purpose of the survey was to identify their priorities as they age in the Berkeley community. Survey results indicate that residents prioritize affordable senior housing, transportation services, and outdoor spaces that are walkable.

CURRENT SITUATION AND ITS EFFECTS

Many cities are experiencing rapid increases in the proportion of people aged 60 and over. In Berkeley, the population over age 65 is expected to nearly double from 12% in 2010 to 21% in 2030.

The World Health Organization (WHO) recognizes that older people are a resource for their families, communities and economies in supportive living environments. Older

people in particular often require supportive and enabling living environments to compensate for physical and social changes associated with aging. Thus, in order to retain a vibrant and enriching population of older adults, cities must provide the structures and services to support their wellbeing and productivity. Making cities more age-friendly is a necessary and logical response to promote the wellbeing and contributions of older urban residents and keep cities thriving (Global Age-Friendly Cities: A Guide, WHO, 2007).

The WHO has developed an active aging framework that outlines how cities can improve opportunities for health, participation and security in order to enhance quality of life for elders as they age. In an age-friendly city, policies, services, settings and structures support and enable people to age actively. Active and healthy aging depends on a variety of influences or determinants that surround individuals, families and nations. These determinants are reflected in the eight domain, or topic areas, identified by the AARP in previous research with older people on the characteristics of elderly-friendly communities:

1. Outdoor Spaces
2. Transportation
3. Housing
4. Social Participation
5. Respect & Social Inclusion
6. Civic Participation & Employment
7. Communication & Participation
8. Community and Health Services

Berkeley must complete an Aging Friendly Plan to be recognized by the WHO as an Age-Friendly City. To develop this Plan, public input was gathered from Berkeley community members through a community survey developed and implemented in partnership with AARP. The survey was distributed by mail to AARP members in Berkeley. Hard copies of the survey were also made available at the senior centers, libraries, and partner agencies such as churches and senior housing facilities. Funding for the development and analysis of the community survey was provided by a grant from the Pilgrimage Foundation.

AGING SERVICES DIVISION

The City of Berkeley's Aging Services Division aims to promote a dignified and healthy quality of life for older adults by offering connections to community, services & resources through two vibrant senior centers (North Berkeley Senior Center and South Berkeley Senior Center) and a multi-resource center (West Berkeley Service Center). Our programs touch the lives of older adults each year by serving as a resource for recreation, group meals, health & wellness education and other supportive services for adults 55 and older.

Aging Services Division
Health, Housing and Community Services Department

WORKSESSION
July 17, 2018

At our senior centers, staff provide local resources and provide individualized assistance to seniors and caregivers. Classes provided through the Berkeley Adult School, and other enrichment activities, are scheduled daily at the Centers. Lunchtime dining for senior center members is provided at a reasonable price (often free) at both senior centers; approximately 200 members are fed each day (over 40,000 meals per year).

Our Social Services staff provides consultation, referral, and case management for seniors in distress. Services include, but are not limited to, transportation, housing, food accessibility, access to healthcare, and legal assistance.

The Division's Meals on Wheels staff and volunteers provides approximately 60,000 home-delivered, well balanced meals to homebound seniors, 60 years of age or older, in Berkeley, Albany and Emeryville.

Berkeley senior centers provide transportation and access to recreational and educational activities in the community. Our paratransit services assist Berkeley residents with disabilities, and those 70 years of age or older, by providing taxi scrip and van voucher programs that enhance access to things seniors need and want. In FY17, over 13,400 taxi rides were provided to taxi scrip users, and over 1,200 van vouchers were used.

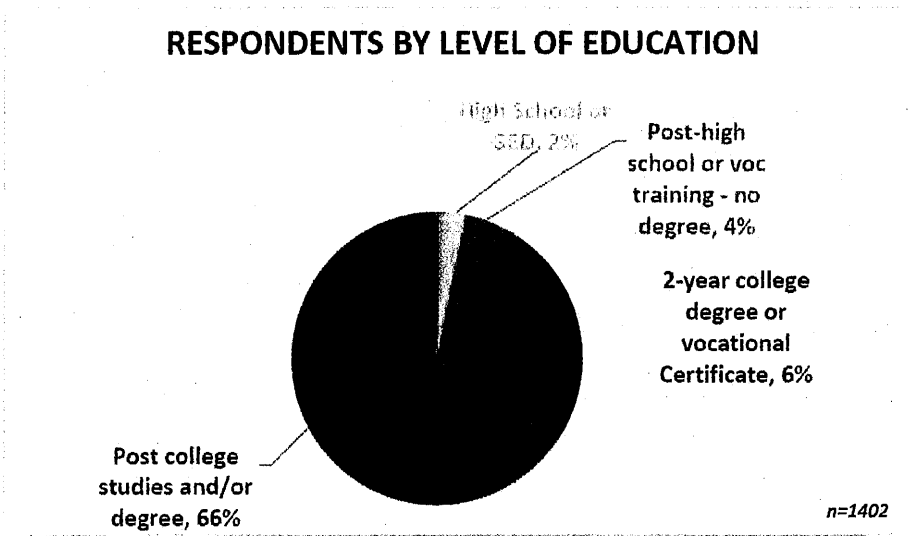
Finally, the Aging Services Division provides many opportunities for volunteers to support seniors, and thereby remain engaged in our community. Each year, hundreds of volunteers support the activities and services provided at the North and South Berkeley Senior Centers and help to deliver thousands of meals for the Meals on Wheels program.

SURVEY RESULTS

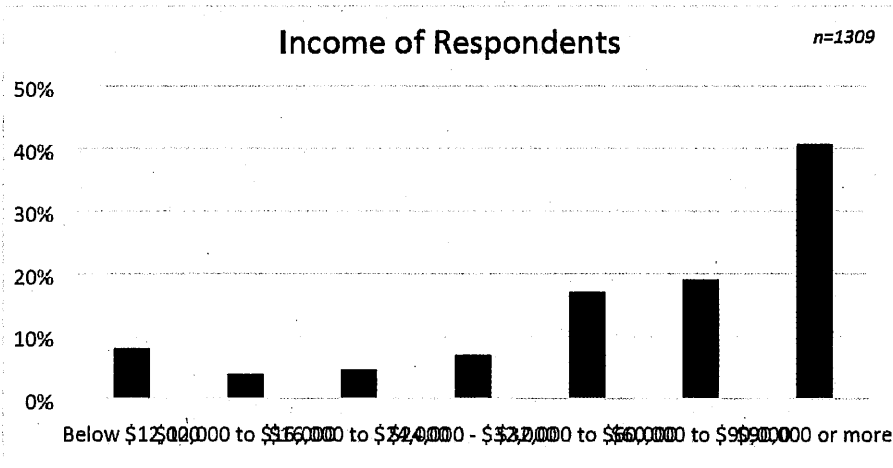
Respondent Characteristics

A total of 1416 surveys from Berkeley adults age 50 and over were received and analyzed in April 2018. 30% of the respondents are between the ages of 50-64, 57% between ages 65-79, and 13% age 80 or more. 73% of those surveyed are female.

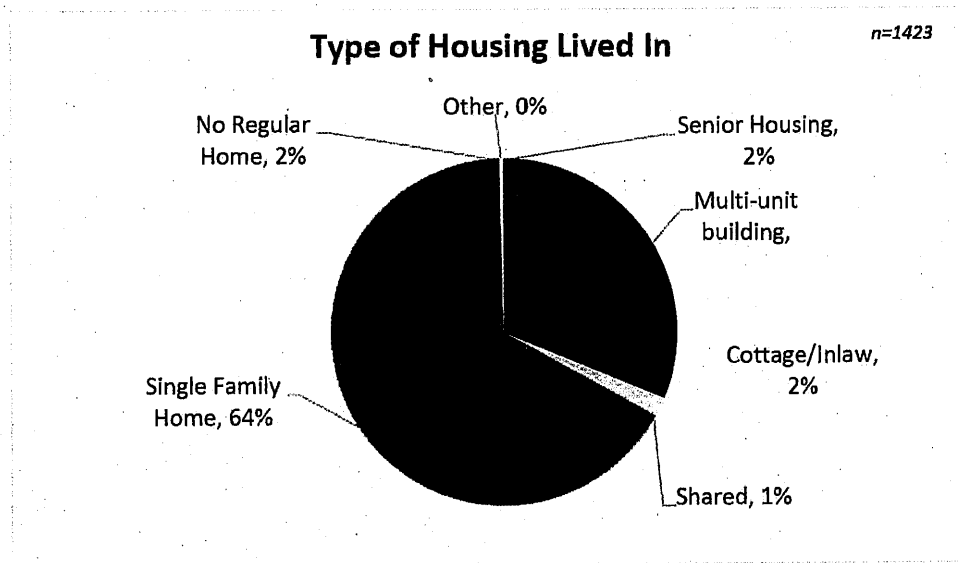
Approximately 66% of the respondents indicated a post-college level of education.



Approximately 60% of the survey respondents reported an income of \$60,000 or more in the previous year.



A majority of the survey respondents indicated that they live in single family homes. One-third of the respondents indicated living in multi-unit housing complexes.



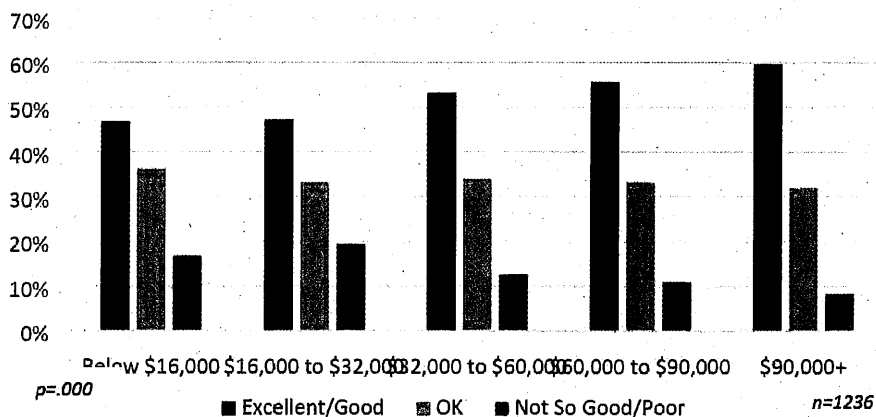
Key Survey Findings

The community survey included various questions that address each domain. As mentioned previously, survey respondents highlighted concerns and priorities under the housing, transportation, and outdoor spaces domain areas. These findings are summarized below, by domain area:

Housing

The majority of the survey respondents in each income group indicated that Berkeley was an "Excellent" or "Good" city to age in. However, over 30% of respondents reporting an income of \$32,000 or below in the previous year indicated that Berkeley is a "Not so good/poor" place to age.

**How Respondents Rate Berkeley as a Place to Age
by Income Group**



When asked about main reasons for their rating of Berkeley as a place to age, respondents indicated that they appreciated the availability of low-income and senior housing in the City. However, respondents also pointed out that the availability of such housing was low, and that housing and property tax costs are too high. These reasons, along with mentions of gentrification and homelessness, support respondents' indication of Berkeley as a "Not so good/poor" place to age.

It is important to note that those survey respondents in the \$16,000-\$32,000 income bracket rate Berkeley the lowest for aging. As income increases, the number of respondents indicating that Berkeley is an "Excellent/Good" place to age also increases. The chart above highlights the income disparities that exist in Berkeley; as mentioned in the Health Status Report, the environments and neighborhoods in which people live, work, learn, and raise their families impact their access to resources such as effective health care, and ultimately affect their overall quality of life.

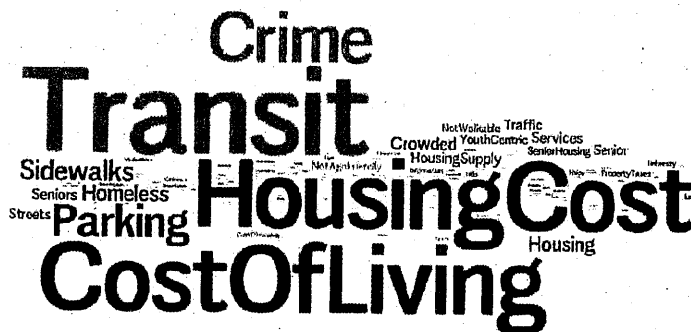
Additionally, survey respondents were asked about factors that would influence their decision to move out of Berkeley. Over 60% of respondents identified their need for housing to live independently, lowering the cost of living overall, and needing a less expensive home, as their top three influencing factors.

Outdoor Spaces

Word clouds were created to illustrate the most frequently mentioned positive reasons from those survey respondents who reported the City of Berkeley to be an "Excellent" or "Good" place to age (55% overall):



Word clouds were also created to illustrate the most frequently mentioned negative reasons from those survey respondents who reported the City of Berkeley to be a be "Not So Good" or "Poor" place to age (11% overall):

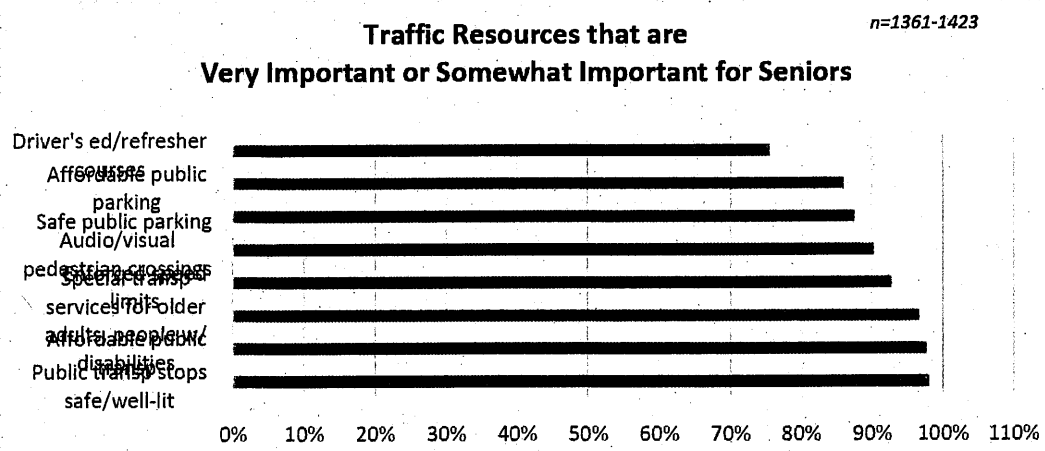


While respondents acknowledge that the City of Berkeley is an accessible community that is resource and activity-rich, they also identified affordable housing, transportation services, and safety as significant needs in the Berkeley community.

Transportation

Respondents were asked how they get around for things like shopping, visiting the doctor, running errands or socializing. While the majority drive themselves, a large percentage rely on walking, and half report using public transit. Fewer than 30% use a taxi or ride service, but they may not know about the transportation and paratransit services that the City, and other City partners, offer.

Survey respondents were also asked about the importance of certain traffic resources:



Transportation is a high priority for older adults with nearly all wanting more transit enhancements. Approximately 100% state that the following are very important: Public transportation stops are safe and well lit, public transportation is affordable, and special transportation for seniors.

Key Interview Findings

In addition to the community survey, a total of 18 informational interviews with City staff from 9 City Departments were conducted. Data on projects that have been completed and are currently being planned/pursued that address relevant older adult issues and concerns was collected. The following list summarizes these projects by domain area.

Housing

Projects/Elements currently in place

- Senior and disabled home loan rehab program: long term, low interest loans to fix houses of low income seniors so they can age in place.
- Short term rental application support/workshops through Finance Department
- Housing Assistance is available through the Berkeley Housing Authority, Center for Independent Living, ECHO housing (fair house counseling), NID (housing counseling Agency focused on foreclosure counseling) and the Unity Council (foreclosure workshops)
- 738 dedicated, affordable senior housing units in Berkeley, but with wait lists of 6-8 years

Projects in process with Age Friendly Elements

- Disability Commission and Planning Commission considering amendments to ADU's - goals is to increase housing stock that is accessible.
- Expansion of City Planning's housing safety program with intent to proactively protect low-income housing stock.

Outdoor Spaces

Projects/Elements currently in place

- Recreational programs through the Parks & Rec department now offering more adult classes: painting, yoga, aquatics, Tai Chi, etc.
- 52 Parks as well as trails and community gardens are available
- Sidewalks, curb cuts, street lighting, benches, & traffic calming devices are well developed in most of the city
- New developments & redevelopments, including businesses & housing developments, are required to build or remodel according to ADA standards

Projects in process with Age Friendly Elements

- Parks & Rec Department considering adding paid classes and programs targeting the older adult population
- City Planning Department using "Crime Prevention through Environmental Design" to address safety issues, uncomfortable spaces, dark alleys, etc.
- Measure T1 holding public hearings; goal to improve existing infrastructure and facilities

Transportation

Projects/Elements currently in place

- Strategic Transportation Plan strives to enable equal access for Berkeley community members of any age, background, and ability to move throughout City
- Paratransit, senior shuttle, and taxi scrip services available through City's Aging Services Division

Projects in process with Age Friendly Elements

- Planning, Public Works Departments developing master pedestrian plan in commercial areas; safety, walkability, lighting, etc.
- Planning, Public Works Departments reviewing sidewalks in poor condition, which have been an issue for people with disabilities and elders who are challenged by broken sidewalks
- Aging Services transportation services to implement mobility management and travel training for seniors

POSSIBLE FUTURE ACTION

The recommendations listed below were developed by the Age Friendly Berkeley collaborative. These recommendations align with both the key findings from the community survey and the City staff informational interviews.

Housing

- Incorporate universal design into new building codes
- Support efforts to overturn policy that allows people to raise the rent to market when someone in a rent-controlled space moves out
- Create a publicly accessible, understandable database where seniors can see rental opportunities rather than the need to call each establishment individually

Aging Services Division
Health, Housing and Community Services Department

WORKSESSION
July 17, 2018

- Allow & promote a mix of uses in buildings and neighborhoods through zoning codes and planning tools to provide access to necessary services (grocery stores, pharmacies, etc.) with multiple transportation options in neighborhoods
- Work with additional personnel and leadership outside government agencies to help coordinate housing needs along a continuum, from shared housing to assisted living

Outdoor Spaces

- Include input from older adults while developing the master pedestrian plan for input about cleanliness, wayfinding, safety, walkability, etc.
- Improve park bathrooms and facilities in general for the older population
- Create safe routes to common destinations (e.g., community centers, libraries)

Transportation

- Advance the affordability, availability, reliability, frequency, and travel destinations for public transit
- Allocate additional funding to improve transportation infrastructure (benches, shelters, traffic signals, and pavement on pedestrian sidewalks)
- Extend educational programs to help individuals learn about public transit options

The City's Aging Services Division remains committed to promoting quality services and resources to encourage active aging for Berkeley's older adults. The Division is also committed to working with partners to create sustainable age-friendly elements in the Berkeley community that enable access to resources which support a full and healthy life for everyone. As our older adult population increases, it is important for the city to continue to focus on their needs, and provide accessible and affordable opportunities for them to participate actively in our community.

BACKGROUND

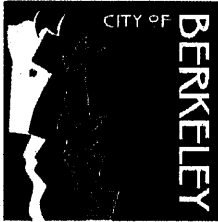
To become a member of the World Health Network, the City completed an application that demonstrated Berkeley's commitment to older adults. Through the City's dedicated services to older adults, its robust non-profit sector, and innovative planning, the City demonstrated Berkeley's commitment to the older adult community and was accepted into the World Health Network in November 2016.

ENVIRONMENTAL SUSTAINABILITY

There are no environmental sustainability impacts as part of this report.

CONTACT PERSON

Tanya Bustamante, Aging Services Manager, HHCS, (510) 981-5178



Office of the City Manager

INFORMATION CALENDAR

February 14, 2017

To: Honorable Mayor and Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Submitted by: Paul Buddenhagen, Director, Health, Housing and Community Services

Subject: Referral Response: Analysis of City-Owned Property for Potential for Housing Development

SUMMARY

On April 5, 2016 City Council requested an inventory of City-owned properties in order to evaluate their potential for affordable housing development. In the past, the City has sold (for example, for Oxford Plaza and Harper Crossing) and leased (in the case of William Byron Rumford Senior Plaza) City-owned property to support affordable housing.

The City owns 119 properties scattered throughout Berkeley. (In many cases, these properties are made up of multiple legal parcels.) Staff reviewed the inventory and assessed each site's development potential, based on criteria prioritizing sites that are mostly likely to accommodate a multifamily rental project and most competitive for affordable housing funding. HHCS staff reviewed the sites' zoning designation, square footage, current use, and whether or not properties were protected as parks or open space under Measure L, the Berkeley Public Parks and Open Space Preservation Ordinance. Six properties were identified citywide that met the basic criteria. One is the Berkeley Way parking lot, currently the subject of an agreement with BRIDGE Housing related to its development as affordable housing. The other five all had other significant challenges to development. All would require more review before taking any further action.

Staff did not review properties for the potential to sell. Oakland's housing plan, Oakland at Home, recommended selling City-owned properties not suitable for affordable housing development and placing 30% of the proceeds in a housing trust fund.

CURRENT SITUATION AND ITS EFFECTS

This report responds to a referral that originally appeared on the April 5, 2016 Council agenda and was sponsored by Councilmember Wengraf.

For this project, HHCS staff started with a detailed list of City-owned parcels that had been compiled by the Public Works Department from multiple sources, and updated it with information from the Berkeley Municipal Code as well as internal records. The

complete list is attached (see Attachment 3). It is the most comprehensive list that has been compiled to date.

Initial Assessment: Selected Properties

HHCS staff identified six properties that met basic criteria for housing development suitability and grouped them in three categories, based on the criteria briefly described above, and described in depth in the Background section of this report. The following describes the six properties which best met the criteria identified. None of these sites were identified as housing opportunity sites in the Housing Element, primarily because of existing City uses and zoning constraints. The City already has an agreement with BRIDGE Housing for the development of Berkeley Way, and the other five have significant challenges to development. These sites are also listed in Attachment 1.

Group 1. Two properties met all basic criteria. They are: 1) located within zones allowing multifamily development; 2) larger than 15,000 square feet; 3) not protected under Measure L; and 4) have no existing structures.

- **Berkeley Way Parking Lot (2012 Berkeley Way):**

The City and BRIDGE Housing have a Disposition and Development Agreement for a project on this site that will incorporate affordable housing, permanent supportive housing, transitional housing, homeless services, and replacement public parking. On September 27, 2016, City Council awarded \$835,897 in Housing Trust Funds to support additional predevelopment activities, including architectural work, environmental studies, and planning fees.

- **Elmwood Parking Lot (2642 Russell Street)**

Five City-owned parcels could be merged to create a 27,000 square foot lot. The parcels currently form a narrow parking lot situated between a row of shops facing College Avenue, and a residential neighborhood composed primarily of 1-2 story single family homes and small multifamily buildings. This parking lot supports the Elmwood commercial area. At a minimum, this site would need to be rezoned to support multifamily housing development at a large enough scale to make affordable housing feasible.

While the square footage of the parcel initially seemed promising, several of the adjacent residential buildings are situated on the lot lines, and the businesses use the City's property for trash pickup and delivery access. Setbacks would likely be required on one if not both sides. In addition, the lot's irregular shape and proximity to existing commercial and residential uses would constrain its footprint and height to the point at which an affordable development may be infeasible, particularly with replacement parking for the commercial district. Combined, these limitations are likely to make affordable housing development infeasible at this time.

Group 2. Two additional properties are 1) located within zones allowing multifamily development; 2) larger than 15,000 square feet; and 3) not protected under Measure L; but they have active City uses. A third property, Center Street Garage, also met these criteria but was not considered because it is currently under construction.

- **West Berkeley Service Center (1900 Sixth Street).** The West Berkeley Service Center is located on a parcel that is 31,000 square feet, in an area that is a mix of commercial, industrial, and residential. Some of the parking spots are currently being used for City vehicles. The neighboring buildings are 1-2 stories tall, but 4-5 story buildings are located one block away along University Avenue. Though the existing zoning (MUR - Mixed Use Residential) permits multifamily development, changing the zoning could help maximize the site's development potential. Demolishing and replacing the service center, currently used for senior social services, the Black Infant Health Program, Public Health Nurses and the Meals on Wheels program, would add significantly to the cost of housing development at the site.
- **Telegraph-Channing Garage and Shops (2425 Channing Way)**
This six-story parking garage also includes retail spaces on the ground floor. Built in the late 1960s, the garage provides parking for the stores and restaurants along Telegraph Avenue near the UC Berkeley campus. Conceivably, the site could be redeveloped to include replacement commercial spaces and parking with housing over it.

However, since the structure is a key resource for local businesses, the costs of temporary commercial relocation during construction, and the costs of replacing parking and commercial spaces would make development very costly and could be infeasible in combination with affordable housing. In order to also add new residential units, the replacement structure would likely need to be several stories taller than the current structure, which is already among the tallest buildings in the neighborhood. These issues present significant challenges to using the site for affordable housing in the foreseeable future.

Group 3. These properties are both larger than 15,000 square feet and vacant, but would require zoning changes before multifamily housing could be constructed and have constraints from Measure L. The North Bowling Green is protected from development under Measure L, and would require a vote of the people to change its designation and make it legal to develop. The Santa Fe Right of Way requires further analysis to determine Measure L's applicability. Unlike other parcels protected under Measure L, both of these properties are fenced off from the public and not in active use.

- **North Bowling Green (1324 Allston Way)**
Within the Corp Yard, along Allston Way, the North Bowling Green is a vacant lot of approximately 21,000 square feet that is not actively used by the City. The site

was used as a lawn bowling green starting in 1929, but has not been maintained as such since 2008. This site, along with the South Bowling Green and clubhouse, is leased to the Berkeley Lawn Bowling Club, though Parks is negotiating a new lease that will not include the North Bowling Green. The site contains elevated levels of pesticides and metals, and the contaminated soil would need to be excavated or encapsulated prior to active use or development, which does not rule out affordable housing development but would add to the cost. The entire Corp Yard site is within an R-2 zone, so the North Bowling Green would need to be split from the Corp Yard parcel and rezoned to allow for multifamily housing. The 150-unit Strawberry Creek Lodge (affordable senior housing) is located within a block of the vacant site, though the immediately adjacent residential units are single-family homes.

- **Santa Fe Right of Way**

The City owns six vacant, non-contiguous parcels that were part of the right of way for the former Santa Fe Railroad. The lots cut through the middle of blocks at a diagonal, and are separated by several streets: Ward, Derby, Carleton, Parker and Blake. Collectively, the parcels comprise approximately 75,000 square feet of undeveloped land. The parcels are zoned R-1 and R-2, which do not permit multifamily construction. The neighborhood is primarily single family homes with a few 2-story multifamily buildings. Although it could be possible to combine these sites into a single scattered site project, it would be difficult to achieve the density required to make a scattered site project large enough to be competitive for tax credit and other affordable housing funding.

BACKGROUND

The initial data collection resulted in a list of 229 individual parcels, which was reduced to 119 after staff analysis. Several Berkeley Housing Authority and BUSD properties associated with Berkeley 75, former public housing, were removed from consideration, and adjacent parcels were combined into single entries to better assess their development potential. Staff then researched each property for specific data, including zoning and property square footage.

From the list of 119 parcels, some City-owned properties were excluded from further analysis because they were not available or clearly not suitable for development as housing. Sites not considered for future housing development included City offices at Center and Milvia, street segments, sidewalks, fire and police facilities, and sites leased to existing affordable housing projects.

The City owns approximately one acre of air rights to develop over the western parking lot at Ashby BART, which is zoned C-SA. The site was not included in this report because it is being analyzed as part of the Adeline Corridor planning process. The City does not own air rights at North Berkeley BART.

Methodology and Criteria

The remaining 92 properties were then ranked based on a set of criteria established to identify the sites with the greatest development potential (and fewest development barriers). The following criteria were used:

Zoning

Given the City of Berkeley's general plan and municipal code, multi-family housing can only be built within certain zones¹. Properties outside these zones were ranked lower since they would require zoning changes in order to be suitable for higher density development.

Size of parcel/ability to support 50+ units of housing

Staff prioritized sites that can accommodate 50+ units of housing for affordable housing development. In this analysis, we looked at sites of 15,000 square feet as having the greatest potential, and gave consideration to sites over 10,000 square feet. Sites smaller than this are unsuitable for affordable multifamily housing development because:

- Even with greatly reduced or donated land, affordable housing development requires public funding. There are limited funding sources for affordable housing, and most multifamily housing developers pursue Low Income Housing Tax Credits as a significant source. Tax credit funding is highly competitive, and non-tax credit projects can be difficult to finance. California intends to start incentivizing larger developments by awarding higher points to projects with 50 or more units. Staff estimated that sites under 15,000 square feet would not allow for the density required to meet the 50-unit minimum for a competitive project. Sites between 10,000 and 15,000 were included but ranked lower, as they could be combined for a scattered site project.
- The long length of time required for obtaining financing for Harper Crossing (41 units) and Grayson Street Apartments (23 units) are probably at least partially related to their small size. Smaller projects are generally less competitive for housing funds because of their higher per unit costs and, in the case of the Affordable Housing and Sustainable Communities program, due to their smaller impact on reducing greenhouse gas emissions.
- Similarly, Oakland's housing plan recommended using sites that can accommodate 50+ units for affordable housing, and selling the others for revenue to support housing.
- One local affordable housing developer, when asked about minimum size, said "we've found that in higher-density areas (like Berkeley) sites should be at least 15,000 sq ft. We will look at smaller sites if there are special circumstances but as a rule of thumb it is hard to create a feasible multifamily rental project on a site

¹ Zones that allow multifamily housing are R-3, R-4, R-5, C-1, C-N, C-E, C-NS, C-SA, C-T, C-SO, C-W, C-DMU, and MU-R

under that size.” Another emphasized the need to look at the development capacity, citing a project on 13,000 square foot plot with 62 one-bedrooms, feasible only because it has 6 stories (typically not possible in Berkeley).

Parks and open spaces, restricted by Measure L

In 1986, Berkeley residents passed Measure L, the Berkeley Public Parks and Open Space Preservation Ordinance, ensuring that all existing City open space would be preserved (not developed). Measure L requires a vote of the people to use or to develop a public open space or park for any purpose other than public parks or open space, unless a State of Emergency has been declared. In this context, the Homeless Shelter Crisis declared by City Council in 2016 does not qualify as a State of Emergency, and would not supersede Measure L. Staff consulted with Parks to confirm that 23 properties larger than 10,000 square feet are restricted under Measure L. Staff did not ask Parks to review the following properties in hillside zones due to topographical constraints on development: Grotto Rock Park, Indian Rock Park, Remillard Park, Cragmont Park, and Great Stone Face Park.

Current Use

Berkeley is largely built out, and most City-owned properties have buildings and active uses. Staff prioritized properties that do not have any structures, followed by properties that are active City facilities, and finally properties leased to non-City entities. Staff did not review the 21 leases noted in the property inventory, and did not assess the development potential of the sites once the leases expire, as that was beyond the scope of the current analysis.

Properties Less Suitable for Development

The remaining 113 properties were considered less suitable for development because they did not meet enough of the priority criteria. More than half of the remaining properties were eliminated because they fell below the threshold of 10,000 square feet (49 properties) or because they are actively used open space or parks and are protected under Measure L (22 properties, excluding the Santa Fe ROW). Other properties were eliminated because of their current use, including a number of City facilities on lots larger than 15,000 square feet. Attachment 2 includes a list of every City-owned property over 15,000 square feet in area.

ENVIRONMENTAL SUSTAINABILITY

Any site would require environmental analysis to assess its suitability for development, and identify contaminants or issues needing remediation.

POSSIBLE FUTURE ACTION

Staff will continue to work with BRIDGE Housing and the Berkeley Food and Housing Project on the redevelopment of the Berkeley Way Parking Lot. Staff plan to report back to City Council with a recommendation on the disposition of two former

Referral Response: Analysis of City-Owned Property
for Potential for Housing Development

INFORMATION CALENDAR
February 14, 2017

Redevelopment Agency properties the City owns on 5th Street. Staff welcome any additional information that could further update the property information shown in Attachment 3.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Fiscal impacts of future action will depend on the course of action identified. Developing new affordable housing on City-owned land will require additional City funding contributions.

CONTACT PERSON


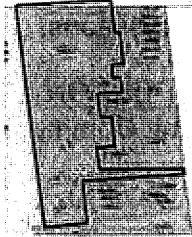

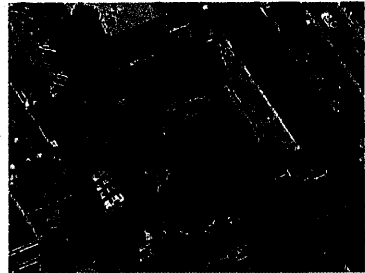
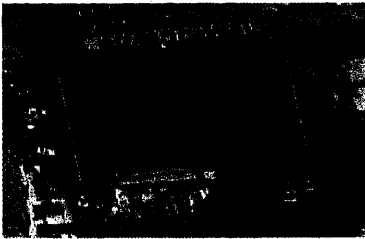
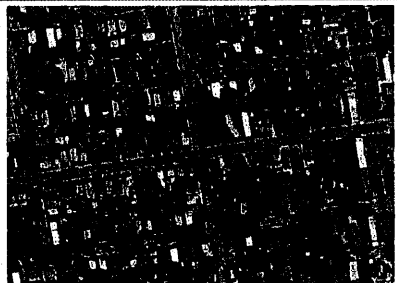
Jenny Wyant, Community Development Project Coordinator, HHCS, 510-981-5228

Attachments:

- 1: Selected Property List
2. City Properties Larger Than 15,000 SF
3. Inventory of City Properties
4. Original Referral Report from April 5, 2016

Page 23 of 27
Attachment 1:

Selected Property List

Priority Group	Name (Address)	Zoning	Lot SF	Current Use	Image	Bldg SF
1	Berkeley Way Parking Lot (2012 Berkeley Way)	C-DMU Buffer	40,945	Parking Lot		
1	Elmwood Parking Lot (2642 Russell, 5 parcels)	C-E	27,374	Parking Lot		
2	Telegraph-Channing Garage and Shops (2425 Channing Way)	C-T	32,685	Parking Garage		189,867
2	West Berkeley Service Center (1900 Sixth St)	MUR	31,020	City Facility		
3	North Bowling Green (portion of City Corp Yard, 1324 Allston)	R-2	21,000	City Facility		46,604
3	Santa Fe Right of Way (Ward, Derby, Carleton, and Blake, 6 parcels)	R-1/R-2	75,086	ROW		

**Attachment 2:
All City-Owned Properties Larger Than 15,000 SF**

City Facilities

- Berkeley Fire Station Number 5 (2680 Shattuck Ave)
- Berkeley Fire Station Number 6 (999 Cedar St)
- Berkeley Fire Warehouse (1011 Folger Ave)
- Berkeley Police Department / Old City Hall (2100 / 2134 MLK Jr. Way)
- Berkeley Public Library – Central Branch (2090 Kittredge St)
- Berkeley Public Library-North Branch (1170 The Alameda)
- Berkeley Transfer Station (1201 Second St)
- City Corp Yard (1326 Allston Way)
- City Office Building (1947 Center St.)
- Civic Center Building (2180 Milvia St)
- Fire Department Station No.2 (2029 Berkeley Way)
- Firehouse Number 7 (3000 Shasta Ave)
- North Berkeley Senior Center (1901 Hearst Ave)
- North Bowling Green (part of City Corp Yard, 1324 Allston)
- South Berkeley Senior Center (2939 Ellis St)
- West Berkeley Service Center (1900 Sixth St)

Existing Affordable Housing

- Oceanview Garden Apartments (1816 Sixth St)
- University Avenue Cooperative Homes Apartments (Addison at Sacramento)
- William Byron Rumford Senior Plaza (3012 Sacramento St)

Leased Properties

- Berkeley Black Repertory Group Theater (3201 Adeline St)
- Berkeley Recycling Center (669 Gilman St)
- Nia House Learning Center (2234 Ninth St)
- Veterans Memorial Building (1931 Center St)
- Women's Daytime Drop-In Center (2218 Acton St)

Parking Lots/Garages

- Berkeley Way Parking Lot (2012 Berkeley Way)
- Center Street Garage (2025 Center St)
- Elmwood Parking Lot (2642 Russell)
- Oxford Plaza Parking Garage (2165 Kittredge)
- Telegraph-Channing Garage and Shops (2425 Channing Way)

Parks and Open Space



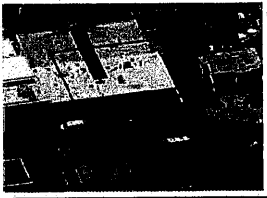
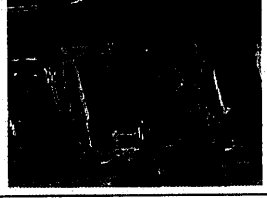




- Aquatic Park* (80 Bolivar Dr)
- Berkeley Way Mini Park (1294 Berkeley Way)
- Cedar Rose Park* (1300 Rose St)
- Codornices Park and Berkeley Rose Garden (1201 Euclid Ave)
- Community Garden (1308 Bancroft Way)
- Cragmont Rock Park (960 Regal Rd)
- Dorothy Bolte Park (540 Spruce St)
- George Florence Park (2121 Tenth St)
- Glendale- La Loma Park (1310 La Loma Ave)
- Great Stoneface park (1930 Thousand Oaks Blvd)
- Greg Brown Park (1907 Harmon St)
- Grotto Rock Park (879 Santa Barbara Rd)
- Grove Park (1730 Oregon St)
- Harrison Park (1100 Fourth St)
- Hillside Open Space on Euclid Ave
- Indian Rock Park (950 Indian Rock Ave)
- James Kenney Park* (1720 Eighth St)
- John Hinkel Park (41 Somerset Pl)
- Live Oak Park* (1301 Shattuck Ave)
- Marina*/Cesar Chavez Park (11 Spinnaker Way)
- MLK Jr. Civic Center Park (2151 Martin Luther King Jr Way)
- Ohlone Park (1701 Hearst Ave)
- Remillard Park (80 Poppy Ln)
- San Pablo Park (2800 Park St)
- Strawberry Creek Park (1260 Allston Way)
- Terrace View Park (1421 Queens Rd)
- Virginia-McGee Totland (1644 Virginia St)
- Willard Park (2730 Hillegass Ave)

**A portion of the property is leased to a local organization.*



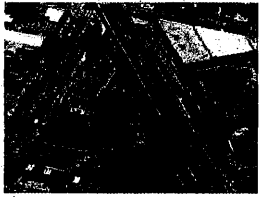
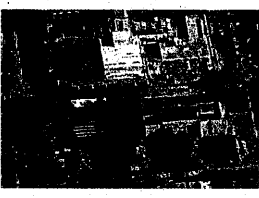


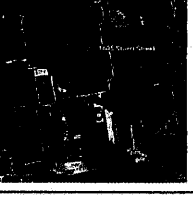

Other



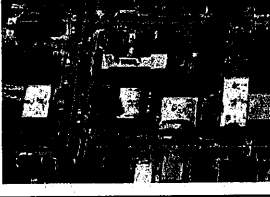
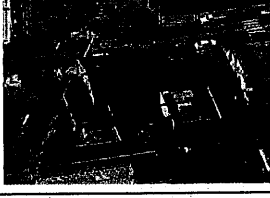



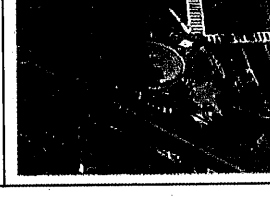
- Santa Fe Right of Way (approx. 1400 Carleton)
- Sidewalk and Road (Ashby between Harper and MLK Jr. Way)
- Roundabout (Parkside Dr)
- Sojourner Truth Court (former Santa Fe ROW)
- West St (between Lincoln and Delaware)

Attachment 3:
Inventory of City Properties

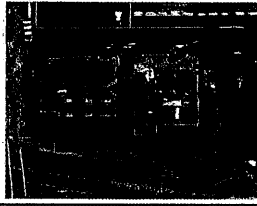
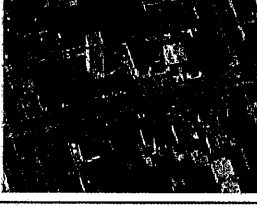

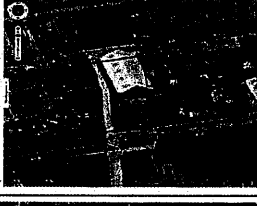


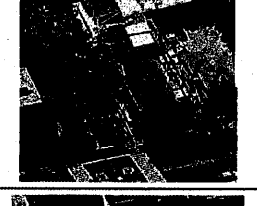

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
1631 5th Street	MUR	5,525	Other	Former RDA property. Vacant lot.		057 211701100				
1654 5th Street	MULI/ MUR	5,300	Other	Former RDA property. Vacant, single-family home.		057 211602300				
1817-1819 Fourth Street	C-W	12,500	Other	2 parcels. Former RDA properties. Leased for retail.		057 209901400 057 209901500	10,070			
63rd Street Mini Park (1615 63rd St)	R-2A	8,100	Park			052 152201100				
Abandoned Rail ROW (1018 Ashby Ave)	MULI	11,450	ROW	2 parcels.		053 163300300 053 163300400				
Abandoned Rail ROW (between Heinz and Ashby, at Ninth)	MULI/ C- W	11,855	ROW	Potential extension of Emeryville Greenway?		053 165200300				
Abandoned Rail ROW (near 920 Flogr)	MULI	743	ROW	At Berkeley-Emeryville City Line along Greenway.		052 151201002				
Ann Chandler Public Health Center (830 University Ave)	C-W	14,700	City Facility			056 196600100				

Page 22 of 27
 Attachment 3:
 Inventory of City Properties


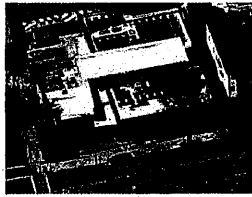




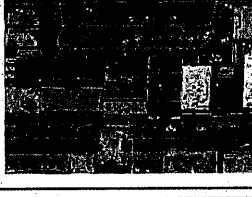
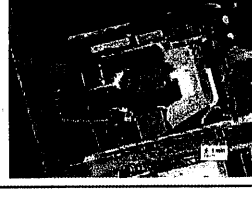
Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Aquatic Park (80 Bolivar Dr)	Along MM/ MUL/C- DMU Buffer/R- 2A/No zoning available	739,878	Park	12 parcels		060 251300101 054 177100100 060 250700101 060 250700102 054 175200100 054 175200201 054 177200100 054 177100200 060 252700101 056 194900601 056 194800300		Yes, a portion	Bay Area Outreach Recreation Program; Waterside Workshop	7/31/2021
BART ROW (Adeline at Alcatraz)	Zoning not found, in between C-SA/ R- 2A	5,553	ROW			052 153200600				
BART ROW (Gilman to Neilson)	C-N/ R- 1A/ R-2	7,350	Other			060 239107502				
Bateman Mall (3027 Colby St)	R-2A/ R-3	9,501	Park			052 157405906				
Becky Temko Tot Park (2424 Roosevelt Ave)	R-2	6,760	Park			055 190701100				
Berkeley 75 (1521 Alcatraz Ave, A,B,C,D)	R-3	7,150	Leased	scattered site affordable housing development		052 152000800		Yes	Berkeley 75 Housing Partners LP - c/o Related California	2/1/2084
Berkeley 75 (1605 Stuart St C)	R-2	6,750	Leased	scattered site affordable housing development		054 173001400		Yes	Berkeley 75 Housing Partners LP	5/12/2083
Berkeley 75 (1812 A,B,C Fairview St)	R-2A	6,500	Leased	scattered site affordable housing development		052 153001800		Yes	Berkeley 75 Housing Partners LP	5/12/2083

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Berkeley 75 (2231, 2231A, 2231B, 2235 Eighth St)	R-1A	6,500	Leased	scattered site affordable housing development		056 197001507		Yes	Berkeley 75 Housing Partners LP	5/12/2083
Berkeley 75 (3016 Harper St A, B)	R-2A	4,893	Leased	scattered site affordable housing development		053 160200600		Yes	Berkeley 75 Housing Partners LP	5/12/2083
Berkeley Adult Day Health Center (1890 Alcatraz Ave)	C-SA	9,404	Other			052 152702401	4,425			
Berkeley Black Repertory Group Theater (3209 Adeline St)	C-SA	17,097	Leased	3 parcels		052 152902100 052 152902200 052 152902300	8,000	Yes	Black Repertory Group	5/30/2023
Berkeley Fire Station Number 1 (2442 Eighth St)	R-1A	10,260	City Facility			056 193901902	5,260			
Berkeley Fire Station Number 2 (2029 Berkeley Way)	C-DMU Buffer	23,977	City Facility			057 205100901	13,685			
Berkeley Fire Station Number 3 (2710 Russell St)	R-2	9,359	City Facility			052 156702601	5,100			
Berkeley Fire Station Number 4 (1900 Marin Ave)	R-1H/ R- 1A	12,623	City Facility			061 257302600	5,442			









Page 28 of 27
 Attachment 3:
 Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Berkeley Fire Station Number 5 (2680 Shattuck Ave)	C-SA	17,300	City Facility			055 181900301	9,302			
Berkeley Fire Station Number 6 (999 Cedar St)	R-1A	26,000	City Facility			059 231201200	8,346			
Berkeley Fire Station Number 7 (3000 Shasta Ave)	R-1H	129,277	City Facility	from BMC. RealQuest Pro and City site indicate that EBMUD is owner of larger parcel, not City.		063 316001305 063 316003700				
Berkeley Fire Warehouse (1011 Folger Ave)	MULI	24,425	City Facility			053 163403000	8,021			
Berkeley Police Department / Old City Hall (2100 / 2134 MLK Jr. Way)	R-2	144,480	City Facility			057 201701601	122,783	Yes	Building Opportunities for Self Sufficiency (BOSS) - McKinley House; County of Alameda; Berkeley Unified School District	6/30/2013
Berkeley Public Library - Central Branch (2090 Kittredge St)	C-DMU Corridor	25,141	City Facility			057 202801701	75,000			
Berkeley Public Library - Claremont Branch (2940 Benvenue Ave)	R-2A	11,652	City Facility	2 parcels		052 157301600, 052 157301700	7,434			
Berkeley Public Library (2031 Bancroft Way)	C-DMV Buffer/ Corridor	14,133	City Facility			057 202800500	30,000			


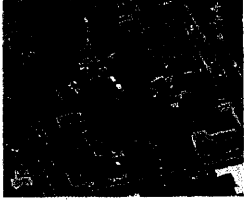






Attachment 3:
Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Berkeley Public Library-North Branch (1170 The Alameda)	R-1	17,668	City Facility			061 260503500	10,591			
Berkeley Public Library-South Branch (1901 Russell St)	R-2A	13,444	City Facility			053 167901601	5,250			
Berkeley Public Library-West Branch (1125 University Ave)	C-1	12,000	City Facility			057 208501100	9,400			
Berkeley Recycling Center (669 Gilman St)	M	48,150	Leased			060 236200110	22,595	Yes	Community Conservation Center Inc	8/31/1991
Berkeley Transfer Station (1201 Second St)	M	276,531	City Facility	5 parcels		060 238200102 060 238200303 060 236200109 060 236200111 060 236200108	51,615			
Berkeley Way Mini Park (1294 Berkeley Way)	R-2A/ C-1	18,733	Park	BMC		057 208102300	960			
Berkeley Way Parking Lot (2012 Berkeley Way)	C-DMU Buffer	40,945	Parking Lot			057 205302201				
BOSS: Harrison House/ Sankofa house (711 / 701 Harrison)	MULI	6,486	Leased	HCS Leased		060 238300102		Yes	Building Opportunities for Self Sufficiency (BOSS) - Harrison House	10/31/2013

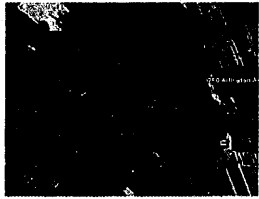





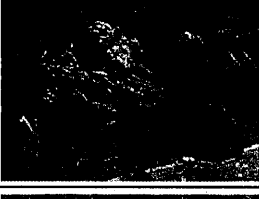

Page 36 of 27
 Attachment 3:
Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Cedar Rose Park (1300 Rose St)	R-2	175,727	Park	9 parcels		060 241605800 060 241607700 059 228601900 059 228600203 059 229302001 060 242309600 059 228600103 058 213801500 059 228600104		Yes, a portion	Ala Costa Center	No End Date
Center Street Garage (2025 Center St)	C-DMU Core	34,267	Parking Garage			057 202302003	175,500			
City Corp Yard (1326 Allston Way)	R-2	250,072	City Facility			056 199301501	46,604	Yes	Berkeley Lawn Bowling	12/31/2014
City of Berkeley Animal Shelter (1 Bolivar Dr)	C-W	8,874	Leased			060 252100201		Yes	New Cingular Wireless	No End Date
City Office Building (1947 Center St)	C-DMU Buffer	18,750	City Facility			057 202200600	116,142	Yes	International Computer Science Institute; Rising Sun Energy Center	4/30/2013
Civic Center Building (2180 Milvia St)	C-DMU Buffer	38,808	City Facility			057 202100100	77,145			
Codornices Park and Berkeley Rose Garden (1201 Euclid Ave)	R-1H	470,240	Park	4 parcels		060 246800101 060 246800102 060 246800103 060 246500900				
Colby St. (between Ashby and Webster)	Next to R-3	13,603	Other	BMC		052 157308706				

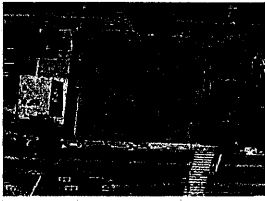
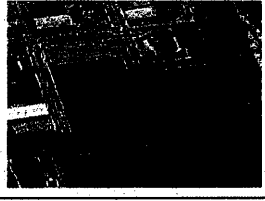

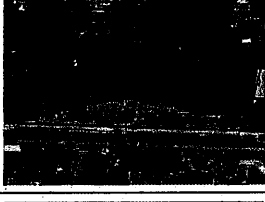
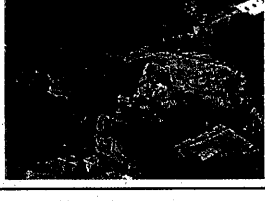

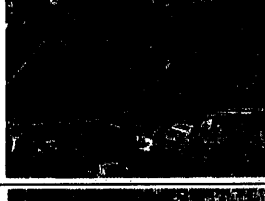

Attachment 3:
Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Community Basketball Court	R-1	11,886	Open Space			058 213903108				
Community Garden (1308 Bancroft Way)	R-2	38,526	Open Space	former rail ROW		056 192203402				
Contra Costa Rock Park (869 Contra Costa Ave)	R-1H	7,456	Park			061 257605600				
Cragmont Rock Park (960 Regal Rd)	R-1H	136,458	Park	2 parcels		063 297500900 063 297501000				
Dorothy Bolte Park (540 Spruce St)	R-1H	50,516	Park			062 293902001 062 293902301				
Elmwood Parking Lot (2642 Russell St)	C-E	27,374	Parking Lot	6 parcels		052 156800300, 052 156800501, 052 156800601, 052 156800700, 052 156800801, 052 156800401				
Epehsian's Children's Center (1907 Harmon St)	R-2A	3,000	Leased			052 152901100		Yes	Epehsian's Children's Center	No End Date
Fountain Walk (at Hopkins and El Dorado)	C-N (H)/ R 1H	9,678	Other			061 257100200				



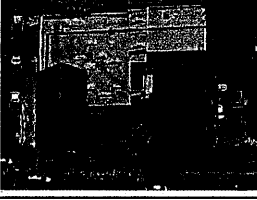

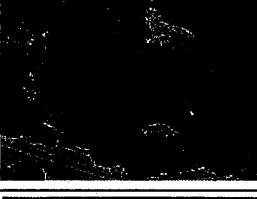


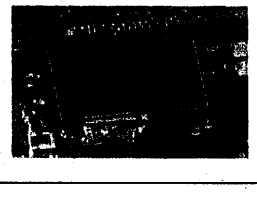
Page 38 of 27
 Attachment 3:
 Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Frederick Mini Park (780 Arlington Ave)	R-1H	9,925	Park			062 292002300				
George Florence Park (2121 Tenth St)	R-1A	21,600	Park			056 197701900				
Glendale- La Loma Park (1310 La Loma Ave)	R-1H	129,092	Park	5 parcels		060 246904300 060 246905500 060 246904200 060 246906101 064 423201100				
Great Stone Face park (1930 Thousand Oaks Blvd)	R-1H	30,471	Park			062 292000100				
Greg Brown Park (1907 Harmon St)	R-2A	20,046	Park	2 parcels		052 152902601 052 152901002				
Grizzly Peak Park (50 Whitaker Ave)	R-1H	10,692	Park	BMC		063 298304900				
Grotto Rock Park (879 Santa Barbara Rd)	R-1H	16,867	Park			061 258204500				
Grove Park (1730 Oregon St)	R-2/R-2A	121,794	Park	3 parcels		053 167600101 053 167800101 053 167800102				


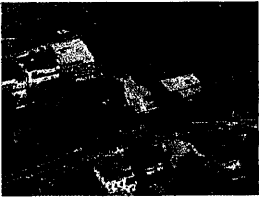



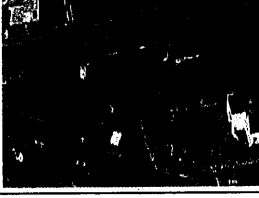

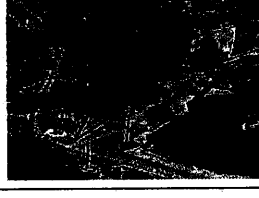
Attachment 3:
Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Harper Crossing (3132 MLK Jr. Way)	R-2A/ C-SA	14,585	Other	Satellite Affordable Housing Associates development		052 155101302				
Harrison Park (1100 Fourth St)	MULI	280,341	Park	4 parcels		060 238300102 060 238300200 060 238300300 060 238300400	9,644			
Haskell-Mabel Mini Park (1255 Haskell St)	R-2A	2,658	Park			053 162600601				
Hillside Open Space on Euclid Ave (near 660 Euclid Ave)	R-1H	21,041	Open Space	steep slope. Near 660 Euclid.		063 295601701				
Indian Rock Park (950 Indian Rock Ave)	R-1H	39,714	Park	2 parcels		061 257802100 061 258401600				
James Kenney Park (1720 Eighth St)	R-1A	159,948	Leased			058 212200100		Yes, a portion	BAHIA	5/15/2012
John Hinkel Park (41 Somerset Ave)	R-1H	180,127	Park	3 parcels		061 257900200 061 257900100 061 259803300				
Live Oak Park (1301 Shattuck Ave)	R-2H/ R-2AH	224,036	Leased			060 245503805 060 246601500		Yes	Theater First INC	1/31/2023

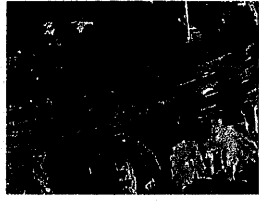

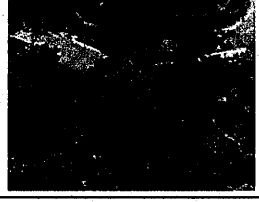




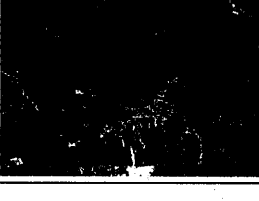
Page 36 of 27
 Attachment 3:
 Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Lower Codornices Path (at Sixth St)	MULI	2,900	Park			060 238501000				
Marina/Cesar Chavez Park (11 Spinnaker Way)	No Zoning available	191,060,069	Leased			060 254500100 060 254000201 060 252800701 060 253400103	2,529	Yes, a portion	Berkeley yacht Club; Berkeley marine Center; Berkeley Company, Highline Kites; Cal Sailing Club; Cal adventures; Skates Restaurant; Hs Lordships; Balt Shop-oung Kim; Doubletree	12/31/2058
Mental Health Adult Clinic (2640 MLK Jr Way)	R-2A	12,314	City Facility			054 181100300	11,194			
MLK Jr. Civic Center Park (2151 Martin Luther King Jr Way)	R-3/ C-DMU Buffer	121,548	Park			057 202100200				
Mortar Rock Park (901 Indian Rock Ave)	X? Next to R-1H	5,174	Park			061 258305100				
Nia House Learning Center (2234 Ninth St)	R-1A	19,855	Leased			056 197000801	7,760	Yes	Nia House Learning Center	8/1/2053
North Berkeley Senior Center (1901 Hearst Ave)	R-2A	32,803	City Facility			057 205701202				
North Bowling Green (portion of City Corp Yard, 1324 Allston)	R-2	21,000	City Facility			056 199301501	46,604			









Attachment 3:
Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Oak Park (35 Domingo Ave)	R-1H	9,894	Park			064 424200100				
Oak Ridge Steps (between El Camino Real and Oak Ridge)	R-1H	1,408	ROW			064 424301400				
Oceanview Garden Apartments (1816 Sixth St)	MUR	115,476	Other	Oceanview Garden Apartments. Former RDA property. 2 non-contiguous parcels.		057 209801202 058 211801007				
Ohlone Park (1701 Hearst Ave)	R-2/ R-2A	300,981	Park	10 Parcels		057 206702801 057 206600601 057 206503100 057 206400702 057 205601501 057 206700700 058 215002001 060 241403102 060 241707602 060 241101802				
Open Space (1100 Kalins Ave)	R-2, adjacent to C-W	5,200	Other	Only the open space is in Berkeley. Buildings are in Albany.		060 241000200				
Open Space (Santa Fe Ave at Albany border)	R-2	1,925	Open Space	adjacent to BART ROW		060 240906902				
Open Space on California (entrance to 1600 Addison condos)	R-2	3,322	Park			056 200500300				
Open Space (Hillcrest Rd)	R-1H	4,427	Other			064 424701600				




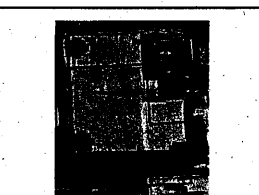
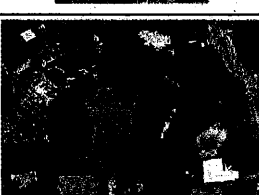



Page 27 of 27
 Attachment 3:
 Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Open Space (Sutter St at Eunice St)	R-1H	7,579	Open Space			061 256600600				
Open Space (Tamalpais Rd)	R-1H	1,760	Open Space			060 247303800				
Open Space (Twain Ave near Sterling Ave)	R-1H	3,271	Open Space			063 298400805				
Oxford Plaza Parking Garage (2165 Kittredge)	C-DMU Core	46,633	Parking Garage	2 parcels. City owns a portion of the site - parking garage. Parcel listed as 0 square feet.		057 211800100 057 211900100	46,302			
Parking Lot (Adeline and Alcatraz)	C-SA	5,831	Leased			052 152801504		Yes	Children's First Medical Group	No End Date
Presentation Park (2199 California st)	R-2	2,493	Park			056 200500200				
Prince Street Mini Park (1631 Prince St)	R-2A	6,750	Park			053 160601000				
Remillard Park (80 Poppy Ln)	R-1H	83,734	Park	3 parcels		063 297601201 063 297601100 063 297601203				






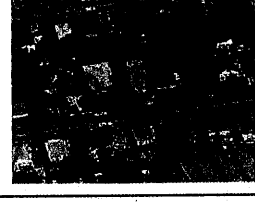
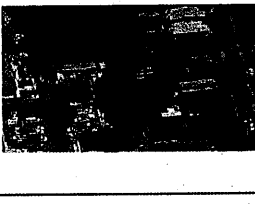
Attachment 3:
Inventory of City Properties

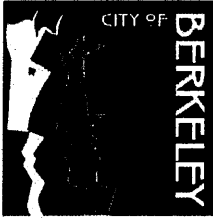
Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Roundabout (Parkside Drive)	R-1H	16,767	Open Space			064 424404200				
San Pablo Park (2800 Park st)	R-1	518,647	Park			053 166500100				
Santa Fe Right of Way (approx. 1400 Carleton)	R-1/R-2	75,086	ROW	6 parcels		054 179302700 054 178303500 054 17830360 054 179402800 054 173502000 054 179002800				
Sidewalk and Road (Ashby between Harper and MLK Jr. Way)	R-2A/ C-SA	16,500	Other			053 160100402				
Sidewalk (Le Conte Ave at La Loma Ave)	R-2AH	2,957	Other			058 220400100				
Small Parcel (Ashby Ave, between Harper and Ellis)	R-2A	222	Other			053 160200401				
small plaza (Henry and Hearst)	R-2A	1,620	Other			057 205101602				
Sojourner Truth Court (former Santa Fe ROW)	R-3/ R-1/ C-SA	36,110	ROW	includes some open space		054 173702000				

Page 25 of 27
 Attachment 3:
 Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
South Berkeley Senior Center (2939 Ellis St)	R-2A	21,690	City Facility	3 parcels		053 160302100 053 160302200 053 160302300				
Spiral gardens (2850 Sacramento St)	R-1/ C-SA	12,423	Leased			053 166903000		Yes	Spiral Gardens Community Garden	6/30/2008
Strawberry Creek Park (1260 Allston Way)	R-2/ R-2A	147,999	Park	3 parcels		056 199000700 056 199100200 056 199000403				
Telegraph-Channing Garage and Shops (2425 Channing Way)	C-T	32,685	Parking Garage			055 187900601	189,867			
Terrace View Park (1421 Queens Rd)	R-1H	39,724	Park			060 248504601				
Tevlin Street (north of Gillman)	R-1A	7,438	Other			060 241701900				
University Avenue Cooperative Homes Apartments (Addison at Sacramento)	R-4	50,842	Leased	Resources for Community Development affordable housing project		056 199600401 056 199602401 056 199601000 056 199600600 056 199600900 056 199600200 056 199602800 056 199600300		Yes	UACH, LP	11/15/2080
Veterans Memorial Building (1931 Center St)	C-DMU Buffer	24,819	Leased			057 202202000	33,254	Yes	Building Opportunities for Self-Sufficiency (BOSS); Dorothy Day House; Option Recovery Services; Berkeley Food and Housing Project; Berkeley place; American Legion Post 7; Disabled American Vets, The Ecology Center	Mo to mo

Attachment 3:
Inventory of City Properties

Name (Address)	Zoning	Lot SF	Current Use	Notes	Image	APN	Bldg SF	Leased?	Tenant	End Lease Term
Virginia-McGee Totland (1644 Virginia St)	R-2	16,248	Park			058 215700100				
West Berkeley Service Center (1900 Sixth St)	MUR	31,020	City Facility			057 209700201				
West St. (between Lincoln and Delaware)	In between R-2/ R-1	33,048	Other	BMC. 3 parcels		058 213602400 058 213701800 058 213501900				
Willard Park (2730 Hilllegass Ave)	R-2	111,000	Park			054 171102700				
William B Rumford Senior Plaza (3012 Sacramento St)	C-SA	76,666	Leased	Resources for Community Development affordable housing project		053 161401800	47,424		South Berkeley Cmty Housing Dev Corp - William Byron Rumford Sr. Plaza (Resources for Community Development)	8/26/2070
Women's Day Time Drop-In Center (2213 Byron St)	R-2	4,800	Leased			056 198403000	3,173	Yes	Women's Day Time Drop-In Center	12/24/2023
Women's Daytime Drop-In Center (2218 Acton St)	R-2	21,085	Leased	Adjacent to City Corp Yard		056 199300600	594	Yes	Women's Daytime Drop In Center	2/18/2018



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR

April 5, 2016

To: Honorable Mayor and Members of the City Council
From: Councilmember Susan Wengraf
Subject: Analyzing All City-Owned Properties for Potential for Housing Development

RECOMMENDATION

Request that the City Manager explore the opportunity for the City of Berkeley to build housing on city-owned property: conduct an inventory of city owned properties and return to City Council as soon as possible with an evaluation and analysis of those properties that are appropriate for the development of affordable housing.

BACKGROUND

Across the state of California, urban centers are experiencing a crisis in housing availability at all levels of affordability. The crisis is very severe in the Bay Area. Lack of funds and subsidies from the state and federal government has exacerbated the obstacles to developing housing at all levels of affordability. In addition, the scarcity and the high cost of land in the Bay Area and in Berkeley, specifically, is an enormous barrier to producing affordable housing. Berkeley needs to optimize its limited resources now and look to partner with housing developers to build housing on city-owned land.

The City of Berkeley has a unique opportunity. The two senior centers, "North", on MLK and Hearst, and "South" on Ellis and Ashby and the Service Center on 6th Street are all in need of significant renovation. Now is the time to evaluate these properties to determine if it is feasible to create a mixed-use, housing/community center on these sites prior to spending millions of dollars on the current structures.

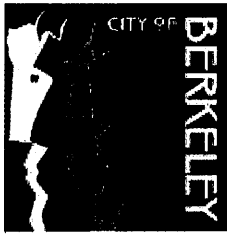
All City owned properties should be explored and evaluated for their potential as sites for housing development.

In addition, the Berkeley Unified School District owns property that has the potential to be developed as housing. The City of Berkeley should work closely with the BUSD to encourage them to move forward with their own analysis of potential housing sites that are currently under- utilized.

This severe housing crisis calls for all publicly owned land to be evaluated and considered.

FINANCIAL IMPLICATIONS: Staff time

CONTACT: Councilmember Susan Wengraf Council District 6 510-981-7160



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
May 16, 2017

To: Honorable Mayor and Member of the City Council
From: Councilmembers Susan Wengraf, Kate Harrison, Linda Maio and Ben Bartlett
Subject: Budget Referral: Feasibility Study for the Construction of Affordable Senior Housing

RECOMMENDATION:

Refer to the budget referral process a feasibility study that evaluates the financial requirements and analyzes the site/context yield of the construction of affordable housing for seniors on the sites of North Berkeley Senior Center, West Berkeley Service Center and South Berkeley Senior Center.

FINANCIAL IMPLICATIONS:

\$100,000

BACKGROUND:

The demographic for people over 65 is increasing in Berkeley. By 2030, the population of residents over 65 will be more than 26,000. The number one concern expressed by seniors is their ability to be able to stay housed in Berkeley, as they get older.

Berkeley has an opportunity to provide affordable senior housing by building over the senior or service centers. Since the city owns the land, a public/private partnership for the construction and management is an excellent possibility.

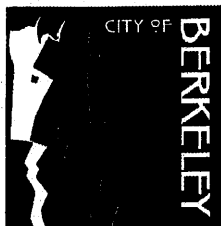
As the city moves forward with planning the expenditures from Measure T1, we should be sure that resources used on improving our current facilities do not pre-empt the possibility of future development at these three sites.

ENVIRONMENTAL SUSTAINABILITY

No adverse effect on the environment.

CONTACT PERSON

Councilmember Susan Wengraf Council District 6 510-981-7160



Planning and Development Department
Health, Housing and Community Services Department

March 7, 2019

To: Honorable Members of the Land Use, Housing, and Economic
Development Committee

From: Timothy Burroughs, Director, Planning and Development Department
Kelly Wallace, Interim Director, Health, Housing and Community Services
Department

Subject: Process for Considering Proposals to Develop the West Berkeley Senior
Center Site for Senior Housing

SUMMARY

The Committee is considering a referral that would direct the City Manager to issue a Request for Proposals (RFP) for the development of the West Berkeley Service Center site (located at 1900 Sixth Street) into a senior housing and services project, consistent with Age Friendly Berkeley recommendations. The Committee discussed this item at its February 20, 2019 meeting and requested that staff come to the March 7, 2019 Committee meeting with additional information.

Specifically, the Committee requested an estimate of the staff time required to conduct a basic analysis of the development potential for the West Berkeley Service Center site. The Committee also requested input from staff on the appropriate procurement process for soliciting ideas and proposals from housing developers for potential future development of the site.

STAFF TIME NEEDED:

Land Use staff recommend that the analysis of development potential at the site include build-out scenarios for a three-, four-, five- and six-story building at the site, using Mixed-Use Residential (MUR), West Berkeley Commercial (C-W), and Multiple-Family Residential (R-3) Development Standards. Each buildout scenario should reflect base project conditions, and conditions if Density Bonus waivers and concessions are requested, or if Use Permits are used to modify Development Standards. The proposed analysis would take approximately 40-60 hours of staff time.

PROCUREMENT PROCESS:

Staff recommends that Council consider:

- Complete any rezoning before issuing an RFP. If the zoning changes for the site are not yet settled, this may inhibit the number of interested developers. This sequence would also avoid the duplicate time and expense of designing two projects (one responding to the current zoning, one responding to the revised zoning). Completing this process first will also mean that the RFP responses are

based on more current information, since predevelopment work could proceed immediately after a contract award.

- A Request for Proposals (RFP), as opposed to a Request for Information (RFI), may be the best tool to use for soliciting development concepts from housing developers if Council wishes to use this process to award a contract, such as a Disposition and Development Agreement. An RFI is typically used to collect information from many potential bidders in anticipation of releasing a request for bids, to inform the request. An RFP is an excellent tool to use when the City wants bidders to apply their creative thinking to the proposed project and wants to award a contract. The RFP can ask the bidders to respond to multiple City priorities. Since identifying and analyzing options to develop the site will require an investment of staff time from respondents, developers are more likely to respond with more fully developed proposals if the process is used to award a contract.
- As a precursor to developing an RFP, it would help staff to understand Council's priorities for the site, particularly what project components are most important, such as maximizing the number of affordable units for seniors, providing deeply affordable units, inclusion of community services space, a memory care facility, etc. Understanding the ranking of Council priorities will help staff and bidders evaluate trade-offs and enable more responsive proposals, making the process more efficient for the City and developer alike.

CONTACT PERSONS

Timothy Burroughs, Director, Planning and Development Department, 510-981-7437
Kelly Wallace, Interim Director, Health, Housing and Community Services Department,
510-981-5107



CONSENT CALENDAR

Feb. 13, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin, Councilmember Bartlett (co-author)

Subject: Incentives for Equitable and Affordable Middle Housing

RECOMMENDATION

1. Refer to the City Manager and the Planning Commission to study and return to Council potential amendments to the Berkeley Municipal Code and General Plan to further the City of Berkeley's goals for affirmatively furthering fair housing with additional incentives for affordability and ownership opportunities, including first-time homebuyers and households inheriting properties from relatives, in "Middle Housing" zoning categories. At a minimum, consider:
 - a. A local density bonus for on-site affordable housing for Middle Housing, including additional dwelling units, Floor Area Ratio, lot coverage, reduced or waived fees, and ministerial approval for projects with on-site deed-restricted units affordable to Low- and Moderate-Income households, and incentives for first-time homebuyer opportunities. Consider regulating maximum buildable width and/or depth to disincentivize higher-cost dwelling units.
 - b. A density bonus for additional Accessory Dwelling Units in exchange for the inclusion of deed-restricted ADUs on-site affordable to Low- and Moderate-Income households. To the extent feasible, incorporate scope of study with Council's referral to develop an Efficiency Unit Ordinance.
 - c. A density bonus for Middle Housing residential projects in which an owner-occupier receives a minimum of in-kind compensation for the parcel with on-site ownership unit(s) in the project. Consider standard form agreements and other technical assistance.
 - d. Pre-approved designs for bonus-compliant projects.
 - e. Seek to leverage consistency and compatibility with state and regional resources including the Bay Area Housing Finance Authority (BAHFA), MTC/ABAG, AC Boost, and the CA Dream For All program.
2. Refer to the Fiscal Year 25/26 biennial budget process \$250,000 for technical assistance.

FINANCIAL IMPLICATIONS

\$250,000 or \$125,000 per fiscal year, equivalent of one (1) FTE Senior Planner positions.

Berkeley's 2023 Housing Element Update, Program 30: Accessory Dwelling Units, includes the following provision: "Providing one dedicated ADU planner to respond to questions and offering office hours and other educational programs for those interested in creating ADUs."

CURRENT SITUATION AND ITS EFFECTS

Developing incentives for affordable and equitable Middle Housing is a Strategic Plan Priority Project, advancing our goal to create affordable housing and housing support service for our most vulnerable community members.

Berkeley made insufficient progress on meeting its state-mandated Regional Housing Need Allocation (RHNA) goals for low- and moderate-income housing in the 2014-2022 RHNA cycle. As recently as the city's 2020 Housing Pipeline Report, the city had only fulfilled 23% of its moderate-income RHNA goals, 21% of its RHNA goals for Very-Low Income households, and a mere 4% for Low-Income households. Berkeley's next RHNA cycle mandates roughly 3 times as many units as the previous cycle's total of 2,959 units across all income tiers.¹

As of February 17, 2023, the City of Berkeley's Housing Element Update contains Policy H-6, Low Income Homebuyers, under Goal A: Housing Affordability: "Support efforts that provide opportunities for successful home ownership."

The Element also contains Policy H-29, Middle Housing, under Goal E: Affirmatively Furthering Fair Housing: "Promote and facilitate a mix of dwelling types and sizes, particularly infill middle housing in high resource neighborhoods."

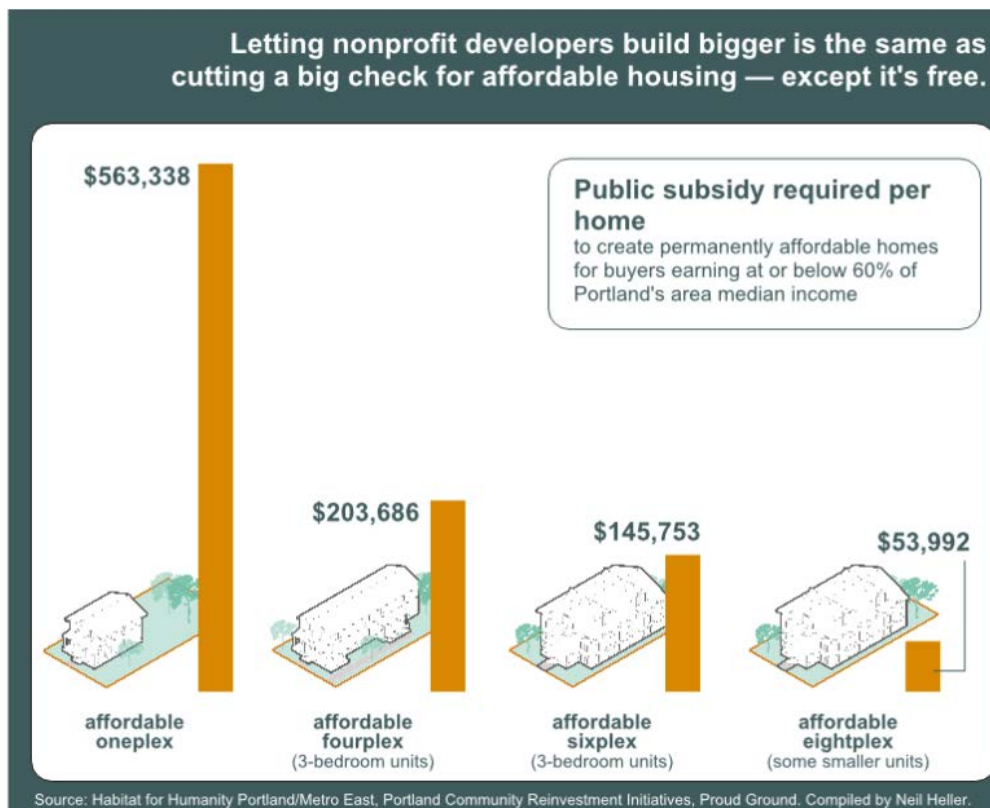
Further, the Element includes Policy H-32, under Goal F: Mitigate Governmental Constraints: "Provide incentives where feasible to offset or reduce the costs of affordable housing development, including density bonuses and flexibility in site development standards."

Leveraging both policy frameworks together can more directly mitigate spatial inequalities stemming from local and regional histories of systemic racism and segregation. With rising land costs and varying lot sizes, opportunity site planning for subsidized affordable housing in Berkeley has tended to concentrate along commercial corridors. However, including incentives for additional affordability in Middle Housing could enable greater geographic equity in affordable housing distribution, with no public subsidy needed to break ground.

¹ https://abag.ca.gov/sites/default/files/draft_rhna_allocation_presentation_to_exec_bd_jan_21.pdf

BACKGROUND

The City of Portland, Oregon adopted its Residential Infill Project (RIP), a package of middle housing zoning reforms, in August of 2020. Portland's residential zones now generally permit four dwelling units per parcel, with a Deeper Affordability density bonus for on-site affordable housing. This reform was strongly supported by Oregon's affordable housing builders, including Habitat For Humanity, which is able to provide more first-time homeownership opportunities to lower-income households in Portland thanks to the additional density and economies of scale.² A City of Portland staff report summarized: "These new housing types will complement existing neighborhoods. Smaller in size, they provide more choices for first-time homebuyers, downsizing empty-nesters and middle-wage earners... Conversely, without allowing additional housing types to occur in single-dwelling neighborhoods, one conclusion is certain: When homes are demolished or when vacant sites are developed, the resulting redevelopment will result in only one house (likely large and expensive), when options for two, three or four households could have been built in its stead."³



Data visualization from Sightline Institute

² Andersen, M. (2020). Do Portland's low-density zones need a deeper affordability option? *Sightline Institute*. Retrieved from <https://www.sightline.org/2020/01/10/do-portlands-low-density-zones-need-a-deeper-affordability-option/>

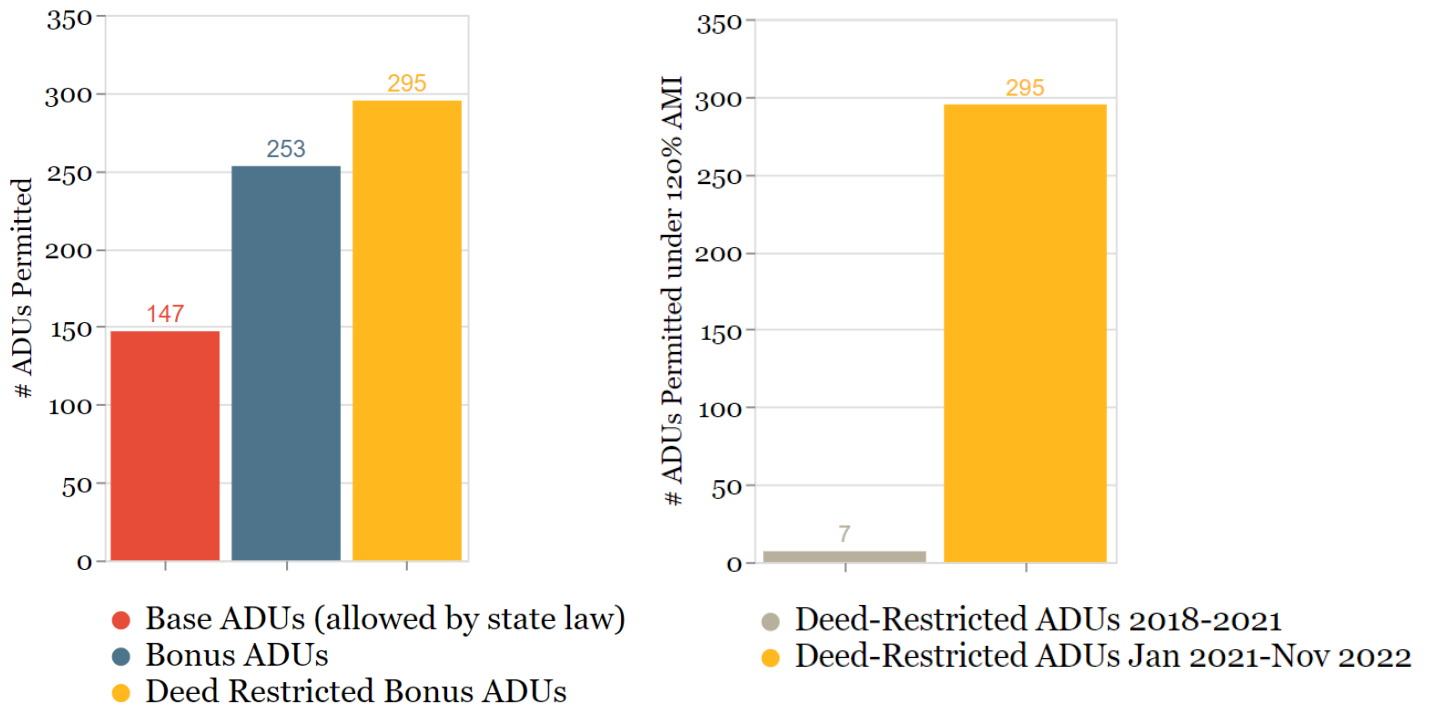
³ <https://www.portland.gov/bps/rip/documents/exhibit-b-volume-1-staff-report/download>

“The same building envelope accommodates one, two, four, and eight units.” Opticos Design

The City of San Diego was able to incentivize affordable housing production through a residential density bonus by enabling additional Accessory Dwelling Units in exchange for deed-restricted affordable units, subject to state ADU streamlining provisions under AB-68. Citywide, the bonus allows one additional market-rate ADU in addition to one deed-restricted affordable ADU, with deed restriction periods varying by level of income restriction. Additionally, in Transit Priority areas, the ADU Bonus waives the upper limit on ADUs per project so long as each additional pair of units maintains the 1:1 affordability ratio.

The UC Berkeley Turner Center for Housing Innovation reports that San Diego’s ADU Bonus has permitted 295 deed-restricted affordable ADUs since its passage in 2020, roughly double the amount of ADUs permitted as a “base” project under state law.⁴ San Diego’s ADU Bonus is similar to other “Backyard Infill” programs like the Portland RIP in that it “activates existing space by allowing lower density parcels to increase the number of homes without significantly impacting existing neighborhoods and structures”—reducing a housing development’s potential disruption of “neighborhood character.”

⁴ Alameldin, M. & Underriner, Q. San Diego’s Success in Spurring Missing Middle Housing: The Accessory Dwelling Unit Bonus Program. *UC Berkeley Turner Center for Housing Innovation*. Retrieved from <https://turnercenter.berkeley.edu/research-and-policy/san-diego-adu-bonus-program/>



San Diego ADU Bonus Data. Alameldin & Underriner (2023).

In addition to affordable rental housing, expanding first-time homeownership opportunities is critical for affirmatively furthering fair housing.

The racial wealth gap in the United States is primarily driven by inequitable access to homeownership, stemming from systemic exclusion in land use as well as discrimination in lending and appraisals.⁵ Subsidies for both supply and demand channels have been historically insufficient while support for American asset wealth primarily in white communities has been more robust and resilient. This has widened the racial wealth gap between white and Black households, and ultimately proved incompatible with universal housing security.

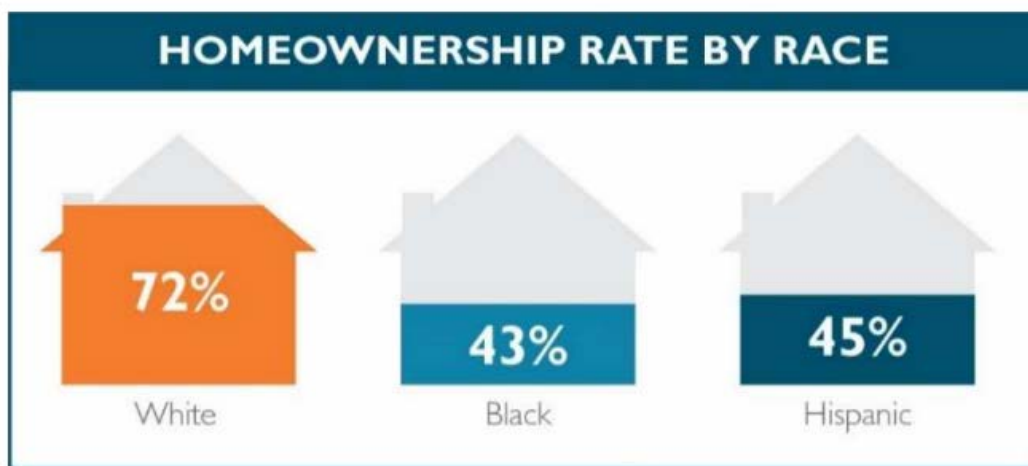
By way of example, the Great Recession of 2008/9 effected a significant transfer of wealth from lower-income Black homeowners⁶ targeted with predatory subprime loans

⁵ Ray, R. et al. (2021). Homeownership, racial segregation, and policy solutions to racial wealth equity. *Brookings Institution*. Retrieved from <https://www.brookings.edu/essay/homeownership-racial-segregation-and-policies-for-racial-wealth-equity/>

⁶ White, G.B. (2015). The Recession's Racial Slant. *The Atlantic*. Retrieved from <https://www.theatlantic.com/business/archive/2015/06/black-recession-housing-race/396725/>

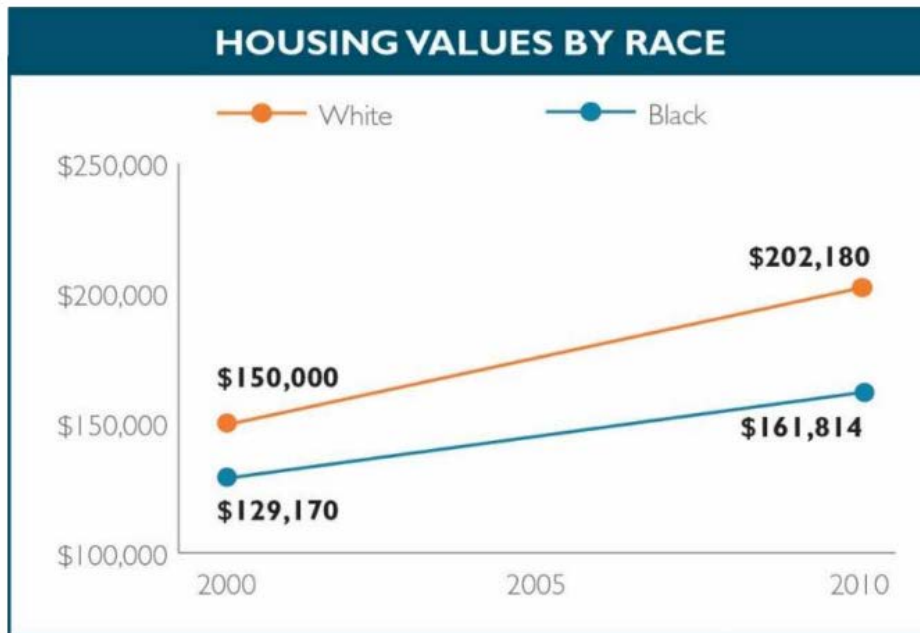
to private equity firms⁷ buying up large portfolios of "distressed" properties before the economy recovered. This historical pattern of usury and community displacement has further excluded people of color from the fruits of economic recovery and deepens the racial wealth gap.

The California state legislature has recognized the importance of first-time homebuyers in its broader efforts to redress and repair the harms of historically racist institutions, most recently by establishing the CA Dream For All program to provide down payment assistance for first-time homebuyers statewide.

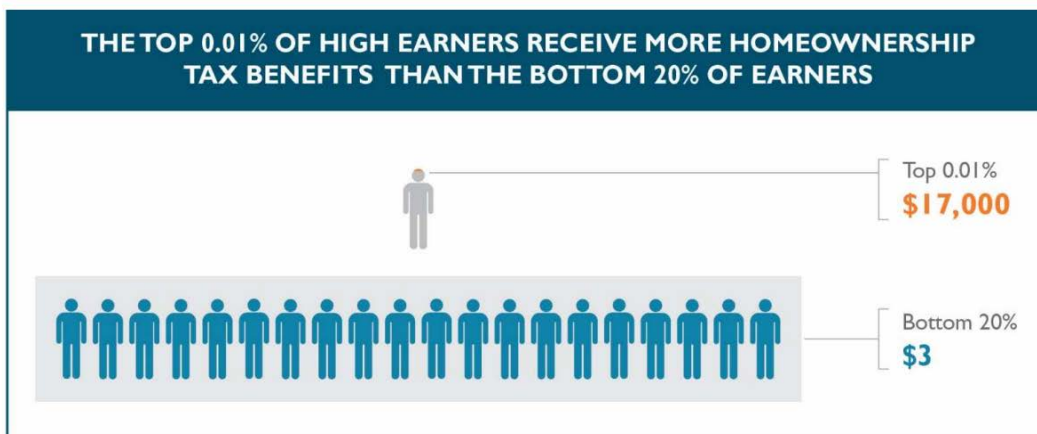


Source: Pew Research Center, 2017

⁷ Warren, E. & Fife, C. (2020). Families see a looming catastrophe. Private equity firms see dollar signs. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/opinions/2020/08/06/nation-is-facing-housing-crisis-private-equity-firms-just-see-dollar-signs/>



Source: Institute on Assets and Social Policy, 2014



Source: From Upside Down to Right-Side Up, 2014

How the racial wealth gap manifests in homeownership: The homeownership rate for white Americans was 29% higher than for Black Americans in 2017. White homeowners also have higher property values on average, and the highest-earning homeowners receive the lion's share of tax benefits.

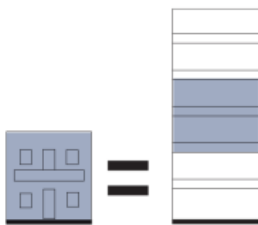
However, high housing costs in Berkeley have significantly limited the efficacy of homeownership assistance programs. AC Boost, Alameda County's Down Payment Assistance loan program, limits its maximum loan amount to \$160k-\$210k for a 0-3% down payment. In AC Boost's first and second funding cycles, out of 17 Berkeley

residents who submitted complete applications, 3 have purchased homes in neighboring cities, but not in Berkeley.⁸

Because condominiums offer significantly more affordable prices for first-time homebuyers compared to single-family homes, the Berkeley City Council recently updated its Affordable Housing Mitigation Fee to eliminate the discrepancy between ownership and rental units that disincentivized condo construction.

Encouraging equitable condominium ownership models can strengthen the City's efforts to reduce displacement and promote community-based generational wealth-building and accommodating growing families in historically disadvantaged areas. Neighbors adjacent to new development often anecdotally report that they fear the pressure to "sell out" to highly capitalized institutional investors, or otherwise lament the erosion of familiar community bonds. Thus, one policy mechanism for consideration is incentivizing a "land for housing" or "flats-for-land" swap in which an owner-occupier can cash in part of their home equity without displacement by receiving condominium units on-site as partial compensation from a developer for their property.

Modern flats-for-land exchanges emerged as equity financing in lieu of a public housing program in postwar Greece, after two world wars and a civil war left the state without resources and banks without credit lines to build housing for a rapidly growing urban population. Under the *antiparochi* system, homeowners in Athens, Thessaloniki, and other cities sold their land to developers with partial compensation provided with a deed to one or several units in the resulting *polikatoikia* apartment buildings. This increased housing available for migrants and refugees as well as employment opportunities in the construction sector. Research has found that the "flats-for-land" model enabled substantially increased housing supply and GDP per capita in postwar Greece.⁹



Antiparochi illustration¹⁰

⁸ <https://berkeleyca.gov/sites/default/files/documents/2022-11-03%20Item%2026%20Budget%20Referral%20Down%20Payment%20Assistance.pdf>

⁹ Petris, P., et al. (2020). The "flats-for-land" system in Greece: An idiosyncratic equity financing mechanism in the post-War period, *The Journal of European Economic History*, ISSN 2499-8281, Associazione Bancaria Italiana, Roma, Vol. 49, Iss. 2, pp. 175-202. Retrieved from <https://www.econstor.eu/bitstream/10419/231559/1/49-2020-2-175-202.pdf>

¹⁰ *CoHab Athens*. Antiparochi. Retrieved from <https://cohabathens.org/portfolio/antiparochi-land-for-flat/>

While statewide construction defect reform¹¹ would likely be needed to further increase the scale of condominium construction in California, the City of Berkeley could study incentives and provide technical assistance for similar exchanges.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

In an analysis of 252 California Cities, Durst (2021) finds that “each additional affordable housing incentive is associated with a 0.37 percentage point decrease in the share of workers who commute more than 30 minutes.”¹²

AC Boost’s down payment assistance fund includes incentives to reduce Vehicle Miles Traveled (VMT) while mitigating displacement by encouraging home purchases close to jobs and public transit. According to Wheeler et al (2018), the urban core of the San Francisco Bay Area (including Berkeley) contains some of the lowest carbon emissions per capita in California, making urban infill housing a key policy lever for cities to reduce carbon footprints by reducing VMT per capita.¹³ Preventing displacement from Berkeley also prevents increased emissions from households who otherwise may be priced out to areas with higher per capita emissions.

CONTACT PERSON

Councilmember Taplin	Council District 2	510-981-7120
Councilmember Bartlett	Council District 3	510-981-7130

ATTACHMENTS

1. City of Portland Ordinance 190093, Adopted August 12, 2020
2. Build Small Coalition Letter Re: Residential Infill Project 2.0 (4/14/2022)
3. City of San Diego Staff Report - Housing Legislation Code Update to the Municipal Code and Local Coastal Program (9/9/2020)

¹¹ Parolek, D. (2020). *Missing middle housing: Thinking big and building small to respond to today’s housing crisis*. Island Press.

¹² Durst, N. J. (2021). Residential Land Use Regulation and the Spatial Mismatch between Housing and Employment Opportunities in California Cities. *UC Berkeley Turner Center for Housing Innovation*. Retrieved from

<http://californialanduse.org/download/Durst%20Residential%20Land%20Use%20Regulation%202020.pdf>

¹³ Wheeler, S. M., Jones, C. M., & Kammen, D. M. (2018). Carbon footprint planning: quantifying local and state mitigation opportunities for 700 California cities. *Urban Planning*, 3(2), 35-51.

ORDINANCE No. 190093 As Amended

Amend the Comprehensive Plan, Comprehensive Plan Map, Zoning Map, Title 33 Planning and Zoning, and Title 30 Affordable Housing, to revise the Single-Dwelling Residential designations and base zones. (Ordinance; amend Code Title 33, Title 30 and amend the Portland Comprehensive Plan and zoning maps)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. Portland is expected to grow by more than 100,000 households by the year 2035.
2. The cost of housing in Portland is rising. The average cost of rent in Portland increased by 5 percent or more between 2012 and 2016, and by 2 percent in 2017. Between 2011 and 2018, the median home sale price citywide rose 60 percent — or more than \$150,000. As of 2018, the median home sale price exceeded \$475,000 in more than half the neighborhoods in the city. In order to afford the median price home in Portland today, families must earn 130% to 160% of the median family income.
3. In addition, the city's history of racially discriminatory decision-making and public policies have contributed to today's racial disparities in homeownership rates and wealth attainment and has resulted in geographic racial segregation in Portland.
4. For these reasons, the ability for many households to gain entry into many of the city's single-dwelling neighborhoods is increasingly out of reach.
5. At the same time, the city is becoming more diverse, the overall population is aging, and the number of people per household is getting smaller.
6. The Comprehensive Plan includes policies directed toward encouraging more housing choices to accommodate a wider diversity of family sizes, incomes and ages (Policy 4.15); encourage development and preservation of small resource-efficient and affordable single-family homes in all areas of the city (Policy 4.18); expanding housing choice in all of Portland's neighborhoods (Policy 5.4); encouraging middle housing—multi-unit or clustered residential buildings that provide relatively smaller, less expensive units (Policy 5.6); and encouraging a variety of ownership opportunities and choices (Policy 5.43).
7. Nearly half of the city's land area is zoned for single-dwelling residential development, however, apartments are the predominant housing type being built in Portland—74 percent of all units built in 2016.
8. Portland's single-dwelling zoning currently allows up to two dwelling units per lot—one house and one accessory dwelling unit, or in some cases, a duplex on a corner. And yet, due to the high cost of land, the size of dwelling units continues to increase, and the price of the units is higher than most Portlanders can afford.
9. In 2015, the Bureau of Planning and Sustainability began the Residential Infill Project with the goal of responding to these trends and changing demographics. Then-Mayor Charlie Hales appointed a Stakeholder Advisory Committee (SAC) to assist the Bureau of Planning and Sustainability in developing a plan to amend the city's single-dwelling

zoning code to alleviate the rising cost of housing and reduce the size of new houses. The SAC met 14 times between September 2015 and October 2016.

10. The Residential Infill Project Concept Plan was released for public review on June 15, 2016. City Council held public hearings on the concept plan in November 2016 and passed Resolution No. 37252 on December 7, 2016 endorsing the concepts in the plan.
11. The Residential Infill Project Proposed Draft was released for public review on April 2, 2018.
12. On April 2, 2018 notice of the proposed draft was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
13. On April 4, April 9, and April 11, 2018 notice of the proposed draft was mailed to all property owners potentially affected by proposed zoning map and code changes as required by ORS 227.186.
14. On May 8, 2018 and May 15, 2018, the Planning and Sustainability Commission held public hearings on the proposed draft. In addition, the Commission held 2 briefings and 9 work sessions before voting to forward the Residential Infill Project to City Council on March 12, 2019.
15. The Residential Infill Project Recommended Draft was released for public review on August 2, 2019.
16. On October 9, 2019 a revised notice of the recommended draft was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-045.
17. On December 12, 2019 notice of the January 15, 2020 and January 16, 2020 City Council public hearings was mailed to those who presented oral and written testimony at the Planning and Sustainability Commission public hearing. In addition, the City emailed notice of the hearing to its Residential Infill Project email list.
18. The Residential Infill Project amendments allow up to six dwelling units per lot (based on lot sizes and affordability level) in the R7, R5 and R2.5 zones, and allows the units to be arranged in multiple configurations including a single structure with up to six dwelling units or a combination of a primary and accessory structure.
19. The amendments provide opportunities for a wider variety of housing options and can reduce the cost of a single unit by roughly half the cost of a single new house.
20. The amendments encourage additional regulated affordable housing units.
21. The amendments also include a cap on house size by limiting the amount of floor area allowed per lot in the R7, R5 and R2.5 zones. The cap is intended to ensure that:
 - Additional development in these zones is compatible with existing development; and
 - Additional dwelling units are affordable to a wider cross-section of Portland residents because smaller dwelling units are often less expensive than larger units.
22. The Residential Infill Project also rezones approximately 7,000 lots from R5 to R2.5. The rezoned lots are narrow, platted lots—generally 2,500 square feet in size—that are substandard for the R5 zones. The rezoning is intended to increase opportunities for

homeownership as dwelling units on these lots are generally smaller and therefore less expensive.

23. The amendments also help the city to comply with the following:
- House Bill 2001, which the Oregon State Legislature passed on August 8, 2019, and requires cities with a population greater than 10,000 to allow duplexes on any lot zoned for single-family dwellings; and
 - Senate Bill 534, which the Oregon State Legislature passed on July 23, 2019, and requires local governments to allow single-family dwellings on residential lots platted and zoned for such uses.
24. The Findings of Fact Report, attached as Exhibit A, includes additional findings demonstrating consistency with the Statewide Planning Goals, Metro Urban Growth Management Functional Plan, and the City of Portland *2035 Comprehensive Plan*.
25. The amendments to Title 30 are necessary to extend the Deeper Housing Affordability FAR Density Program to the single-dwelling zones to support the Affordable Fourplexes and Multi-dwelling Structures Residential Infill Option.

NOW, THEREFORE, the Council directs:

- a. Adopt amended Exhibit A, dated July 2020, as additional findings.
- b. Amend the Portland Comprehensive Plan as shown in Exhibit B, Residential Infill Project As-Amended Draft, dated July 2020.
- c. Adopt the commentary in Exhibit B, Residential Infill Project As-Amended Draft, dated July 2020, as legislative intent and further findings.
- d. Amend Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, as shown in Exhibit B, Residential Infill Project As-Amended Draft, dated July 2020, but excluding the amendments to Section 33.110.212 (When Primary Structures are Allowed), Chapter 33.675 (Lot Consolidation), Chapter 33.676 (Lot Confirmation), and the amendments to the lot-related and lot line-related definitions in 33.910 (Definitions).
- e. Amend Section 33.110.212 (When Primary Structures are Allowed), Chapter 33.675 (Lot Consolidation), Chapter 33.676 (Lot Confirmation), and the lot-related and lot line-related definitions in Chapter 33.910 (Definitions) as shown in Exhibit B, Residential Infill Project As-Amended Draft, dated July 2020.
- f. Amend the Portland Comprehensive Plan Map as shown on Exhibit C.
- g. Amend the official Zoning Map as shown on Exhibits D and E.
- h. Amend Title 30, Affordable Housing Preservation and Portland Renter Protections, of the Municipal Code of the City of Portland, as shown in Exhibit B, Residential Infill Project, As-Amended Draft, dated July 2020.

Section 2. Directives b, d, f, g, and h shall be in full force and effect on August 1, 2021. Directives a, c, and e shall be in full force and effect 30 days after final passage by City Council.

Section 3. If any section, subsection, sentence, clause, phrase, diagram or drawing contained in this ordinance, or the map, report, inventory, analysis, or document it adopts or amends, is held

to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the map, report, inventory, analysis, or document each section, subsection, sentence, clause, phrase, diagram and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Passed by the Council: **August 12, 2020**

Mayor Ted Wheeler

Prepared by: Morgan Tracy

Date Prepared: December 12, 2019

Mary Hull Caballero


Auditor of the City of Portland

By *CPhillips*

Deputy

Agenda No.
ORDINANCE NO. 190093 As Amended
 Title

Amend the Comprehensive Plan, Comprehensive Plan Map, Zoning Map, Title 33 Planning and Zoning, and Title 30 Affordable Housing, to revise the Single-Dwelling Residential designations and base zones. (Ordinance; amend Code Title 33, and Title 30 and Portland Comprehensive Plan and zoning maps)

INTRODUCED BY Commissioner/Auditor: Mayor Wheeler	CLERK USE: DATE FILED <u>JAN 07 2019</u>
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland
Mayor—Finance & Administration - Wheeler	By:  Deputy
Position 1/Utilities - Fritz	
Position 2/Works -	
Position 3/Affairs - Hardesty	
Position 4/Safety - Eudaly	ACTION TAKEN:
BUREAU APPROVAL	JAN 15 2020 Continued to January 16, 2020 at 5:00 p.m. Time Certain
Bureau: Planning and Sustainability Bureau Head: Andrea Durbin	JAN 16 2020 Continued to January 29, 2020 at 2:00 pm Time Certain
Prepared by: Morgan Tracy Date Prepared: 12/12/19	JAN 29 2020 Continued to February 12, 2020 at 2:00 pm Time Certain
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	FEB 12 2020 CONTINUED TO MAR 12 2020 2 P.M TIME CERTAIN
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	MAR 12 2020 Rescheduled to date to be determined
City Auditor Office Approval: required for Code Ordinances	June 3, 2020 Continued to June 11, 2020 at 2:40 p.m. Time Certain
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	June 11, 2020 Rescheduled to June 18, 2020 at 2 p.m. Time Certain
Council Meeting Date January 15, 2020	June 18, 2020 Continued to July 9, 2020 at 2:00 p.m. Time Certain
	July 9, 2020 Continued to August 5, 2020 at 2:00 p.m. Time Certain As Amended
	August 5, 2020 Passed to Second Reading August 12, 2020 at 9:45 a.m. Time Certain As Amended

AGENDA
TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>2:00 pm</u> Total amount of time needed: 3 hours (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz	X
2.	2. Vacant	
3. Hardesty	3. Hardesty	X
4. Eudaly	4. Eudaly	X
Wheeler	Wheeler	X

Members of the Build Small Coalition
Re: Residential Infill Project 2.0

April 14, 2022

Dear Mr. Mayor and Portland City Commissioners,

Firstly, everyone who has worked on RIP1 and/or RIP2 should be proud: Portland has exhibited extraordinary leadership, spurring reforms statewide and around the country. Since RIP1 passage, many cities and multiple other states have introduced legislation (re)legalizing “missing” middle housing types. We specifically wish to thank both BPS and the utility bureaus in advance for their continued work to help with the collective goal of making middle housing development a reality.

While we understand the more limited scope of RIP2 relative to the HB 2001 deadline, **we encourage this Council to consider whether we are poised to deliver on the promises of RIP1 and address our ongoing housing crisis.** We must do everything in our power to both prevent the housing shortage from becoming more acute, while doing all we can to open up below-market rental and homeownership opportunities in ALL our neighborhoods.

We have gained new information since RIP1 went into effect, and we should apply those lessons with this update. **A few minor changes should be considered to improve rules and incentives, with a laser focus on affordable housing production.** The recommendations below are focused on the viability of recently-legalized middle housing options, and on improving performance of rules and incentives for regulated-affordable homes:

Summary of key changes for affordability:

- Achieve FAR (home size) parity and improve viability of four-plexes,
- Create feasible development paths for affordable 5- to 6-plexes, and
- Fully implement SB 458 to remove barriers for affordable, fee-simple attached homes.

1. Graduate FAR for four-plexes: allow up to 0.8 FAR (from 0.7)

- a. Maintain bonus of additional 0.1 FAR (to 0.9) if regulated affordable

Narrative: Floor Area Ratio (or “living area”) in single-dwelling zones is currently graduated according to the number of homes, giving +0.1 FAR for duplexes above single-detached homes, and an additional +0.1 FAR for triplexes and above. Permitting an additional +0.1 FAR for four-plexes above triplexes would greatly increase feasibility of more 2- and 3-bedroom, family sized homes. Four-plexes carry some additional benefits with them: Unlike duplexes and triplexes, four-plexes must meet Fair Housing Act requirements for accessibility of ground-floor homes. Land and fixed costs are also shared among more units, further lowering *price per home*. *While we appreciate that one goal of the FAR limits is to keep plex units relatively small and inexpensive, the lack of FAR for four-plexes may have the unintended consequence of making other redevelopment options, such as*

a comparatively expensive single- detached home, more compelling than a plex of any type: As of February 8, permits under RIP1 had only yielded 16 four-plexes compared with 80 single-detached homes with no ADUs.

2. **Ensure that development standards for qualifying five-to-six-unit projects meeting affordability standards are feasible - both stacked and side-by-side.** To qualify a project must be either:
 - 50% or more homes at 60% MFI rental/ 80% MFI ownership, or
 - 100% of units at 100% MFI ownership, *permanently* up to 120% MFI
 - a. Create standards for **affordable two-story side-by-side “townhome-style” plexes.** This would yield some three-bedroom but mostly two-bedroom homes:
 - i. 1.2 FAR
 - ii. 65% lot coverage
 - iii. 5 foot front setbacks (5 foot setbacks all round)
 - iv. 48 sf outdoor space per unit, overlapping with setbacks,
 - b. Create standards for **affordable three-story, smaller footprint “townhome-style” plexes.** This would yield up to six three-bedroom homes:
 - i. 1.4 FAR
 - ii. 60% lot coverage
 - iii. 10 foot front setback
 - iv. Unchanged outdoor space, and
 - c. Improve standards for affordable five-to-six-plex stacked flats (only development type allowed currently). This would yield more affordable three-bedroom homes:
 - i. Increase FAR to 1.4 (currently 1.2)
 - ii. Other standards remain unchanged

Narrative: We should be tailoring our code to maximize affordable rental and first-time homeownership opportunities, and to accommodate differences in physical ability and household size. These standards will allow flexibility, on a standard lot, for nonprofit organizations working to meet community-specific needs and preferences - whether they be one’s own front door in a townhome or a fully physically accessible stacked flat. Portland did a *potentially* revolutionary thing in legalizing up to six homes with an aggressive affordability requirement. To realize its full benefit, and to serve as many income-qualifying households as we can, we must ensure that development standards are suitable and flexible. Portland must also invest in lasting affordability, or our efforts will be lost too soon given the market trends. This is especially important to Portland’s stated commitments to equity and to addressing the racial disparity gap in homeownership.

3. **Create a path for affordable attached homes, mirroring the development standards in #2(a)&(b) per historical PSC Amendment 5.** For only those attached home projects that meet the affordability requirements identified for five-to-six-plexes:
 - a. Adjust minimum lot sizes for each attached house to 800 sf
 - b. Increase allowed density to match minimum lot sizes,
 - c. Reduce minimum lot depth to 50 feet, and
 - d. Incorporate any other small adjustments to match #2(a)&(b).

Narrative: In addition to the innovative “deeper affordability bonus” for five- and six-plexes, we recommend permitting analogous five to six unit attached home projects that meet the same affordability levels. These projects are most likely to occur on corner lots where each home can meet street frontage requirements, creating opportunities for first-time homeownership and having one’s own front door - priorities explicitly expressed by community members accessing these homes. This suggestion, together with #2 above and #4 below, also helps fulfill the stated goals of historical PSC Amendment 5, creating a fee-simple path for affordable five-to-six home projects. The concept was supported by the PSC, who directed staff to keep working on it.

4. **Fully implement SB 458 to permit expedited Middle Housing Land Divisions (MHLDs) for all attached house projects**, including both market-rate and affordable (per the development standards proposed in #2 above).

Narrative: SB 458 clearly requires that townhouses be eligible for middle housing expedited land divisions, in addition to duplexes, triplexes, four-plexes and cottage clusters. Springfield, Eugene, and many other cities are proposing to make townhouses eligible for middle housing land divisions, regardless of the fact that townhouses can already use the existing subdivision and partition process. Implementing the expedited process for a townhouse project consisting of up to six units on an existing lot would be significant in reducing time and costs for townhouse creation. The express intent of SB 458 is to allow a path to facilitate easier land divisions for middle housing types, and HB 2001 clearly defines a townhouse as middle housing. *In the midst of a housing crisis, why wouldn’t we do everything that we can to facilitate more efficient paths for affordable homeownership where feasible?*

Attached homes in Portland are also known as “Townhouse Projects” according to the State. To quote OAR 660-046-0020 ““Townhouse Project” means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and any commonly owned property.”

Summary of additional code improvements:

- Adjust ADU size allowances for fairness to smaller homes and for visitability,
- Adjust cottage cluster standards for better site layout and flexibility,
- Improve strategies to preserve existing homes while adding new ones,
- Allow for shared stormwater and single tap into main for sewer and water, and
- Calculate lot coverage based on pre-dedication lot size.

5. **Adjustments to ADU size for visitability and fairness for smaller homes:**
- a. Allow a visitable (or fully accessible) ADU up to 900 sf of living area,
 - b. Calculate ADU size from combined duplex living area, not larger of two, and
 - c. Improve “ADU fairness” by allowing up to 800 sf or up to size of the primary house.

Narrative: While the new “detached duplex” option creates a valuable new path for fee simple homeownership, it doesn’t eclipse the need to refine ADU standards, providing flexibility to meet different needs: (a) Given the extra sf needed for a visitable ADU, increasing the size to 900 sf will ensure that other spaces in the home are not impacted by the visitable requirement. *The 900 sf building size also complements the PSC’s amendment allowing a 900 sf footprint for accessory*

structures. Together, this makes a two bedroom, one-story, fully accessible ADU much more feasible.

(b) There are many smaller duplexes throughout Portland with potential to add an ADU. We propose that the livable sf of the duplex (both units combined) be used to calculate the maximum size of the ADU in order to increase preservation of existing homes. This will ensure that an ADU is in proportion to the combined existing duplex structure. (c) In order not to penalize owners of smaller homes, make maximum ADU size 800 sf or that of the primary home, whichever is smaller. This is still smaller than many jurisdictions (e.g. Seattle (1,000 sf), San Diego (1,200 sf), and Corvallis (900 sf or 85% of primary, whichever is less)) but can still accommodate two bedrooms. If not possible, then increase ADU size up to 85% of the main house (vs.75% allowed currently) or 800 sf.

6. **Adjust “cottage cluster” standards for better site flexibility, and label “cluster housing”** for greater accuracy per statewide middle housing definitions:
 - a. Allow up to 50% of cottages to be attached
 - b. Set maximum number of units relative to site size (instead of blanket 16 unit cap)
 - c. Allow small clusters (four or fewer) on lots under 5,000 sf

Narrative: a) Allowing some cottages to be attached allows for much greater flexibility in layout and design, including considerations such as terrain, local context, large tree preservation, and more. b) While we understand the regulatory complexities surrounding density, a blanket cap makes less sense than a graduated approach proportional to site area. c) Finally, allowing tiny cottage clusters on smaller lots echoes recently-reduced minimum lot sizes for other middle housing types.

7. **Improve strategies to preserve existing homes by building behind them.**

- a. Allow attached duplexes and triplexes to be built behind the existing house.

8. **Allow for shared stormwater and private sewer lateral with multiple connections (single tap into main) for sewer & water.**

Narrative: Allowing for a shared private sewer lateral with a single connection to the main within an easement, with each middle housing unit tapping into the shared lateral, avoids the expense (and lack of street frontage) that would be associated with individual laterals/connections for each unit. Many attached- and courtyard-style homes being built now already do this.

9. **Calculate lot coverage based on pre-dedication lot size** to match how FAR is calculated.

Thank you for your ongoing work and dedication to housing our full community, affordably.

Signed, *(continued on next page)*

Preston Korst, Habitat for Humanity

Diane Linn, Proud Ground Community Land Trust

Douglas MacLeod and Madeline Kovacs, UrbanRoost Development LLC

Alexis Biddle, 1000 Friends of Oregon

Elizabeth Decker, JET Planning

Kol Peterson, Accessory Dwelling Strategies

Eric Thompson, Oregon Homeworks

Neil Heller, Neighborhood Workshop
Shane Boland, Owen Gabbert LLC
Jill Cropp, Studio Cropp Architecture
Annie Fryman, Abodu
Sean Heyworth and Mike Mitchoff, Portland Houseworks
John Miller, BackHome ADU
Garlynn Woodsong, Woodsong Associates
Dirk Knudsen, Dirk Knudsen Real Estate
Joe Wykowski, Community Vision



The City of San Diego

Staff Report

DATE ISSUED: 9/9/2020
TO: City Council
FROM: Planning
SUBJECT: Housing Legislation Code Update to the Municipal Code and Local Coastal Program

Primary Contact: Kelley Stanco Phone: (619) 236-6545
Secondary Contact: Brian Schoenfisch Phone: (619) 533-6457

Council District(s): Citywide

OVERVIEW:

The Housing Legislation Code Update Package addresses California State housing law requirements, including a number of bills passed at the end of 2019. These include changes to State density bonus, housing for the homeless, and accessory dwelling unit laws, along with other miscellaneous housing laws. The Housing Legislation Code Package will provide amendments to the City's Municipal Code and Local Coastal Program that are required to implement and comply with State law, as well as additional amendments tailored to address local needs.

PROPOSED ACTIONS:

Approve the proposed Housing Legislation Code Update to the Municipal Code and Local Coastal Program.

DISCUSSION OF ITEM:

The Land Development Code (LDC) provides the City's regulations for the development and use of property within the City of San Diego and provides information on zoning, subdivisions, grading and other related land use activities. The LDC is updated regularly through comprehensive updates that promote in-fill development and streamline the permitting process, and through single-issue or topic-specific updates as needed.

The California state legislature passed a number of land use and housing laws in 2019 that became effective January 1, 2020. These laws primarily address accessory dwelling units, affordable housing, and supportive housing for the homeless, as well as requirements to preserve dwelling units and "protected dwelling units" affordable to very low- and low-income households. Local implementation of these laws is mandatory and amending the LDC to reflect the requirements of these laws will provide clarity for staff, applicants, decision-makers and the public at large. Additionally, while reviewing the applicable state laws and drafting the proposed LDC amendments, staff identified some areas where the LDC is no longer in conformance with the latest state law provisions and the Housing Legislation Code Update package addresses those issues. Lastly, where permitted, the package also includes adaptations and incentives to address local housing needs.

The Housing Legislation Code Update Package is grouped into four issue areas: Housing for the Homeless, Affordable Housing Regulations, Accessory Dwelling Units and Junior Accessory Dwelling Units, and Miscellaneous Housing Items. A brief summary of the proposed amendments is provided below.

I. Housing for the Homeless

The following LDC amendments address items related to housing for the homeless:

- Low Barrier Navigation Centers

Assembly Bill (AB) 101, passed in 2019, requires local jurisdictions to permit Low Barrier Navigation Centers that connect individuals experiencing homelessness with transitional housing by-right in mixed-use and commercial zones that permit multi-family. The Housing Legislation Code Update Package would amend the LDC to define Low Barrier Navigation Centers as a new Separately Regulated Residential Use and permit them, by-right, as a Limited Use in all zones required by AB 101.

- Emergency Shelters

Senate Bill 2, passed in 2007, requires local jurisdictions to identify a zone or zones where emergency shelters are allowed by-right without a conditional use or other discretionary permit. The zones which permitted emergency shelters as a by-right use were located primarily within the Midway-Pacific Highway Community, which was rezoned with the recent comprehensive update to the Community Plan. The Housing Legislation Code Update Package would amend the Community Commercial (CC) base zone tables to permit emergency shelters by-right as a Limited Use in all CC zones in order to provide adequate capacity in compliance with SB 2.

- Transitional Housing and Permanent Supportive Housing

AB 2162, passed in 2018, requires local jurisdictions to permit Transitional Housing Facilities (THF) and Permanent Supportive Housing (PSH) by-right in all zones that permit multi-family development. The City implemented the requirements of AB 2162 in 2019 with the 12th Update to the LDC, Phase 1; however, staff has subsequently identified several zones that were inadvertently excluded. The Housing Legislation Code Update Package would amend the RM Base Zone Use Table to permit THF in the RM-5-12 zone; the Industrial Base Zone Use Table to permit THF by-right as a Limited Use in the IP-3-1 base zone and clarify that THF and PSH are subject to the requirements of footnote 15 related to residential development; and the Mixed-Use Base Zone Use Table to permit THF and PSH by-right as Limited Uses.

II. Affordable Housing Regulations (AHR)

The following LDC amendments address items related to the City's Affordable Housing Regulations:

- Density Bonus for 100% Affordable Projects (Pre-Density Bonus)

AB 1763, passed in 2019, requires local jurisdictions to provide a new density bonus program that grants a density bonus of 80% outside of Transit Priority Areas (TPAs) and an unlimited bonus within TPAs to projects that construct at least 100% of the pre-density bonus units as affordable to very low income and low income households, except that 20% may be reserved for moderate income households. Eligible projects are also required to receive 4 incentives and within TPAs, 3 additional stories or 33' in height. Waivers are not permitted with this program. The Housing Legislation Code Update Package would amend

the City's Affordable Housing Regulations to provide this required incentive, with a local adaptation to allow 5 incentives as opposed to 4 in accordance with the City's more permissive allowances for incentives.

- Density Bonus for 100% Affordable Projects (Total Project)

This proposed amendment is not mandated by state law; rather, this amendment is a local adaptation of AB 1763 intended to provide a similar bonus to projects within TPAs that are fully affordable to very low, low, and moderate income households. The Housing Legislation Code Update Package would amend the City's Affordable Housing Regulations to provide an unlimited density bonus, 5 incentives, and an additional 3 stories or 33 feet to projects within TPAs that provide 100% of the total pre-density bonus and post-density bonus units as affordable to very low, low, and moderate income households in any combination.

- Density Bonus for Lower Income Student Housing

SB 1227, passed in 2017, requires a local jurisdiction to provide a density bonus of 35% to projects that provide 20% of the pre-density bonus units as affordable to lower income students, as defined by the bill. The Housing Legislation Code Update Package would amend the City's Affordable Housing Regulations to provide this required incentive, with a local adaptation to allow 2 incentives where none are provided by state law in accordance with the City's more permissive allowances for incentives.

- Micro Unit Density Bonus

This proposed amendment is not mandated by state law; rather, this amendment provides regulatory relief for an existing City density bonus program for micro units, which must average no more than 600 square feet with no dwelling unit exceeding 800 square feet. The Housing Legislation Code Update Package would amend the City's Affordable Housing Regulations to eliminate the requirement that micro unit density bonus projects comply with height and setback requirements, and would allow use of the program within the Downtown Community Planning Area once a project either maximizes the use of other bonus programs or earns a 3.0 FAR through other bonus programs, whichever is less, ensuring that other FAR Bonus programs specific to Downtown continue to be utilized.

- Density Bonus on FAR-Based Density Sites

This proposed amendment is not mandated by a modification to state law; rather, it is a correction to the City's regulations to clarify how density bonuses are calculated within zones where the density is controlled by floor area ratio, including Downtown and the recently adopted mixed-use base zones. The Housing Legislation Code Update Package would amend the City's Affordable Housing Regulations to clarify the method by which density bonuses are calculated for FAR-based density zones where the adopted land use plan includes an allowable density range in dwelling units per acre (i.e. the mixed use zones) and those that include only a maximum FAR (i.e. Downtown). Additionally, the amendments will clarify that incentives cannot be used to increase floor area ratio in such zones, which would result in an additional density bonus.

Within Downtown, the proposed amendments would change how affordable housing density bonuses are calculated, since Downtown only regulates intensity through FAR limits and not dwelling units/acre. Currently, such bonuses are based on the Base Maximum FAR permitted in Figure H of the Centre City Planned District Ordinance (CCPDO). Under the

proposed change, the density bonus would be calculated based on the actual project's FAR up to the Maximum FAR permitted in Figure L of the CCPDO. For instance, if a project with a Base Maximum FAR of 6.0 earned an additional 4.0 FAR from other FAR bonus programs provided Downtown to achieve a total 10.0 FAR, then the bonus for affordable housing would be added on top of the 10.0 FAR rather than the 6.0 FAR. This can result in the production of additional affordable and market rate units, as illustrated in this table utilizing the Affordable Housing Regulations:

	FAR	UNITS	AFFORDABLE UNITS
EXISTING REGULATIONS			
BASE MAXIMUM FAR	6.0	180	
MAXIMUM FAR	10.0	300	
AHR BONUS (60%)	3.6	108	
TOTAL	13.6	408	27
PROPOSED REGULATIONS			
MAXIMUM FAR	10.0	300	
AHR BONUS (60%)	6.0	180	
TOTAL	16.0	480	45

- Miscellaneous AHR Clean-Up Items

The Housing Legislation Code Update Package would amend the City's Affordable Housing Regulations to provide additional clean-up items to ensure compliance with state density bonus law, including minor language edits and updates to the parking table.

III. Accessory Dwelling Units and Junior Accessory Dwelling Units

The following LDC amendments address items related to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs):

- Replacement of the Companion Unit, Junior Unit and Movable Tiny Homes Regulations with New Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations in Order to Implement New State ADU and JADU Legislation

Several bills were passed at the end of 2019 which addressed ADUs and JADUs, including AB 68, AB 587, AB 881, and SB 13. In addition to providing increased allowances for ADUs in conjunction with multiple dwelling unit development, prohibiting the requirement of replacement parking when garages or carports are converted to ADUs or JADUs, prohibiting the rental of ADUs and JADUs for less than 31 days, and requiring local jurisdictions to permit at least 1 ADU on a premises regardless of maximum lot coverage, maximum floor area ratio, or minimum opens space requirements, the state legislation also required local ADU and JADU ordinances to be reviewed by the California Department of Housing and Community Development (HCD) for consistency with the state regulations. In order to best align our local regulations with state regulations, the Housing Legislation Code Update Package proposes to strike the existing "Companion Unit, Junior Unit and Movable Tiny Houses" regulations in Section 141.0302 in their entirety, and replace them with new "Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations that fully comply with and exceed the requirements of state law. As part of this overhaul of the existing regulations, the local defined terms "companion unit" and "junior unit" will be

replaced with “Accessory Dwelling Unit (ADU)” and “Junior Accessory Dwelling Unit (JADU)”, respectively, and their definitions will be aligned with state law. The new regulations will exceed the requirements of state law in regard to setbacks, by allowing ADUs to encroach into interior side and rear yard setbacks up to the property line, where state law allows the City to require a 4-foot setback in these locations. HCD reviewed the initial draft of the new regulations, and the proposed amendments reflect comments and edits received by HCD. Lastly, the recently adopted Movable Tiny Houses, which do not fall within the state ADU laws, will be pulled out and established as their own Separately Regulated Residential Use.

- Affordable ADU Incentives

AB 671, passed in late 2019, requires local jurisdictions to incentivize the construction of deed-restricted affordable ADUs, without specific parameters or direction as to what those incentives should be. The Housing Legislation Code Update Package would include in the Accessory Dwelling Unit and Junior Accessory Dwelling Unit regulations a new affordable ADU incentive that would allow the construction of 1 additional ADU for every ADU deed-restricted to very low, low, or moderate income households for a period of 15 years. Outside of TPAs the number of bonus ADUs is limited to 1, and within TPAs there is no limit on the number of bonus ADUs permitted.

- ADU and JADU Parking

State law, specifically Government Code Section 65852.2(d), prohibits the City from requiring parking for ADUs in any of the following instances:

- within one-half mile walking distance of public transit;
- within a designated historic district;
- when the ADU is part of the proposed or existing primary residence or an accessory structure (i.e. if it is attached to an existing structure);
- when on-street parking permits are required but not offered to the occupant of the ADU;
- when there is a car share vehicle within one block of the ADU.

If the above don't apply, then State law allows the City to require parking that does not exceed 1 space per ADU or per bedroom, whichever is less (Gov Code Section 65852.2(a)(1)(D)(x)). Due to the highly limited circumstances in which the City is allowed to require parking, and given the City's desire to encourage both the construction of ADUs and JADUs and use of alternative mobility options, the Housing Legislation Code Update Package will exceed the requirements of state ADU and JADU law by simply eliminating parking requirements for ADUs and JADUs.

IV. Miscellaneous Housing Items

The following LDC amendments address miscellaneous housing items:

- Employee Housing (6 or Fewer)

California Health and Safety Code Section 17021.5(b) requires Employee Housing for 6 or fewer employees to be permitted by-right in all zones that permit single-family. The Housing Legislation Code Update Package would amend the LDC to permit Employee

Housing (6 or Fewer) by-right as a Limited Use in all zones that permit single dwelling units.

- Residential Development Consistent with the Land Use Plan

This proposed amendment is not mandated by state law; rather, this amendment was identified by staff as a means to provide regulatory relief and streamline the permitting process. The Housing Legislation Code Update Package would amend the General Rules for Base Zones to allow residential and residential mixed-use development that exceeds the allowable density of the base zone but complies with the density identified in the adopted land use plan to be permitted by-right with a construction permit, rather than through a Planned Development Permit process. The amendment would allow sites to develop in accordance with the density planned and mitigated for through the land use planning process. This streamlining provision also requires clean-up amendments to the regulations related to Neighborhood Development Permits, Site Development Permits, Planned Development Permits, and Affordable, In-Fill Development and Sustainable Buildings.

- Dwelling Unit Protection Regulations

SB 330, known as the Housing Crisis Act of 2019, requires local jurisdictions to ensure that the number of dwelling units present on a site is not reduced as a result of a single-family, multi-family, residential mixed-use (with at least 2/3 residential), transitional housing, or permanent supportive housing project. It further requires that “protected dwelling units” affordable to very low income and low income households (including both deed-restricted units and units occupied by such households without a deed-restriction in place) be replaced with deed-restricted units affordable to very low income and low income households. The legislation also includes provisions for relocation assistance and right of first refusal in limited circumstances. The Housing Legislation Code Update Package would amend the LDC to include a new Division 12 in Chapter 14, Article 3 entitled the “Dwelling Unit Protection Regulations.” The Dwelling Unit Protection Regulations implement the dwelling unit and protected dwelling unit replacement provisions of SB 330 precisely, with no additional regulations or requirements. The new division would sunset on January 1, 2025, consistent with the sunset of SB 330.

The Housing Legislation Code Update Package was presented to stakeholder groups that included City staff in implementing departments, land development professionals, housing advocates, community planning representatives, and members of the public who participated in the meetings. The actions taken by these stakeholders and the Planning Commission are as follows:

- Housing Legislation Code Update Package Ad Hoc Working Group: In 2019, in accordance with Charter Section 43(b), the Technical Advisory Committee (TAC) and its subcommittee, the Code Monitoring Team (CMT) were disbanded as a recommending body with a vote presented to decision makers. Instead, the Technical Advisory Committee (TAC) modified its operational framework to become a monthly Ad Hoc Committee for a one-year period advising the Development Services on a variety of process improvements. Additionally, members of the former CMT are invited to serve on project-specific, temporary citizens' working groups to advise the Planning Department on LDC updates.

The Housing Legislation Code Update Package Ad Hoc Working Group was formed in early June 2020, and the proposed package of amendments was reviewed at virtual workshops on June 12th

and 26th. The working group discussed the items in the Housing Legislation Code Update Package and provided feedback on the amendment language as presented. Understanding that the majority of the proposed amendments are mandated by state law, comments were limited and minor and have been incorporated into the package wherever possible. Consistent with the group's function as an Ad Hoc Working Group, no vote or action was taken.

- Community Planners Committee (CPC): On July 28, 2020 the Housing Legislation Code Update Package was presented to the Community Planners Committee. The CPC voted 19-5-5 to recommend approval of all proposed amendments with the exception of two: 1.) a proposed development incentive for multi-family development within transit priority areas on sites less than 0.5 acre (this item has subsequently been withdrawn); and 2.) the elimination of parking requirements for all ADUs and JADUs. On August 25, 2020 the CPC discussed the elimination of parking requirements for all ADUs and JADUs and voted 14-8-4 to recommend approval of the amendment as proposed.
- The Downtown Community Planning Council: On July 15, 2020 the Downtown Community Planning Council (DCPC) reviewed the Housing Legislation Code Update and tabled discussion of the item to their August meeting. On August 19, 2020 the DCPC voted 20-0-0 to recommend approval of the proposed amendments.
- The Planning Commission: On August 27, 2020 the Planning Commission reviewed the Housing Legislation Code Update to the Municipal Code and Local Coastal Program and recommended that the City Council adopt the update as presented by a vote of 6-0-1 with Commissioner Austin recusing. While not part of the motion, a request from Commissioner Whalen that the maximum size of an Accessory Dwelling Unit be included in the defined term has been incorporated into the proposed amendments.

The Housing Legislation Code Update Package implements California state housing and land development laws and includes several local adaptations and provisions that address local needs to streamline housing construction. The proposed amendments have been reviewed by stakeholders, including CPC and DCPC, and the Planning Commission, and all recommending bodies have supported adoption of the amendments as proposed. Therefore, staff recommends that the City Council approve the proposed Housing Legislation Code Update to the Municipal Code and Local Coastal Program.

City Strategic Plan Goal(s)/Objective(s):

Goal #3: Create and sustain a resilient and economically prosperous City. Objective #1: Create dynamic neighborhoods that incorporate mobility, connectivity, and sustainability. Objective #4: Prepare and respond to climate change. Objective #7: Increase the net supply of affordable housing.

Fiscal Considerations:

None. Costs associated with implementation of this ordinance would be covered by project applicants.

Charter Section 225 Disclosure of Business Interests:

N/A; there is no contract associated with this action.

Environmental Impact:

The CEQA and Environmental Policy Section of the Planning Department has reviewed the Housing Legislation Code Update amendments and conducted a consistency evaluation pursuant to CEQA Guidelines Section 15162. Implementation of this project's actions would not result in new significant direct, indirect, or cumulative impacts over and above those disclosed in the previously certified Environmental Impact Report (EIR) for the 2008 General Plan EIR No. 104495/SCH No. 2006091032, certified by the City Council on March 10, 2008, Resolution No. R-303473; the 2020 Addendum to the 2008 General Plan EIR No. 104495/SCH No. 2006091032 for the General Plan Housing Element Update, certified by the City Council on June 18, 2020, Resolution No. R-313099; and the following documents, all referred to as the "CAP

FEIR": FEIR for the City of San Diego Climate Action Plan (CAP) (EIR No. 4106603/SCH No. 2015021053), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595). The 2008 General Plan EIR and CAP FEIR are both "Program EIRs" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168.

Previous Council and/or Committee Actions:

This item will be heard at the Land Use and Housing Committee prior to Council.

Key Stakeholders and Community Outreach Efforts:

Key Stakeholders include neighborhood and community planning groups, residents, visitors and property owners.

Mike Hansen

Department Director

Erik Caldwell

Deputy Chief Operating Officer, Smart & Sustainable Communities

**BEN BARTLETT**

VICE MAYOR

CONSENT CALENDAR
FEBRUARY 13, 2024

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Ben Bartlett

Subject: Arts and Community Storefront Activation

RECOMMENDATION

Creating a plan/strategy to leverage Berkeley's arts community and cultural resources to incentivize the occupation of empty storefronts.

CURRENT SITUATION

According to the 2022 Economic Dashboard report by Berkeley's Office of Economic Development, the city has experienced an average citywide commercial vacancy rate increase of 8.4% since 2017 (City of Berkeley, Office of Economic Development, 2022). The same report records a normal district commercial vacancy rate of 4-8%. In an analysis made by Berkeleyside, vacancy rates in Berkeley neighborhoods like Downtown, Telegraph, and University are shown to be experiencing high rates of vacancy, since the peak of the COVID-19 pandemic (Furio, 2023). While commercial properties remain empty they still generate tax revenue for the city. This has its implications on whether the city sees a reduction in tax income if the value for these properties increases.

The City of Berkeley is experiencing an ongoing housing crisis characterized by severe shortages in housing, resulting in substantial increases in the cost of housing (Duane, 2023). This ongoing shortage in accessible housing, along with the high rates of commercial vacancies, contribute to a decline in quality of life and present myriad economic and social challenges for the city.

BACKGROUND

Negative implications for a neighborhood's economy may arise from an increase in commercial vacancies. The U.S. Department of Housing and Urban Development asserts that blight in cities has the ability to "decrease surrounding property values, erode the health of local housing markets, pose safety hazards, and reduce local tax revenue" (2018). The study on *Analyzing blight impacts on urban areas: a multi-criteria approach* (Pinto et al., 2021) recognizes impacts on an individual's quality of life, values and behaviors that may be influenced by the presence of blight in their city. Blight creates a negative environment for a city and injures the city's view of itself.

Arts and culture are a form of "placemaking", and can be instrumental in helping community members experience greater success in life.

Public art is part of a "strategy for equitable community development that centers the needs of people and communities in designing shared public spaces". Benefits include increased public safety, individual wellbeing, and an opportunity for self-expression for historically marginalized individuals experiencing exclusion (Young, 2022).

NeighborWorks features placemaking projects in communities connecting people with arts and culture (Regan, 2021).

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

San Francisco's New Deal initiative through its Vacant to Vibrant Program is designed to combat urban blight by financially and professionally supporting artists, small businesses, and landlords to create pop-ups in commercial buildings that would otherwise be empty (Leahy, 2023).

CONSULTATION/OUTREACH OVERVIEW AND RESULTS

There are various ways to support artists and small businesses to install temporary activations of empty storefronts, and to incentivize landlords and commercial property owners use of the commercial space. In the City of Milwaukee, WI, the Artistic Board-Up Neighborhood Revitalization Initiative covers windows and doors of otherwise abandoned buildings with the beautiful designs painted by local artists. (City of Milwaukee, Department of Neighborhood Services, 2013).

Shared cultural spaces can also be leveraged to incentivize the occupation of vacant commercial spaces. The City of Crenshaw, California has implemented Small Business Anti-Displacement Strategies and Tools and Public Banking in the City of Los Angeles to promote a community-owned real-estate model and partnering with public banks to support small business owners and artists (Osemwengie et al., 2022). This can also take the form of creating centers that provide training for employment that the community requests a demand for.

OUTCOMES AND EVALUATION

T

CONTACT PERSON

Vice Mayor Ben Bartlett
James Chang
Tina R. Posner
Jade Jaimes-Chavez

bbartlett@cityofberkeley.info
jchang@cityofberkeley.info
tposner@cityofberkeley.info
jadejaimesch.berkeley.d3@gmail.com

ATTACHMENTS AND MATERIALS

1. [City of Berkeley 2022 Economic Dashboard - Office of Economic Development](#)
2. [New reports show that storefront vacancy rates remain high in Berkeley \(BerkeleySide\)](#)
3. [A Tale of Paradise, Parking Lots and My Mother's Berkeley Backyard \(NYT\)](#)
4. [Mitigating Neighborhood Blight \(HUDUSER\)](#)
5. [Analyzing blight impacts on urban areas: A multi-criteria approach \(Science Direct\)](#)
6. [How Public Art Can Improve Quality of Life and Advance Equity \(Housing Matters\)](#)
7. [Using art to keep a neighborhood's culture in place \(NeighborWorks\)](#)
8. [SF Will Give You Thousands To Open Pop-Ups in Empty Downtown Storefronts. Here's How To Apply \(The San Francisco Standard\)](#)
9. [Vacant to Vibrant by SF New Deal page](#)

**BEN BARTLETT**

VICE MAYOR

CONSENT CALENDAR
FEBRUARY 13, 2024

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Ben Bartlett

Subject: Establishing a Black Arts and Culture District in the Adeline Corridor

RECOMMENDATION

Adopt a resolution designating the Adeline Corridor as the Black Arts and Culture District. Include members of Healthy Black Families and Equitable Black Berkeley in the Planning Committee to emphasize community involvement and focus on arts, culture, and well-being for South Berkeley residents. Establish a Black Arts and Culture Center.

CURRENT SITUATION

Meetings with Healthy Black Families and Equitable Black Berkeley representatives are ongoing to help with the vision of what the Black Arts and Culture District will be.

BACKGROUND

The Adeline Corridor's development has been in the making for years to increase affordable housing, preserve historic structures, and increase economic growth. This area is located between Dwight Way to 62nd street with a focus on improvement while keeping its charm and legacy. By 2024, Healthy Black Families will have established their headquarters at 2001 Ashby Street, which will be a space for community members to receive health care with a focus on community programming with this larger facility.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

- [City of Berkeley Arts and Culture Plan, 2018-2027](#)
- [EIFD](#) - Proposal of creating Enhanced Infrastructure Financing Districts (EIFD) to assist with funding elements of the Adeline Corridor Plan and future projects. (2021)

CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Reached out to Healthy Black Families and Equitable Black Berkeley.

RATIONALE FOR RECOMMENDATION

Establishing this district would uplift members of the South Berkeley community with the development of affordable housing, thriving new businesses, and encouraging learning through the arts. Having a Black Arts and Culture Center creates a safe place and gathering area with a focus on encouraging young artists and bringing economic prosperity. This district will draw more Black families to Berkeley and encourage Cal alumni to stay after graduation with home-buying opportunities.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

- Look for funding support from The Civic Arts Grant program.
- Work with Berkeley Cultural Trust to help engage community support for this new district.

ENVIRONMENTAL SUSTAINABILITY

Studies have yet to be conducted.

FISCAL IMPACTS

There are no direct fiscal impacts to the City of Berkeley related to the adoption of the Black Arts and Culture District.

OUTCOMES AND EVALUATION

Establishing a Black Arts and Culture District in South Berkeley will create a vibrant community for citizens and visitors. The arts encourage civic participation, give a voice to diverse perspectives, promote intercultural communication, and enhance Berkeley's economy and physical environment. Berkeley's rich history of supporting the arts and social justice activism will flourish in a Black Arts and Culture District.

CONTACT PERSON

Vice Mayor Ben Bartlett
James Chang
Tina R. Posner

bbartlett@cityofberkeley.info
jchang@cityofberkeley.info
tposner@cityofberkeley.info

ATTACHMENTS AND MATERIALS

Upcoming Worksessions and Special Meetings

start time is 6:00 p.m. unless otherwise noted

Scheduled Dates	
Feb 6	1. OED Economic Dashboards Presentation
Feb 13 (4:00pm)	1. Ashby BART Transit Oriented Development 2. Berkeley – El Cerrito Corridor Access Plan Presentation (tentative)

Unscheduled Workshops and Special Meetings

None


Unscheduled Presentations (City Manager)

1. BPD Annual Report (March 12 at 4:00pm - tentative)
2. Draft Waterfront Specific Plan (December 2024)
3. Dispatch Needs Assessment Presentation
4. Presentation on Homelessness/Re-Housing/Thousand-Person Plan (TBD regular agenda)

	City Council Referrals to the Agenda & Rules Committee and Unfinished Business for Scheduling
	None

CITY CLERK DEPARTMENT			
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL			
Address	Board/ Commission	Appeal Period Ends	Public Hearing
NOD – Notices of Decision			
Public Hearings Scheduled			
1960 San Antonio & 645 Arlington Avenue (Spring Mansion)	LPC		2/13/2024
2924 Russell Street (install unenclosed hot tub)	ZAB		2/27/2024
3000 Shattuck Avenue (construct 10-story mixed-use building)	ZAB		TBD
Remanded to ZAB or LPC			
Notes			

1/11/2024



No Material
Available for
this Item

There is no material for this item.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

City of Berkeley City Council Agenda Index Webpage:
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>



Kate Harrison
Councilmember, District 4

CONSENT CALENDAR
November 28, 2023

To: Honorable Mayor and Members of the City Council
From: Councilmember Harrison (Author) and Vice Mayor Bartlett (Co-Sponsor)
Subject: Amend Berkeley Municipal Code Chapter 3.78 To Expand Eligibility Requirements for Representatives of The Poor to Serve on The Human Welfare and Community Action Commission

RECOMMENDATION

Amend Berkeley Municipal Code Chapter 3.78 to expand eligibility requirements for Representatives of the Poor to serve on the Human Welfare and Community Action Commission, or any successor commission, to consider the current geographic formation of poverty in Berkeley.

CURRENT SITUATION AND RATIONALE FOR RECOMMENDATION

The Human Welfare and Community Action Commission is a body charged with addressing the social welfare of the Berkeley community, focusing on those experiencing poverty and financial hardship within our City. This commission, as defined by Section 3.78.010, consists of fifteen members, nine of which are appointed by each Councilmember and the Mayor and six of which are “Representatives of the Poor;” this refers to residents with incomes below the median area income or significant lived experience in poverty. As it stands, there are three districts (1, 2, and 3) that were identified by the 1988 Berkeley City Council, based on the 1980 census data, as having the most concentrated levels of poverty.¹ Currently, all six of the Representatives of the Poor must reside in these districts (two from each of the districts). Interestingly, despite the changing geographic landscape of poverty in Berkeley within the last 43 years, the ordinance language and participation criteria has remained largely unchanged. The requirement for service no longer accurately represents the different and changing image of poverty in Berkeley. By expanding inclusion requirements for Representatives of the Poor, the HWCA has more opportunity to secure necessary involvement and funding in addition to becoming a more representative decision-making body.

Substantive revisions to Chapter 3.78:

B. Six of the members shall be representatives of the poor, who shall to be elected as individuals residing anywhere within City limits who earn

¹ “3.78.010 Creation of the Human Welfare and Community Action Commission.” Berkeley Municipal Code. Accessed October 23, 2023. <https://berkeley.municipal.codes/BMC/3.78.010>

~~*below the median area income or who have had significant lived experience in poverty. to be elected two from each of three districts as established by the City Council and shown on the map attached hereto, made a part hereof and marked "Exhibit A" (see Ch. 3.999).*~~

The section B revision seeks to maintain the focus on representing the economically marginalized, but recognizes that the distribution of poverty within the community has shifted. City and community led homelessness initiatives, investments in residence hotels, and increased RV dwellers are just a few of the many reasons why poverty is dispersed differently across the city than it was 43 years. Additionally, displacement and gentrification, which have acutely affected West and South Berkeley neighborhoods, have also contributed to changing demographics. This amendment suggests electing representatives of the poor from anywhere within the City, based on contemporary geographical considerations, as opposed to 1980 Census data.

~~*C. The community service block grant (CSBG) target area shall comprise the total area from which three election districts are drawn. Each district will have approximately equal numbers of poverty families utilizing data from the 1980 Census.*~~

The section C revision (amended to be section B) intends to concurrently address the issue of the changing landscape of poverty by eliminating the Community Services Block Grant (CSBG) target area. The HWAC Commission relies on CSBG funding to accomplish commission goals, but needs to fulfill certain participant criteria to be able to access the funding. Currently, because there is precarious membership, the HWAC commission’s funding and resources are threatened. The proposed change expands the target area to cover the entire City, ensuring section B revision’s feasibility. The CSBG target area is no longer limited to the former poverty districts drawn according to the 1980 census because the community of individuals in poverty are now spread into a wider area of the community as a result of placement of homeless individuals into residence hotels and RV parking, along with other programs, into other geographical areas.

These amendments to Berkeley Municipal Code Section 3.78.010 ensure that the Berkeley Human Welfare and Community Action Commission remains effective in addressing their goals. These revisions are crucial to be successful in representing a series of contemporary socio-economic developments and demonstrating the City's commitment to adapt to changing circumstances.

FISCAL IMPACTS OF RECOMMENDATION

No fiscal impacts.

ENVIRONMENTAL SUSTAINABILITY

This budget referral has no effect on environmental sustainability.

CONTACT PERSON

Amend Berkeley Municipal Code Chapter 3.78 To Expand Eligibility Requirements for Representatives of The Poor to Serve on The Human Welfare and Community Action Commission

CONSENT CALENDAR
November 28, 2023

Councilmember Kate Harrison, (510) 981-7140

ATTACHMENTS

1. Revised BMC Chapter 3.78

ORDINANCE NO. –N.S.

AMENDING CHAPTER 3.78 TO THE BERKELEY MUNICIPAL CODE TO EXPAND
ELIGIBILITY REQUIREMENTS FOR REPRESENTATIVES OF THE POOR

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

Section 1. That Berkeley Municipal Code Section 3.78.010 is amended to read as follows:

3.78.010 Creation of the Human Welfare and Community Action Commission.

A Berkeley Human Welfare and Community Action Commission is hereby created. The membership of such commission shall be fifteen:

A. Nine of the members shall be appointed by Berkeley City Councilmembers, in accordance with the Fair Representation Ordinance.

1. Four of the nine members of the commission appointed by the council shall be members or officials of business, industry, labor, religious, welfare, education, or major groups and interests in the community, as required by California Government Code Sections 12736(e), 12750(a)(2), and 12751, the language of which is incorporated herein by reference.

2. Representatives of private sector organizations shall be empowered to speak and act on behalf of the organizations they represent in connection with the board's business.

B. Six of the members shall be representatives of the poor, who shall to be elected as who shall be individuals residing anywhere within City limits who earn below the median area income or who have had significant lived experience in poverty. two from each of three districts as established by the City Council and shown on the map attached hereto, made a part hereof and marked "Exhibit A" (see Ch. 3.999).

C. The community service block grant (CSBG) target area shall comprise the total area from which three election districts are drawn. Each district will have approximately equal numbers of poverty families utilizing data from the 1980 Census.

~~1. Four of the nine members of the commission appointed by the council shall be members or officials of business, industry, labor, religious, welfare, education, or major groups and interests in the community, as required by California Government Code Sections 12736(e), 12750(a)(2), and 12751, the language of which is incorporated herein by reference.~~

~~2. Representatives of private sector organizations shall be empowered to speak and act on behalf of the organizations they represent in connection with the board's business.~~

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Agenda Committee 1/16/2024

Item 10 - City Council Legislative Systems Redesign

Discussion Items - Part 1

Background:

The Agenda Committee presented materials and solicited input from the City Council during fall of 2023 regarding possible Legislative Systems Redesign options. The goal of Systems Redesign is to improve processes for developing, introducing, vetting, passing, funding, and implementation of Major Council Items and initiatives. Based on City Council input, the Agenda Committee has been tasked with proposing a new set of improvements to:

1. Consider possible refinements to the definition of Major Items
2. Make the Council Item Guidelines mandatory for Major Items (formerly referred to as "Policy Track Items")
3. Establish transparent deadlines for budget processes and clarity about what kind of "asks" can be submitted/considered at each budget cycle
4. Strengthen the Committee System to provide more in-depth review and vetting of Major Items
5. Clarify levels of input from Staff and City Attorney at all stages, from development to implementation
6. Clarify processes and timelines for implementation of items once passed and funded
7. Establish protocols for one-time vetting/disposition of currently backlogged items
8. Consider yearly prioritization processes in light of the intended outcome of fewer, more fully considered Major Items in the queue

To facilitate focused discussion, this memo only addresses proposals related to items 1, 2, and 3, above. Additional considerations will be discussed at subsequent meetings.

1. **Consider possible refinements to the definition of Major Items**

"Major Items" are items meeting the current definition of *Policy Committee Track Items*:

"Moderate to significant administrative, operational, budgetary, resource, or programmatic impacts."

Some Councilmembers expressed that the definition might be further clarified. After discussing a variety of options, and considering times when the definition might have

proved problematic, it was decided that no changes should be proposed; the definition appears to provide good guidance to members of the Agenda & Rules Committee and has not been a source of controversy to date.

Consideration was given to potentially require all Ordinance changes to be labeled Major Items, but on further discussion, it was concluded that only Ordinance changes/new Ordinances with “moderate to significant administrative, operations, budgetary, resources, or programmatic impacts” would be worthy of being considered as Major Items - thus reinforcing the appropriateness of the existing definition.

One possible improvement could be to add examples of items that may be considered Major Items, rather than to amend the rule:

“Examples may include, but are not limited to Items that:

- *Clarify or extend existing Plans, Programs, Policies and Laws in moderate to significantly impactful ways*
- *Change/Amend existing Plans, Programs, Policies and Laws in moderate to major ways*
- *Create a new and meaningful exception to existing Plans, Programs, Policies and Laws*
- *Reverse/change existing Plans, Programs, Policies and Laws in moderate to significant ways*
- *May require moderate to significant increases in funding or additional FTE for start-up and/or ongoing operations”*

Recommendation: Keep existing definition, add examples, and revisit should controversies occur.

2. Make the Council Item Guidelines mandatory for Major Items (formerly referred to as “Policy Track Items”)

In discussing this seemingly straightforward concept, a number of considerations arose that are addressed in the following proposed path forward.

The Council Rules of Procedure and Order already include an outline of what is “required” for Council items, in Section XXX of the Rules. The Guidelines – suggested but not required and included in an Appendix to the Rules – were built from the Rules, providing more elaboration and specificity.

As suggested but not required, the Guidelines have not been “in conflict” with the Rules. However, adopting the Guidelines as requirements changes this equation; *the existing Rules and the Guidelines cannot both be simultaneously required*. The proposed path forward addresses the potential conflict that arises when the Guidelines are adopted as mandatory for Major Items.

In addition, if the Guidelines are mandatory only for Major Items, we must consider what will be mandatory for “all other” items – hereinafter referred to as “Standard Items.” The proposed path forward thus addresses both Major Item and Standard Item requirements.

Another consideration is how the Agenda Committee will evaluate whether an item - Major or Standard - is in compliance with mandatory requirements, and what the Agenda Committee must or may do if it finds an item falls short of the requirements. The following proposal addresses these issues as well.

Finally, the Guidelines were reviewed to identify any possible edits that might be suggested prior to adoption of the Guidelines as mandatory.

Proposal:

1. Make Edits to Guidelines:
 - a. Remove “preamble” language
 - b. Make light changes to the Guidelines and expand illustrative examples
 - c. *See Edited Version of the Guidelines*

2. Remove/eliminate existing Rules about how to present/write Items and adopt a two-tiered set of Rules for **Standard Items** and **Major Items**, based on the Guidelines.
 - a. For **Major Items**, make the full Guidelines MANDATORY
 - b. For **Standard Items**, make elements **1, 2, 3, 4, 5, 14 and 15** of the Guidelines MANDATORY, with other elements RECOMMENDED.
 - c. **Drafting Consideration** - Keep the Guidelines as an Appendix – incorporated by reference into the Rules – rather than “pasting” the full Guidelines directly into the Rules.

- d. **Clerk Templates** - the Clerk's Office will create updated, more user-friendly and easily accessible templates for Major and Standard Items, as well as for Supplemental, Late, and other Submissions.
 - e. For "**Speciality Items**" such as D13 Account grants, letters and resolutions in support of State or Federal Legislation, and other "special" Item types, the Clerk's Office will provide updated RECOMMENDED templates.
3. **For MANDATORY elements of both Major and Standard Items**, suggest adopting the following (or similar) standard for review by the Agenda Committee:

If a Major or Standard Item, as submitted by the Primary Author, does not substantially and materially meet reasonably applicable Mandatory Elements of the Guidelines, the Agenda & Rules Committee shall request, and may require, that the Primary Author provide additional analysis and/or consultation to fulfill Guideline requirements.

If the Agenda & Rules Committee requests or requires the Primary Author to provide additional analysis or consultation, the Item may or shall be referred back to the Primary Author and may be resubmitted for a future Agenda.

4. **For RECOMMENDED elements of Standard Items and Speciality Items**, authorize the Agenda Committee to do what it currently has the power to do under Rules Section (C)(1) (with some edits):

Refer the item back to the Primary Author for adherence to ~~required~~ recommended form or for additional analysis as ~~required~~ recommended in Section III.B.2 (Primary Author may decline and request Policy Committee assignment).

5. **For Emergency/Time Sensitive Items**, Items can bypass mandatory Guidelines requirements if the Agenda Committee makes the findings for a Time Critical Track Item (existing definition).

Proposed Standard for allowing Emergency/Time Sensitive Items to go forward without fulfilling the Mandatory Guidelines:

The Agenda Committee may make an exception to Mandatory Guidelines requirements for a Major or Standard Item if the Item meets the definition of a Time Critical Track Item, as provided in Section (3)(g)(1) of the Rules, in which case the Item may go forward as submitted on the Action Calendar for the Agenda under consideration with a notation, added by the Clerk's Office, that additional materials have been requested by the Agenda Committee. The Primary Author shall submit such additional materials as a Supplemental 1 filing.

Time Critical Track Item Definition (existing, Section (3)(g)(1)):

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

6. Appeals - provide a mechanism to appeal Agenda Committee decisions to the full Council?

May be advisable to have a bypass mechanism - or not?

3. Establish transparent deadlines for budget processes and clarity about what kind of "asks" can be submitted/considered at each budget cycle

The Council did not support a single, yearly cycle for submitting Council items, but expressed a desire for clear deadlines to be established for submission/consideration of items for various budget processes. In addition, questions have arisen regarding what kinds of requests can/should be submitted for consideration at various junctures in the yearly/biennial budget cycle.

Overall, it was determined that *the Agenda Committee should formally ask the Budget Committee for guidance on these questions*, as they fall more squarely into the Budget Committee's purview.

- By when should Standard and Major Items with budgetary considerations be passed out from Council to be considered in the June budget adoption/update?
- Working back from that date, by when should a Major Item or Standard Item be submitted, to allow time for consideration by the appropriate

Policy Committee and/or the City Council? (This may be a question for Agenda & Rules Committee to determine, once B&F sets the deadline)

- What kinds of budget requests are allowed/appropriate for the June budget?
- Consider establishing deadlines for the City Manager to bring Budget Updates (Fall and Spring) to the City Council.
- With established deadlines for Budget Updates, work back to establish deadlines for Major and Standard items to be submitted for consideration at each Budget Update. (This may be a question for Agenda & Rules Committee to determine, once B&F sets the deadline)
- What kinds of budget requests will be considered at Fall and Spring updates - from both Council and from the City Manager/Staff?
- If only emergency/time sensitive requests will be considered (or, for example, expansions of existing programs but not new programs, etc.), how will excess funds, if any, be rolled over and made available for Council priorities at the next June budget?

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

~~These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide “additional analysis” if the item as submitted evidences a “significant lack of background or supporting information” or “significant grammatical or readability issues.”~~

~~These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. These Guidelines are mandatory for all Major Items and strongly recommended for all other council reports Standard Items. While not all elements ~~would be~~ applicable to every type of Agenda item, the Guidelines are intended to prompt Authors to consider important elements of a complete item and to present ~~presenting~~ items with as much relevant information and analysis as possible.~~

~~Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:~~

- ~~2. Agenda items shall contain all relevant documentation, including the following as Applicable:~~
- ~~a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;~~
 - ~~b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;~~
 - ~~c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);~~
 - ~~d. Fiscal impacts of the recommendation;~~
 - ~~e. A description of the current situation and its effects;~~
 - ~~f. Background information as needed;~~
 - ~~g. Rationale for recommendation;~~
 - ~~h. Alternative actions considered;~~
 - ~~i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);~~
 - ~~j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be~~

~~duplicate. In such case the agenda item distributed with the packet shall so indicate.~~

Guidelines for City Council Items:

1. Title
2. Consent/Action/Information Calendar
3. Recommendation
4. Summary Statement/Current situation and its effects
5. Background
6. Review of Existing Plans, Programs, Policies and Laws
7. Actions/Alternatives Considered
8. Consultation/Outreach Overview and Results
9. Rationale for Recommendation
10. Implementation, Administration and Enforcement
11. Environmental Sustainability
12. Fiscal ~~Impacts~~ Considerations
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

1. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. Recommendation

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options, that can be presented singularly or in combination with others, include:

- Adopt first reading of ordinance
- Adopt a resolution
- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away, ~~it is not placed on any referral list~~)
- Referral to a Commission, ~~or to a Standing or Ad Hoc~~ Council Policy Committee, or other Legislative Body

- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

4. Summary Statement/“Current situation and its effects”

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):
Winter rains are lasting longer than expected. Berkeley’s winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley’s winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.

5. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. Review of Existing Plans, Programs, Policies and Laws

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

7. Actions/Alternatives Considered

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

8. Consultation/Outreach Overview and Results

- Review/list external and internal stakeholders that were consulted, as relevant.
 - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
 - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, City Clerk, etc.
 - **Commissions:** what Commissions were or will be consulted and what were their recommendations/concerns/suggestions?
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws

- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. ~~Plus~~In addition, further elaboration of terms for recommendations, if any, should be spelled out with clarity.

- Example: Keeping winter shelters open for an extra three months extends the City's existing Winter Shelter program in a minor way. The shelters have been open during inclement weather every year for decades, and have been extended to accommodate extended rainy and cold seasons in previous years. Keeping winter shelters open through April ensures our homeless neighbors will continue to have a place to keep dry and warm and supports the City's strategic plan goal of providing services to those with critical needs in our community. All services associated with the Winter Shelter program, including but not limited to meal and storage services, are specifically included in the direction to extend the program.

10. Implementation, Administration and Enforcement

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation? Initial, high-level consultation with the City Manager and/or the City Attorney regarding implementation, administration, and enforcement is strongly recommended, but not required.

11. Environmental Sustainability

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal ~~Impacts~~ Considerations

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs and benefits. Initial, high-level consultation with the City Manager and/or the City Attorney regarding the fiscal impacts of the proposal is strongly recommended, but not required.

13. Outcomes and Evaluation

State the specific outcomes expected, if any.

- ~~(i.e., Example: “it is expected that 100-300 homeless people will be referred to housing every year able to access dry and warm shelter during the 3-month extension of the winter shelter program”)~~

Also state and what reporting or evaluation is recommended.

- Example: The shelter operator shall keep an accounting of the number and any available demographic information about individuals who use the shelter during the extension period and report to the City Council, through the City Manager, on success or challenges of the program extension).

14. Contact Information

15. Attachments/Supporting Materials

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These Guidelines are mandatory for all Major Items and strongly recommended for Standard Items. While not all elements are applicable to every type of agenda item, the Guidelines prompt Authors to consider important elements of a complete item and to present items with as much relevant information and analysis as possible.

Guidelines for City Council Items:

1. Title
2. Consent/Action/Information Calendar
3. Recommendation
4. Summary Statement/Current situation and its effects
5. Background
6. Review of Existing Plans, Programs, Policies and Laws
7. Actions/Alternatives Considered
8. Consultation/Outreach Overview and Results
9. Rationale for Recommendation
10. Implementation, Administration and Enforcement
11. Environmental Sustainability
12. Fiscal Considerations
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

1. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. Recommendation

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options, that can be presented singularly or in combination with others, include:

- Adopt first reading of ordinance
- Adopt a resolution

- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away; it is not placed on any referral list)
- Referral to a Commission, Council Policy Committee, or other Legislative Body
- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

4. Summary Statement

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):
Winter rains are lasting longer than expected. Berkeley's winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley's winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.

5. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. Review of Existing Plans, Programs, Policies and Laws

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

7. Actions/Alternatives Considered

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

8. Consultation/Outreach Overview and Results

- Review/list external and internal stakeholders that were consulted, as relevant.
 - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
 - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, City Clerk, etc.
 - **Commissions:** what Commissions were or will be consulted and what were their recommendations/concerns/suggestions?
- What reports, articles, books, websites and other materials were consulted?

- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. In addition, further elaboration of terms for recommendations, if any, should be spelled out with clarity.

- *Example: Keeping winter shelters open for an extra three months extends the City's existing Winter Shelter program in a minor way. The shelters have been open during inclement weather every year for decades, and have been extended to accommodate extended rainy and cold seasons in previous years. Keeping winter shelters open through April ensures our homeless neighbors will continue to have a place to keep dry and warm and supports the City's strategic plan goal of providing services to those with critical needs in our community. All services associated with the Winter Shelter program, including but not limited to meal and storage services, are specifically included in the direction to extend the program.*

10. Implementation, Administration and Enforcement

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation? Initial, high-level consultation with the City Manager and/or the City Attorney regarding implementation, administration, and enforcement is strongly recommended, but not required.

11. Environmental Sustainability

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal Considerations

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs and benefits. Initial, high-level consultation with the City Manager and/or the City

Attorney regarding the fiscal impacts of the proposal is strongly recommended, but not required.

13. Outcomes and Evaluation

State the specific outcomes expected, if any.

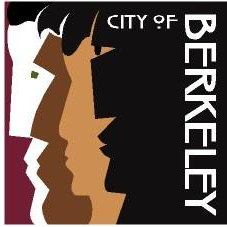
- Example: *“It is expected that 300 homeless people will be able to access dry and warm shelter during the 3-month extension of the winter shelter program.”*

Also state what reporting or evaluation is recommended.

- Example: *“The shelter operator shall keep an accounting of the number and any available demographic information about individuals who use the shelter during the extension period and report to the City Council, through the City Manager, on success or challenges of the program extension).”*

14. Contact Information

15. Attachments/Supporting Materials



Kate Harrison
Councilmember District 4

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet

Meeting Date: October 10, 2023

Item Number: 1

Item Description: City Council Legislative Systems Redesign

Submitted by: Councilmembers Harrison, Robinson, and Taplin

Refer to the Agenda Committee the elements contained in the “Alternative Legislative Alignment Process” as described in the background section.



Kate Harrison
Councilmember District 4

ACTION CALENDAR
October 10, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison (Author), Councilmember Robinson (Co-Sponsor), and Councilmember Taplin (Co-Sponsor)

Subject: Alternative Council Legislative Process

RECOMMENDATION

Refer to the Agenda Committee the elements contained in the “Alternative Legislative Alignment Process” as described below in the background section:

1. Incorporate positive elements of the Councilmember Hahn proposal, including mandatory Council memo guidelines, a formal process for City staff to provide conceptual input to authors, re-evaluating backlogged items for potential removal, and policy committees’ using a checklist to guide their analysis;¹
2. Establish objective definitions and provide for comprehensive consideration of significant items;
3. Require referrals and budget requests over a given threshold to be considered first by a policy committee.
4. Preserve and formalize rolling deadlines for significant item submission;
5. Retain policy/budget judgement and prioritization to Council as a whole rather than policy committees, while tasking committees with role of ensuring items are drafted to form and sufficiently inform Council and the public’s consideration.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

At the October 2019 Council retreat, the Council and the City Manager discussed approaches to better align the legislative process to the budget and ensure implementation was feasible. In particular, many referrals to the City Manager were not well drafted and were not reviewed by policy committees before being referred. Many budget referrals were also not considered by policy committees despite their potential to have outsized impacts on staff and budgetary resources. Even with the referral ranking system, there remain a sizeable backlog of items that are not necessarily funded or considerate of staff resources. Councilmembers have not identified a sufficient number of lower-ranked items for removal from the list and may remain there for years.

¹ Councilmember Hahn, Draft Proposal, p. 44., <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-09-18%20Agenda%20Packet%20-%20Agenda%20Committee.pdf>
2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-7140 • TDD: (510) 981-6903 • Fax: (510) 981-6903 E-Mail: KHarrison@cityofberkeley.info

Alternative Council Legislative Process

These considerations merit Council consideration and possible action. At the same time, proposals dictating how often Council can submit legislation and overly complex rules for policy committees risks veering into limiting councilmembers' legislative authority, fails to respond to emerging circumstances, is unprecedented in comparable cities and risks violating the spirit if not the letter of the City Charter. This item finds that (1) policy committee system created in 2018 is fundamentally sound with certain enhancements, and (2) that the problem that needs to be addressed is ending the practice of allowing significant policy and budget referrals to bypass the policy committee system.

Before Council could consider the issue in depth, the COVID-19 pandemic occurred. During the first year of the COVID-19 pandemic, the Mayor and Council briefly suspended consideration of nearly all non-emergency Council legislation and meetings of committees and commissions. As the pandemic wore on, the reality of governing and the needs of the people, including the pressing need for street improvements, responses to our affordable housing crisis, the murder of George Floyd and socio-economic factors – some related and some not to the pandemic – made introducing no new policy infeasible, and Council began legislating anew.

On June 15, 2021 City Management proffered its “Systems Alignment Proposal” proposal to Council. The proposal recommended restricting the time period for submitting Council items (exempting Departments and the City Manager) to only four months per year, among other details, citing the need for more in depth budgetary and implementation analysis. However, the Council’s policy committees, created shortly before this time, were tasked with vetting items for any staffing impacts in light of vacancies and considering budget impacts Current rules provide that the policy committees are to:

- review items for completeness and alignment with Strategic Plan goals;
- ensure Council items include adequate discussion of budget implications, administrative feasibility, basic legal concerns, and staff resource demands to allow for informed consideration by the full Council;
- include a positive, qualified, or negative “Committee recommendation” based on these criteria.²

Many items improved significantly through the committee process.

Questions about the impact of the city management proposal on the City Charter were outlined in an alternative Council item submitted by Councilmember Harrison in June 2021.³ Ultimately the City Manager’s proposal was not adopted by Council, and was

² Berkeley City Council Rules of Procedure, <https://berkeleyca.gov/sites/default/files/documents/City%20Council%20Rules%20of%20Procedure%20-%20July%2011%202023%20-%20FINAL.pdf>.

³ Councilmember Harrison, “Comments and Alternative Systems Alignment Proposal,” June 15, 2021, <https://records.cityofberkeley.info/PublicAccess/api/Document/AemaKwyWOMW%C3%89OLzGWGj2m%C3%81pnQxBkfMC7W2S7PsoYWkE%C3%81c3kNbNXoWpsj%C3%891iLPosUUUV90e0sL0rH3HFNV2BEtmCo%3D/>.

Alternative Council Legislative Process

instead referred to the Agenda Committee for consideration alongside alternative proposals. The City Manager has indicated that it would be inappropriate for the City Manager under the Charter to be recommending or determining how the Council makes policy decisions. Indeed, the policy and legislative function is firmly lodged under the Council per the Charter as was noted in Councilmember Harrison's 2021 alternative item.

Some of the elements of the City Manager's 2021 proposal have reemerged as part of a new proposal led by Councilmember Hahn through the Agenda Committee. According to the Agenda Committee record, Councilmember Hahn indicated that her proposal represents an understanding between the City Manager and City Clerk's office. The City Manager noted that "there are characteristics of my [the City Manager's] proposal woven into what you [Councilmember Hahn] will be providing [the Council]" but has indicated this is clearly a matter for Council to determine.

The Council's process is not fundamentally flawed, and does not require measures such as a nearly 300-day legislative process for "major items." The Council's Policy Committee and budget process systems are sound, and among other updates the main task before Council is to close outstanding loopholes to the committee process.

This alternative item builds upon the proposal submitted by Councilmember Harrison in 2021, comments directly to the positive and less positive elements of Councilmember Hahn's proposal, and offers an updated alternative proposal that better aligns the legislative process to the budget and staff implementation process without sacrificing Berkeley's democratic process, and directly deals with referrals and budget requests submitted without sufficient budget and implementation analysis.

Certain elements of the legislative processes that have largely bypassed the policy committee process include: (1) referrals to the City Manager, (2) departmental, City Manager, including some major policy items, and (3) departmental, City Manager and Council budget referrals. All of these can have an outsized impact on limited budget resources and staff time and should be incorporated in the policy committee process ahead of the respective budget process. The policy committees are where—before passing out an item—significant budgetary impacts and feasibility, in addition to the proposals merits, ought to be determined.

We can fix the process without stripping the people's representatives of their Charter responsibility to respond to the public's needs and of due process to propose, debate, and consider legislation.

BACKGROUND

Positive Aspects of the Councilmember Hahn Proposal

Alternative Council Legislative Process

- Council items are required to follow the guidelines already promulgated rather than leaving these guidelines as recommended only;⁴
- Formal process for City staff to provide high level conceptual input to authors before they submit proposals;⁵
- Process for addressing or re-prioritizing the “backlog” of unfunded items;⁶
- Major Items passed by Council but not funded are automatically rolled-over to future funding opportunities (this has already been implemented to a certain extent).⁷
- Policy Committees’ analysis is enhanced using a checklist (excluding Hahn proposal to rate items).⁸

Concerns about the Councilmember Hahn Proposal

- Does not clearly articulate the specific legislative problems it is trying to solve, or provide examples of how the current system is “[in]consistent[],” how it “overwhelm[s]” City staff, and how the current system fails to “[s]uccessfully implement state of the art and/or innovative programs and policies.”⁹
- Severely limits the public’s access to the democratic process and extends the legislative process for “Major Items” to nearly 300-days (September to July and beyond). This compares to the current expected 120-day timeline. Items can that quickly become stale or inadequate by the time they are finally implemented.¹⁰ The proposal does not appreciate the September deadline artificially circumscribes Council’s ability to be responsive to public.¹¹ For example, if a Councilmember develops a non-time critical but nonetheless important piece of major legislation in October, the public will have to wait 11 months until September plus another nine months (July of the next year) before the item can be budgeted and implemented.
- Does not align with the fall budget process in which “excess equity” is considered and most council budget referrals are funded.
- Does not subject City Management’s “Major Items” to the same review. Neighboring cities such as Oakland require all non-time critical staff policy items to be routed through Policy Committees so all budgetary decisions (the purview of Council) are made against the same criteria.¹²
- Provides Agenda Committee with too much power to determine pick ‘winners and losers’ as to what constitutes a “Major Item” or time critical. Existing and proposed definition of “Major Item” and “Time Critical” are overly subjective.¹³
- Provides Policy Committees inappropriate authority to prioritize/score items they review. Currently, Policy Committees provide recommendations about individual

⁴ Councilmember Hahn Draft Proposal, p. 44.

⁵ Id., p. 43.

⁶ Id., p. 47.

⁷ Id., p. 44.

⁸ Id., p. 36.

⁹ Id., p. 24.

¹⁰ Id., p. 43.

¹¹ Id. p. 27.

¹² Oakland City Council Rules of Procedure, March 8, 2023, <https://www.oaklandcityattorney.org/wp-content/city-council/89588%20CMS.pdf>. See also Councilmember Hahn Draft Proposal, p. 27.

¹³ Id., p. 44.

Alternative Council Legislative Process

policies, and Council as a whole is rightly tasked with prioritizing and scoring items in terms of approval and budgeting.¹⁴

- Asserts that Policy Committees are a burden on staff and the Council, when in fact they have been shown to benefit the legislative process and reduce discussion at full Council. The Council's policy committees would only be allowed to meet to consider major legislation during less than six months of the year (down from the current nine months).¹⁵
- Requires Council to score items as part of the budget process through opaque and non-public processes, rather than through the current deliberative Council meeting process, Budget Committee, and Mayoral budget process provided for in Charter.¹⁶
- Creates an implementation team that includes the Councilmember author after it is passed by a policy committee. The stated goal is to "establish clarity of intentions, sketch timelines, discuss opportunities, ideas, challenges, etc." These are functions that the policy committees are tasked to do. The role for the Councilmember should be circumscribed as to prevent inappropriate meddling in administrative matters that are assigned to the City Manager under the Charter.¹⁷

Alternative Council Legislation Alignment Proposal

From the perspective of the authors of this item, a workable and sensible democratic process proposal should include the following:

Incorporate Positive Elements of Councilmember Hahn Proposal

- The positive elements listed above under "Positive Aspects of the Councilmember Hahn Proposal."

Establish Objective Definitions and Comprehensive Consideration of Significant Items

- Establish *objective* definitions for items with "significant" or "insignificant" budgetary or staffing implications, e.g., a dollar figure threshold, number of FTE needed, or requirement for consultant work. The current system fails to define "moderate to significant" and leaves subjective discretion to the Agenda Committee. This would ensure fairness amongst all Councilmembers. Alternatively, items could be referred directly to Policy Committees for such determination bypassing the Agenda Committee, unless deemed time critical.

Under this proposal, significant items would be subject to the normal maximum 120-day Policy Committee review timeline and include some of the enhancements offered by Councilmember Hahn. Items with insignificant impacts could be routed directly to Council or be provided a more streamlined maximum 90-day timeline and a less intensive review. In the case that items referred under

¹⁴ Id.

¹⁵ Id., p. 26.

¹⁶ Id.

¹⁷ Id., p. 45

Alternative Council Legislative Process

the 90-day timeline are found by the Policy Committee to have more significant impacts, a committee would be empowered to extend the item to 120 days for enhanced review.

- Ensure that all items submitted as referrals to the City Manager or budget referrals over the threshold are thoroughly vetted by Policy Committees and include estimates of all budget and staffing implications before coming out of the committee process so that they can be properly routed to the budget process.
- Ensure that policy items from City Management and Departments (other than time critical contracts and strictly administrative matters) are routed to policy committees as in Oakland and San Francisco.

Preserve and Formalizing Rolling Deadlines for Significant Item Submission

- Provide rolling submission deadlines ahead of applicable biennial (July), annual adjustment (July), and annual appropriation ordinance budget processes (fall/spring). The Council and City Manager may strive to encourage Councilmembers to submit the bulk of their items to the biennial and AAO #1 processes, but circumstances and community demands may warrant submission and consideration at other budget process periods. The Council, Mayor, and Budget Committee should, as in the past, continue to defer items or not fund items with significant budgetary or staffing implications as appropriate. There does not need to be an artificial deadline imposed on items.

Retain Policy/Budget Judgement and Prioritization to Council as a Body, While Tasking Committees with Ensuring Items Are Drafted to Form and Sufficiently Inform Council and Public Consideration

- Pursuant to the Council's historic rules of procedures, *subjective judgements* of legislation are appropriately the purview of the Council as a whole, not Committees.

This alternative proposal would achieve the important goal of aligning Council items with significant budget and staff impacts with legislation in an objective way that is not detrimental to the Council's obligations under the Charter and the public's right to representative democracy.

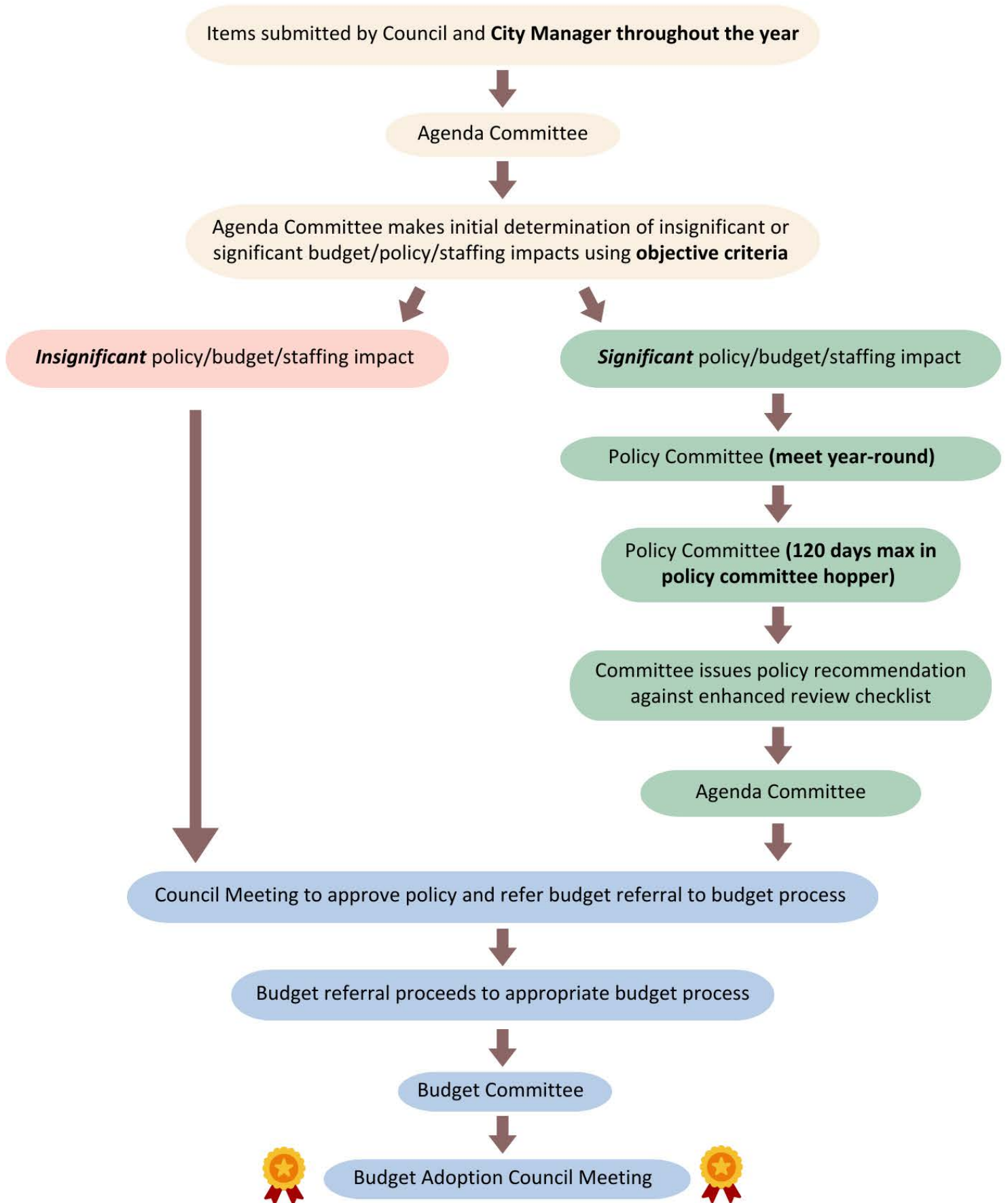
CONTACT

Councilmember Kate Harrison
kharrison@cityofberkeley.info | 510-981-7140

ATTACHMENTS:

1. Flowchart of Alternative Systems Alignment Proposal

Alternative Council Legislative Process Proposal





Office of the Mayor

WORKSESSION
October 10, 2023

To: Honorable Members of the City Council
From: Mayor Jesse Arreguín
Subject: City Council Legislative Systems Redesign

BACKGROUND

On February 8, 2021, at the direction of City Council during a retreat, the City Manager presented a Systems Alignment Proposal to the Agenda and Rules Committee. Following discussion, the Systems Alignment proposal was calendared for a future Council meeting.

On April 26, 2021 the Systems Alignment proposal was presented to All Council.

Councilmember Droste submitted a response to the Systems Alignment proposal at the May 18, 2021 meeting followed by Councilmembers Hahn and Harrison at the June 15, 2021 meeting. During the June 15, 2023 Council engaged in discussion and referred the Systems Alignment proposal to the Agenda and Rules Committee for further consideration.

On March 14, 2023, Councilmembers Robinson and Wengraf presented Reforms to Public Comment Procedures at meetings of the City Council for discussion and action.

At the Agenda & Rules Committee Councilmember Hahn, in collaboration with the City Clerk and other staff, presented "Major Item Legislative, Budgeting & Implementation Systems Redesign". Upon deliberation, the Agenda & Rules Committee set a worksession for full council discussion on October 10, 2023.

In order to assist Council in understanding the various recommendations from previous meetings, Mayor Arreguin directed his staff, with assistance from Councilmember Wengraf's staff, to create a matrix of all the proposals and responses from City Councilmembers at the relevant meetings which was reviewed at the September 26, 2023 Agenda and Rules Committee meeting.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

City Council Legislative Systems Redesign

WORKSESSION
October 10, 2023

Attachments:

- 1: PowerPoint Presentation
- 2: Council Rules of Procedure – Appendix B
- 3: Comparison Matrix
- 4: Background Materials

MAJOR ITEM

Submission, Review, Approval, Funding, & Implementation

PROCESS SKETCH FOR DISCUSSION

Presented to Berkeley City Council
by the Agenda & Rules Committee

October ##, 2023

TERMINOLOGY

MAJOR ITEM

Is an Item meeting the current/existing definition of a **Policy Committee Track Item**:

Moderate to significant administrative, operational, budgetary, resource, or programmatic impacts

BIG IDEAS

COUNCIL/MAYOR - Successfully develop and implement State of The Art/ Innovative Programs and Policies to serve Berkeley, and to model best practices

CITY CLERK - Consistency in process for Major Item Development, Budgeting and implementation

CITY ATTORNEY – Ensure legal and drafting compliance

CITY MANAGER - Help the Organization deliver without overwhelm; help staff be successful in their work

YEARLY CYCLE

Built around **JUNE 30** Budget Adoption/Update

July – September

COUNCIL

Finalize Y2 Items

CITY MANAGER

Implement Y1 Items

October – March

**COMMITTEE
SEASON**

April – June

**COUNCIL + BUDGET
SEASON**

LEGISLATIVE SESSION

One Cycle - Benefits

- **Every Year, opportunity to submit** and have Council review/vote on and fund Major Items
- **Four Subject Matter Committees** only meet during a Committee Season (except if emergency or special circumstance)
- Staff can **focus on implementation** during the “off season,” and Councilmembers can finalize the next year’s items
- Significantly **reduce gap between approval and implementation**

MAJOR ITEM DEVELOPMENT & SUBMISSION

All Year → *End of September*

- Must use **Major Item Guidelines** format
(Appendix B to Council Rules of Procedure & Order)
- September 30 **Submission Deadline**
- Major Items **can be submitted prior** to September 30 and reviewed by Agenda & Rules for **compliance with guidelines**
- Timeline allows for Councilmembers to **work all year** on items, with **concentrated opportunity** July-September
- **Staff input** at Pre-submission = high level/conceptual; early vetting of concepts with **City Attorney** to identify legal & drafting inputs

AGENDA COMMITTEE

OCTOBER

Review & Assign Major Items to Committees

- Early October **Special Meeting(s)**
- Review Major Items for **compliance with Guidelines**
- Assign *compliant* Major Items to Policy Committees
- Send *non-compliant* Major Items back to Authors for resubmission by End of October

POLICY COMMITTEES

OCTOBER - MARCH

- Organizing Meeting(s) Mid-October – Plan Committee Session/Schedule Hearings
- Major Items reviewed by Committee and move out on Rolling Basis, November - March
- [Committees may also prioritize/score items they review]
- All Major Items OUT of Policy Committees by March 30

CITY COUNCIL

APRIL

- Vote on all Major Items by **April 30**
- May require special meeting(s) in April
- **City Attorney** sign-off on **drafting and legal conformity** of Ordinances, Resolutions, and Formal Policies
- Approved items sent to **Budget Committee**

PRIORITIZATION OF MAJOR ITEMS* EARLY MAY

- All **Major Items** that have been passed by Council, both NEW and PENDING/previously unfunded, to be prioritized by Councilmembers
- Prioritization due Second Friday in May (process TBD)

** Not the same as All-Item prioritization*

BUDGET COMMITTEE

MAY - JUNE

- Council [and Committee?] Prioritizations provided to Budget Committee as guides, but **not binding**
- Budget Committee makes **Recommendations** to Full Council
- Budget passed; Major Items funded move forward to **Implementation**
- ROLLOVER: Major Items passed by Council but not funded get **automatically rolled-over** to future funding opportunities

IMPLEMENTATION

JULY +

- **Implementation Lead** assigned by **City Manager**
- **Implementation Team** assembled by **Lead + CM**
- Meet with **Author(s)** to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- **Implementation Team** prepares
 - **Launch Plan**
 - **Operating Plan**
- Program/Policy is **Launched + Implemented**

OVERRIDE

for Time Critical Items

SPECIAL TOPIC # 1

- Rules of Procedure and Order already provide Override:
An item that would otherwise be assigned to a Policy Committee may bypass Policy Review if the Agenda Committee deems it Time Critical. Agenda & Rules Committee retains discretion to decide the Time Critical nature of an item
- Time Critical definition - may need to be reviewed/amended
- May still go to a Policy Committee or directly to Council, per A&R
- [**Possible Add:** Council-level override/appeal if Author doesn't agree with the A&R decision on Time Critical nature of a Major Item].

PRE-SUBMISSION DETAILS

SPECIAL TOPIC # 2

- **Guidelines Format Mandatory** for all Major Items
- **Only Authors (no Co-Sponsors) allowed** at Pre-Submission and Committee stages, to reduce Brown Act issues
- Available: **Pre-Submission Consult with City Manager** to recommend internal subject matter experts for high-level input
- Required: **Pre-Submission Consult with City Attorney** to identify legal and drafting considerations
- *Consider role for **COMMISSIONS** in Pre-Submission Phase*

STRENGTHEN COMMITTEE REVIEW

SPECIAL TOPIC # 3

DEVELOP STANDARDS for review of Major Items:

- Relevance to Strategic Priorities or current needs/events
- Added value of program/policy
- Potential benefits/costs of program/policy to Community and COB
- Alternative means to achieve same or similar goals
- Phasing/timelines for implementation
- Staffing and Resources needed to Launch and Operate
- Evaluation/Metrics/Enforcement
- [Rate/Rank Major Items at end of Committee Session?]
- [Increase options re: positive and negative recommendations?]
- Other?

STRENGTHEN COMMITTEE REVIEW

SPECIAL TOPIC # 3

Public, Staff, City Attorney, Commission Inputs

- Active Outreach to all identifiable Stakeholders
- Multiple Hearings to allow for robust community, Staff, and City Attorney inputs + Discussion
- ENHANCE/EMPOWER City Attorney & Staff participation to ensure meaningful input, without requirement for formal reports
- Committee Schedule (set early October) will help ensure the right staff/attorneys are present for each item
- *Consider how to obtain/integrate input from Commissions*

PRIORITIZATION – SPECIAL *BACKLOGGED QUEUE*

Need a one-time process to “clear the backlog” of Major Items *currently* in queue. Suggest sending all pending (but not initiated) items to Policy Committees for review to suggest:

- Merging items and/or Updating Referrals
- Re-approval of items “as is”
- Recommendation to Sunset/Remove moot items
- Recommend disposition of all items, ranked By Lead Department
- Council reviews and approves Committee recommendations for consolidation, removal, restatement, and re-support of items
- May need some criteria - to ensure all council members get at least some of their priorities addressed
- May also include consideration of an RRV- or other kind of prioritization by full Council, organized by Lead Department and/or holistically

Page 26 of 237

PRIORITIZATION – REGULAR

YEARLY QUEUE

- Enhanced Committee process should result in fewer or no backlogs and items implemented in a reasonable timeframe
- Prioritization becomes less of a BIG ISSUE

Prioritization in a rationalized system:

- More fully conceived and vetted items
- Committee scoring and/or ranking of items at end of Committee Season
- Council Ranking of items by Lead Department and Overall

Need Process & Criteria for funding Items at AA01 and AA02

High Level Suggestions – need input from Budget & Finance

- Only Time Critical and Rollover (previously approved but unfunded) items considered - *same rule for Council and City Manager items*
- Not all extra funds (if any) get allocated - reservation for the annual budget process so funds are available for Council initiatives going through yearly legislative process
- AA01 and 02 only for one-time and/or time sensitive needs, except special circumstances

IMPLEMENTATION

SPECIAL TOPIC # 7

Once Major Item is passed + funded, move to Implementation

- **Implementation Lead** is assigned by City Manager – *Single Individual* Responsible for managing and ensuring implementation
- **Implementation Team** assembled by Lead + City Manager
- **Consult with Author(s)** to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- Implementation Team prepares **LAUNCH** and **OPERATING** Plans
 - **LAUNCH** elements + Timeline
 - **OPERATING** Plan
- Long term/ongoing operation of program/policy

DISCUSSION + QUESTIONS

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide “additional analysis” if the item as submitted evidences a “significant lack of background or supporting information” or “significant grammatical or readability issues.”

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
 - a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
 - b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
 - c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
 - d. Fiscal impacts of the recommendation;
 - e. A description of the current situation and its effects;
 - f. Background information as needed;
 - g. Rationale for recommendation;
 - h. Alternative actions considered;
 - i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
 - j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

Guidelines for City Council Items:

1. Title
 2. Consent/Action/Information Calendar
 3. Recommendation
 4. Summary Statement/Current situation and its effects
 5. Background
 6. Review of Existing Plans, Programs, Policies and Laws
 7. Actions/Alternatives Considered
 8. Consultation/Outreach Overview and Results
 9. Rationale for Recommendation
 10. Implementation, Administration and Enforcement
 11. Environmental Sustainability
 12. Fiscal Impacts
 13. Outcomes and Evaluation
 14. Contact Information
 15. Attachments/Supporting Materials
-

1. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. Recommendation

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

- Adopt first reading of ordinance
 - Adopt a resolution
 - Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
 - Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
 - Referral to a Commission or to a Standing or Ad Hoc Council Committee
 - Referral to the budget process
 - Send letter of support
 - Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
 - Designate members of the Council to perform some action
-

4. Summary Statement/ “Current situation and its effects”

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):
Winter rains are lasting longer than expected. Berkeley’s winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley’s winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.

5. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. Review of Existing Plans, Programs, Policies and Laws

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan

- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

7. Actions/Alternatives Considered

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

8. Consultation/Outreach Overview and Results

- Review/list external and internal stakeholders that were consulted
 - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
 - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented,

but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

10. Implementation, Administration and Enforcement

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

11. Environmental Sustainability

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal Impacts

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

13. Outcomes and Evaluation

State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

14. Contact Information

15. Attachments/Supporting Materials

Systems Realignment Matrix - Updated 10-3-2023

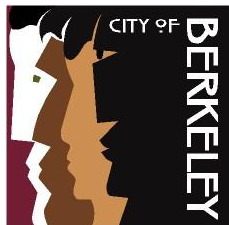
Item Date	JM	LM	LM	JM	LM	LM	JM	JM
	City Manager's System's Realignment Proposal 4/26/2021	Droste Response 5/18/2021	Council Feedback from Work Session 5/18/2021	Hahn Proposal 6/15/2021	Harrison Proposal 6/15/2021	2021 Council Feedback 6/15/2021	Droste BERIPE Plan 3/14/2023	Hahn/City Clerk Proposal to A & R 10/10/2023
Item Summary				Thesis: Legislative process should support Council in passing legislation of important local concerns and value-based issues with impact locally and more broadly. New legislation should be thoroughly researched, revised and vetted with input from stakeholders, the public, City Staff and Council colleagues. City staff contribute with increased levels of input and participation as the legislation moves forward.		Thesis: Council recommendation was to review the proposal for systems alignment and provide edits and suggestions in order to compile Council feedback for the purpose of drafting a revised proposal for adoption. Sent back to A&R to prepare a new proposal and Council voices. No Councilmembers commented on the Consent Item during the meeting.		Thesis: Align with budget process, create consistency in process and proposal writing; ramp-up staff engagement as proposal moves through process. Create "seasons" (specific annual timeframes for development, policy committee, council and budget approval)
Decisions/ Actions Taken	Thesis: Councilmembers to return with thoughts/proposals	Thesis: Supports CM Proposal. Recommends template adjustments to increase effectiveness and clarify reason for proposal and its recommendations and increase effectiveness.	Thesis: Mayor proposed and Council approved continuing the item to the June 15, 2021 regular meeting to allow Councilmembers to submit written comments for the public record.					
Process for Council Items	A & R determines if Major Item If not major, agendaized for Council meeting	Council Agenda Item Template recommended adjustments: - add: Define the Problem -Include Criteria Considered & -Rationale for Recommendation -Make Equity its own category Sample red-lined template in item	Some Councilmembers expressed concern about the yearly April deadline for Major items because it would create stale items and/or limit ability to respond to the concerns of the moment. CM reminded public and Council that this process is just for the 15 -20 Major items drafted each year.	Guideline Format drives development of Council, City Manager or Commission proposals All Major Items, regardless of where originated follow the prescribed process Council is encouraged to consult with staff during proposal development but may wait until during the Committee process CAO must provide preliminary review prior to initial submittal	Council Streamlines Existing Backlog of staff involved items through Policy Committees' review and recommendations to Council.	N/A		Built around June Budget Adoption Divided into Seasons with deadlines for each phase
Major Item Definition	- Cannot be operationalized over time with existing resources - Displaces an existing prioritized item - Not implementable with existing resources - Unable to sustain enforcement activities - Subject to legal challenge and/or pre-emption - Additional/new FTE on a temporary or permanent basis - Additional or new infrastructure or technology costs			Any law, program, or policy that represents a significant change or addition to existing law, program, or policy and/or is likely to call for or elicit significant study, analysis, or input from the community, staff or Council colleagues, and/or is likely to require significant new resources or staffing to implement.		N/A		Definition required
Major Item Determination	A & R in consultation with CM EXCEPTIONS: - Grant deadlines - Public Safety Issues - Declared local emergencies If exceptions granted, projects "in process" must be identified and delayed	Major Item Determination Checklist recommended adjustments: Define "smaller" and "less impactful" and state how that is determined.		(see definition above) Can originate from Councilmembers, City Manager (often as referral responses) or Commissions A & R makes determination if a submittal is a Major Item - can be sent back to originator for more information and compliance with Guidelines	Should be determined by Policy Committees, not Agenda Committee, via objective determination. No determination criteria given.	N/A	N/A	Submittal Season: Year round submittal September 30 cut off for consideration through process Submittals reviewed by A & R for Major Item Determination and compliance with Guidelines
Major Item Deadline	A & R agenda prior to April 30 to be considered in legislative year Agendaized at A & R on rolling basis	none provided		none provided		N/A	LIMITS NUMBER OF MAYOR ITEM SUBMITTALS Councilmember limited to submitting 1 major legislative item or set of amendments to existing ordinances/yr Mayor limited to submitting 2 major legislative items or set of amendments to existing ordinances/yr DEADLINE TBD	September 30 for next fiscal year consideration

Systems Realignment Matrix - Updated 10-3-2023

Item Date	JM	LM	LM	JM	LM	LM	JM	JM	
	City Manager's System's Realignment Proposal 4/26/2021	Droste Response 5/18/2021	Council Feedback from Work Session 5/18/2021	Hahn Proposal 6/15/2021	Harrison Proposal 6/15/2021	2021 Council Feedback 6/15/2021	Droste BERIPE Plan 3/14/2023	Hahn/City Clerk Proposal to A & R 10/10/2023	
Item Distinction/ Process	Policy Committee Review	Referred by A & R Reviewed for completeness and alignment with Strategic Plan goals. Commission review. Once approved for consideration moves to Implementation Conference	Policy Committee Ranking Form recommended adjustments: -Use score rather than rank NOTE: CM presentation no longer recommends using the Ranking Form	A & R makes determination if a proposal meets information in Guidelines prior to sending on to Committees - Author has right to appeal Committees plan a timeline for hearing over multiple meetings and identify stakeholders and experts to provide input. Committee meetings to discuss proposal should be taken in order of the required components of the Guidelines Staff agendized to engage in every discussion and provides budget resources needs for Launch and	Policy Committees send their recommendation and finalized Implementation report to A & R for scheduling at Council.	N/A	N/A	Committee Season: October 1 - March 1 A & R - October: will require special meetings. determines completeness based on Major Items Guidelines edits must be completed by 3rd Friday in October in order to move to Committees Committees determine order of hearings, create calendar, group like items together, understand staffing impacts, follow Enhanced Review Process	
	Implementation Conference	CM or designee, CAO, Department Head or designee Collaborate with author to detail fiscal and operational impacts. Implementation Conference outcomes to be incorporated into Concil Report (see detail in 4.26.21 proposal, p3)	Implementation Conference Worksheet recommended adjustments: -Reduce amount of redundant components and specify what impact means. -Include similar additions as Council Item Template. -See sample redlined template in the item	Timing for conference: Earlier timing, perhaps just after referred to policy committee, before the Committee takes it up. Staff analysis: Former Auditor in her 2018 presentation talked about importance of Council needing a staff analysis, resource analysis and opportunity costs in their items. Councilmember noted incredible importance for Council to have this info before passing items. At the same time, don't want staff to spend too much time on an item that doesn't pass. Tension here. Definitions: Council needs to be comfortable with them.	The Policy Committee would facilitate an Implementation Conference hearing(s) with City staff, the author, and Committee members in order to prepare an Implementation Report. This happens during the Policy Committee Review.	N/A	N/A	N/A	
	Implementation Conference Deadline	August 31	No calendar deadline		No calendar deadline	No calendar deadline. Rolling basis.	N/A	N/A	N/A
	Initial Prioritization	July 31. Policy Committees make recs Submitted to City Council	Sunset current RRV process Committee to "score" each proposal			Prioritized on rolling basis. Upon Council adoption, the budget aspect of the item would proceed to either the June or November budget process.	N/A	N/A	ONE TIME clearing of backlog on current list of projects
	Council Approval and Final Prioritization	October Council Calendar Council approval, prioritization, assign fiscal year for implementation, identify removal of items that new initiatives will replace If Council does not approve, item can be reintroduced the following year November 30 deadline for all major item actions	Sunset current RRV process Committee to "score" each proposal		Author revises proposal to include required changes/clarifications and resources required for Launch and Implementation	Council approves before item goes through budget process.	N/A	Council prioritizes all new legislative submittals through RRV process. Year 1 ONLY: Combine new legislative submittals and outstanding/incomplete items for prioritization through RRV process. Council and staff should determine what can be reasonably accomplished by staff based on RRV outcome and delete those projects that did not rise to top of priorities and cannot be accomplished. Year 2 and ongoing: Only new legislative submittals will be prioritized	Council Season: Feb 1 - April 30 CAO must confirm compliance with Ordinances Prioritization: Council and Committee prioritize and send to Budget Committee

Systems Realignment Matrix - Updated 10-3-2023

Item Date	JM	LM	LM	JM	LM	LM	JM	JM
	City Manager's System's Realignment Proposal 4/26/2021	Droste Response 5/18/2021	Council Feedback from Work Session 5/18/2021	Hahn Proposal 6/15/2021	Harrison Proposal 6/15/2021	2021 Council Feedback 6/15/2021	Droste BERIPE Plan 3/14/2023	Hahn/City Clerk Proposal to A & R 10/10/2023
Budget & Strategic Planning	December/January Staff to incorporate approved items into Budget/workplan ranked by priority January - March Council and Staff revise the budget based on department presentations to BC May/June Budget hearings, adjustments and adoption			Budget Implementation Conference: approves moving toward implementation or implementation is declined to proceed	Council approved items go through the next budget process.	N/A	(see note above) Budget referrals and allocations must be explicitly tied to previously established or approved policy program, planning/strategy document and/or external funding opportunity related to one of these. No budget referral can directly fund a specific organization or event. Organizations receiving City funding must submit application that includes civic goals/purposes, previous funding history and quantitative/qualitative results/outcomes. Funding greater than \$20,000 must include data on number of persons served and other outcomes.	Budget Season: May 1 - June 30 Council prioritization to Budget committee not binding. Budget Committee makes recommendations to full Council Funded Council approved items move to Implementation Unfunded Council approved items rollover to future funding opportunities
Implementation						N/A		July (Month 1 of new fiscal year) Implementation Lead and Team assigned Meeting with Authors for clarity, timelines, challenges Implementation Team prepared Launch and Operational Plans
Tools	Council Item template outlining required information Major Item checklist Implementation Conference Worksheet Major Item Deadline: April 30	Major Item Determination Checklist	Policy Committee Ranking Form	Guidelines for Proposals/Council Items	Alternate Systems Alignment Proposal flowchart.	N/A		Major Items Guidelines Format Enhanced Review Process
Consolidated Yearly Cycle	Implementation Conference Deadline: August 31 Council Prioritization Deadline: July 31 Council Approval Deadline: November 30 Budget Cycle: January -	none addressed	N/A	none addressed	Rolling basis rather than yearly cycle.	N/A	Based on "to be established" deadline to align with RRV process	Submittal Season: Year round with August 1 deadline for next fiscal year consideration Committee Season: Sept 1 - January 30 A & R and council committee review Council Season: Feb 1 - April 30 Budget Season: May 1 - June 30
Consensus	1 - Staff input in legislative drafting is important							
Variable Differences	1 - Different timelines for different types of items (some staggered, some ongoing)							
Outstanding Questions	1 - What impact does this have on the RPP process? What needs to change? What limits revisions to a systems redesign process?							



Office of the City Manager

BACKGROUND MATERIAL

The following documents were previously submitted to the City Council for consideration, and are being provided with this item as background material.

The City Manager has removed staff's Systems Alignment Proposal from consideration. It is included in this attachment for reference and context.

Attachments:

March 14, 2023 Council Meeting

1. Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)
 - a. Report – Submitted by Councilmember Droste

June 15, 2021 Council Meeting

2. Systems Alignment Proposal
 - a. Supplemental Material – Submitted by Councilmember Hahn
 - b. Supplemental Material – Submitted by Councilmember Harrison
 - c. Report – Submitted by City Manager

May 18, 2021 Council Meeting

3. Systems Alignment Proposal
 - a. Supplemental Material – Submitted by Councilmember Droste
 - b. Presentation – Submitted by City Manager
 - c. Report – Submitted by City Manager



Lori Droste
Councilmember, District 8

25

Action Calendar
March 14, 2023

To: Honorable Mayor Jesse Arreguín and Members of the City Council

From: Councilmember Lori Droste

Subject: Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)

Recommendation

In order to ensure that the City focuses on high-priority issues, projects, and goals and affords them the resources and funding such civic efforts deserve, the City Council should consult with the City Manager's Office to develop and adopt a suite of revisions to the City Council Rules of Procedure and Order that would implement the following provisions:

1. Beginning in 2023, Councilmembers shall submit no more than one major legislative proposal or set of amendments to any existing ordinance per year, with the Mayor permitted to submit two major proposals, for a maximum of ten major Council items per year.
2. In 2023 and all future years, Councilmembers shall be required to submit major items before an established deadline. Council shall then prioritize any new legislative items as well as any incomplete major items from the previous year using the Reweighted Range Voting (RRV) process. This will help establish clear priorities for staff time, funding, and scheduling Council work sessions and meetings. For 2023 alone, the RRV process should include outstanding/incomplete Council items from all previous years. In 2024 and thereafter, the RRV process should only incorporate outstanding/incomplete major items from the prior year. However, Councilmembers may choose to renominate an incomplete major policy item from an earlier year as their single major item.
3. During deliberations at a special worksession, Council retreat, and/or departmental budget presentations, Council and the City Manager should develop a work plan that establishes reasonable expectations about what can be accomplished by staff given the list of priorities as ranked by RRV. Council should also consult with the City Manager and department heads, particularly the City Attorney's office, Planning Department, and Public Works Department on workload challenges (mandates outside Council priorities, etc.), impacts, reasonable staff output expectations, and potential corrective actions to ensure that mandated deadlines are met, basic services are provided, and policy proposals are effectively implemented.
4. Budget referrals and allocations from City Council must be explicitly related to a previously established or passed policy/program, planning/strategy document, and/or an external funding opportunity related to one of these. As a good government practice, councilmembers and the Mayor may **not** submit budget referrals which direct funds to a

specific organization or event. Organizations which receive City funding must submit at least annually an application detailing, at a minimum: the civic goal(s)/purpose(s) for which City funds are used, the amount of City funding received for each of the preceding five years, and quantitative or qualitative accounting of the results/outcomes for the projects that made use of those City funds. Organizations receiving more than \$20,000 in City funds should be required to provide quantitative data regarding the number of individuals served and other outcomes.

5. Ensuring that any exceptions to these provisions are designed to ensure flexibility in the face of an emergency, disaster, or urgent legal issue/liability and narrowly tailored to be consistent with the goals of enhanced efficiency, effectiveness, fairness, and focus.

Policy Committee Recommendation

On February 14, 2023, the Agenda and Rules Committee adopted the following action: M/S/C (Hahn/Arreguin) to send the item to the City Council with a Qualified Positive Recommendation to refer the relevant concepts of the original item to the Agenda & Rules Committee for consideration under the existing committee agenda item regarding enhancements to the City's legislative process. Vote: All Ayes.

Current Situation and Its Effects

Over the past few years (excluding the COVID-19 state of emergency), City Council has grappled with potential options to reduce the legislative workload on the City of Berkeley staff. While a significant portion of this workload is generated from non-legislative matters and staffing vacancies, it is important to recognize that staff also continue to struggle to keep up with Council directives while still accomplishing the City's core mission or providing high quality public infrastructure and services.

Background and Rationale

Berkeley faces an enormous staffing crisis due in part to workload concerns; as such, Council should take steps to hone its focus on legislative priorities. [November 2022's Public Works Off-Agenda Memo](#) offers a benchmark for problems faced by City departments. Public Works staff struggles to complete its top strategic plan projects, respond to audit findings, and provide basic services, in addition to fulfilling legislative priorities by Council. While the "Top Goals and Priorities" outlined by Public Works is tied to 130+ directives by the City Council, it is not reasonable to assume that all will be implemented.

The challenges faced by the Public Works department are not an anomaly. Other departments share the same challenges. In addition to needing to ensure that the City can adopt a compliant state-mandated Housing Element, process permits, secure new grant funding, mitigate seismic risks, and advance our Climate Action Plan, Planning Department staff have been tasked with addressing multiple policy proposals from the City Council. The sheer number of referrals also impacts the ability of staff in the City Attorney's office to vet all ordinances, protect the City's interests, participate in litigation, and address the City's other various legal needs.

Best Practices

A number of nearby, similarly-sized cities were contacted to request information about how these cities approach Councilmember referrals and prioritizations processes. Cities contacted

included Richmond, Vallejo, Santa Clara, Concord, and Sunnyvale. Of these cities, Santa Clara, Concord, and Sunnyvale replied.

Santa Clara

Overall, Santa Clara staff indicated that—similar to Berkeley—the Council referrals and prioritization process is not especially formalized, with additional referrals being made outside of the prioritization process.

Each year, the Council holds an annual priority setting session at which the Council examines and updates priorities from the previous year and considers what progress was made toward those priorities. The prioritization process takes place in February so that any priorities that rise to the top may be considered for funding ahead of the budget process. In any given year, some priorities may go unfunded and even holding those priorities over to a second year is not necessarily a guarantee of funding.

Despite conducting this annual prioritization exercise, Councilmembers in Santa Clara often still do bring forward additional referrals outside of this process. Part of this less restricted approach in Santa Clara's 030 ("zero thirty") policy, which allows members of the the City Council to add items to the Council agenda with sufficient notice and even allows members of the public to petition to have items added to a special section of the Council agenda.

Despite the overally looseness of Santa Clara's approach. Council members still rely upon staff to provide direction with respect to what priorities are or are not feasible based upon available funding and staff bandwidth.

Concord

According to Concord City staff, although Concord—like Berkeley and Santa Clara—does have a process for Councilmembers to request items be added to Council agendas, Councilmembers generally agree not to add referrals outside of the formal priority-setting process.

Concord City staff only work on "new" items/policies that are mandated by law, recommended by the City Manager, and have been recommended for review/work of some kind by a majority (three of the five members) of the City Council.

In general, Councilmembers agree to not add work items outside of the Council's formal priority setting process. The Concord City Council has a once-a-year goal setting workshop each spring where the City plans its Tier 1 and Tier 2 priorities for the year (or sometimes for a 2-year cycle). Most Councilmembers abide by this process and refrain from bringing forward additional items. However any Councilmember may put forward a referral outside of the process and use the method outlined below.

Outside of the prioritization process, Councilmembers can request that their colleagues (under Council reports at any Council meeting) support placing an item on a future Council meeting agenda for a discussion. The Concord City Attorney has advised councilmembers that they can make a three sentence statement, e.g. "I would like my colleagues' support to agendize [insert item]" or "to send [insert item] to a Council standing committee for discussion." Followed by: "This is an important item to me or a timely item for the Council because [insert reasoning]. Do I have your support?" The other Councilmembers then cannot engage in any detailed discussion or follow up, but may only vote yes or no to agendizing the item.

If two of the Councilmember's colleagues (for a total of 3 out of 5) agree to the request to have the item agendized for a more detailed discussion by Council, then the item will be added to a future agenda for fuller consideration. An additional referral outside the prioritization process is suggested perhaps once every month in Concord, but the Concord City Council usually does not provide the majority vote to agendize these additional items.

Sunnyvale

Of all the cities surveyed, Sunnyvale has the most structured approach for selecting, rating, and focusing on City Council priorities. "Study issues" require support from multiple councilmembers before being included in the annual priority setting, and then must go through a relatively rigorous process to rise to the top as Council priorities. And, perhaps most importantly, policy changes *must* go through the priority setting process to be considered. The Sunnyvale City Council's Policy 7.3.26 Study Issues reads, in part:

Any substantive policy change (large or relatively small) is subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).

Policy related issues include such items as proposed ordinances, new or expanded service delivery programs, changes to existing Council policy, and/or amendments to the General Plan. Exceptions to this approach include emergency issues, and urgent policy issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council.

If a study issue receives the support of at least two Councilmembers, the issue will go to staff for the preparation of a study issue paper. Council-generated study issues must be submitted to staff at least three weeks ahead of the priority-setting session, with an exception for study issues raised by the public and carried by at least two Councilmembers, if the study issues hearing takes place less than three weeks before the priority setting.

At the Annual Study Issues Workshop, the Council votes whether to rank, defer, or drop study issues. If a majority votes to drop the issue, it may not return the following year; if the issue is deferred, it returns at the following year's workshop; and if a majority votes to rank an issue, it proceeds to the ranking process. Sunnyvale's process uses "forced ranking" for "departments" with ten or fewer issues and "choice ranking" for departments with eleven or more issues. (The meaning of "departments" and the process for determining the number of issues per department are not elucidated within the policy.) Forced ranking involves assigning a ranking to every policy within a given subset, while choice ranking only assigns a ranking to a third of policies within a given subset, with the others going unranked.

After the Council determines which study issues will be moving forward for the year based on the rankings, the City Manager advises Council of staff's capacity for completing ranked issues. However, if the Council provides additional funding, the number of study issues addressed may be increased.

In 2022, Sunnyvale had 24 study issues (including 17 from previous years and only 7 new ones) and **zero** budget proposals. Although Sunnyvale does consider urgency items outside the prioritization process, this generally happens only 1 to 3 times per year and usually pertains to highly urgent items, such as gun violence.

Status Quo and Its Effects

Council currently uses a reweighted range proportional representation voting method to determine which priorities represent both a) a consensus and b) district/neighborhood concerns. This process allows Council to coalesce around a particular common area of concern; but if there is a specific neighborhood or district issue that is not addressed by Council consensus, it also allows for that district's councilmember's top priority to be elevated in the ratings even without broad consensus, so long as there are not multiple items designated as that councilmember's "top" item. More information about this process can be found [here](#). This [system was established](#) in 2016 due to the sheer amount of referrals by Council and the lack of cohesive direction on which of the 100+ referrals the City Manager should act upon.

Subsequent to this effort, Council created a "short-term referral" pool which was intended to be light-lift referrals that could be accomplished in less than 90 days. However, that designation was always intended to be determined by the City Manager, not Council, with respect to what was operationally feasible in terms of the 90 day window. The challenge with Council determining what is a short-term referral is that it is not always realistic given other duties that the staff has to attend to and inappropriate determinations can stymie work on other long term priorities if staff have to drop everything they are doing to attend to an "short-term" or "emergency" referral.

An added challenge is that the City Auditor [reported in 2018](#) that the City of Berkeley's Code Enforcement Unit (CEU) had insufficient capacity to enforce various Municipal Code provisions. This was due to multiple factors, including understaffing—some of which have since improved. Nevertheless, the City Auditor wrote,

"Council passes some ordinances without fully analyzing the resources needed for enforcement and without understanding current staffing capacity. In order to enforce new ordinances, the CEU must take time away from other enforcement areas. This increases the risk of significant health and safety code violations going unaddressed. It also leads to disgruntled community members who believe that the City is failing to meet its obligations. This does not suggest that the new ordinances are not of value and needed. Council passes policy to address community concerns. However, it does mean that the City Council routinely approves policy that may never result in the intended change or protections."

Subsequent to that report, [an update](#) was published in September of 2022. A staffing and resource analysis for Code Enforcement is still needed to ensure that the laws Council passes can be implemented.

Fiscal Impacts

These reforms are likely to result in significant direct savings related to reduced staff time/overtime as well as potential decreases to costs associated with the recruitment/retention of staff.

Alternatives Considered

Alternatives were considered using effectiveness and efficiency as the evaluative criteria for referrals. One missing criterion that will be necessary in developing this process will be operational considerations so the City of Berkeley can continue to deliver basic services in an efficient manner.

All-Council determination

Council could vote *as a body* on the top 10 legislative priorities. The drawback of this method is that it, by default, eliminates any remaining priorities that have been passed by Council. It also eliminates “minority” voices which may disproportionately impact neighborhood-specific concerns as the remainder of the Council may not value district-specific concerns outside of their council district.

Councilmember parameters

Councilmembers could select their top two legislative priorities (as a primary author) for the year and the Mayor could select four legislative priorities for the year for a total of 10 legislative priorities per year. These “legislative priorities” would not include resolutions of support, budget referrals for infrastructure or traffic mitigations or other non-substantive policy items.....

Status Quo Sans Short-Term Referrals

The status quo of rating referrals is the fairest and most equitable if Council wishes to continue to pass the same quantity of referrals; however, it does not address the overall volume and that certain legislative items skip the prioritization queue due to popularity or perceived community support. Council enacts ordinances that fall outside of the priority setting process and designates items as short-term referrals. This loophole has made this process a bit more challenging. One potential option is to continue the prioritization process but eliminate the short-term referral option unless it is undeniably and categorically an emergency or time-sensitive issue.

Contact Person

Councilmember Lori Droste (legislative aide Eric Panzer)
erpanzer@cityofberkeley.info
Phone: 510-981-7180

Attachments

Update on Public Works’ Goals, Projects, Measures, and Challenges



Office of the City Manager

November 15, 2022

To: Honorable Mayor and Members of the City Council
 From: *DWR* Dee Williams-Ridley, City Manager
 Re: Update on Public Works' Goals, Projects, Measures, and Challenges

This memo shares an update on the department's *Performance Measures* and *FY 2023 Top Goals and Projects*, and identifies the department's highest priority challenge. I am proud of this department's work, its efforts to align its work with City Council's goals, and the department's dedication to improving project and program delivery.

Performance Measures

The department's performance measures were first placed on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>) in 2020. They are updated annually in April. Progress continues in preventing trash from reaching the Bay, reducing waste, increasing bike lane miles, reducing the City fleet's reliance on gas, increasing City-owned electric chargers, expanding acres treated by green infrastructure, and reducing the sidewalk repair backlog. Challenges remain with the City's street condition and safety.

Top Goals and Projects

Public Works' top goals and projects are also on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>). Department goals are developed annually. This year, after reviewing the 130+ directives from open City Council referrals, FY 2023 adopted budget referrals, audit findings, and strategic plan projects, staff matched existing resources with City Council's direction and the ability to deliver on this direction while ensuring continuity in baseline services.

The *FY 2023 Top Goals and Projects* is staff's projection of the work that the department has the capacity to advance this fiscal year. This list is intended to be both realistic and a stretch to achieve. More than three-quarters of the work on the *FY 2023 Top Goals and Projects* is tied to the existing 130+ directives from City Council referrals, budget referrals, audit findings, and strategic plan projects. The remainder are initiatives internal to the department aimed at increasing effectiveness and/or improving baseline services.

Public Works conducts quarterly monitoring of progress on the goals and projects, and status updates are shared on the department's website using a simple status reporting

Page 2

November 15, 2022

Re: Update on Public Works' Goals, Projects, Measures, and Challenges

procedure. Each goal or project is coded green, yellow, or red. A project coded green is either already completed or is on track and on budget. A project in yellow is at risk of being off track or over budget. A project in red either will not meet its milestone for this fiscal year or is significantly off track or off-budget. Where a project or goal has multiple sub-parts, an overall status is color-coded for the numbered goal and/or project, and exceptions within the subparts are identified by color-coding. Quarter 1's status update is [here](#). The 2nd, 3rd, and 4th quarter results will be posted at the same location.

Challenge

Besides the volume of direction, the most significant challenge in delivering on City Council's directions is the department's high vacancy rate. The Public Works Department is responsible for staff retention and serves as the hiring manager in the recruitment and selection process. Both retention and hiring contribute to the department's vacancy rate, and the department collaborates closely with the Human Resources Department to reduce the rate. Over the last year, the vacancy rate has ranged from 12% to 18%, and some divisions, such as Equipment Maintenance (Fleet), Transportation,¹ and Engineering, have exceeded 20%. While the overall vacancy rate is lower than in Oakland and San Francisco, it is higher than in Public Works Departments in Alameda, Albany, Emeryville, and San Leandro.

The high vacancy rate obviously reduces the number of services and projects that staff can deliver. It leaves little room for new direction through the course of the fiscal year and can lead to delays and diminished quality. It also detracts from staff morale as existing staff are left to juggle multiple job responsibilities over long periods with little relief. The department's last two annual staff surveys show that employee morale is in the lowest quarter of comparable public agencies and the vacancy rate is a key driver of morale.

Attachment 1 offers an excerpted list of programs and projects that the department is unable to complete or address in this fiscal year due to the elevated vacancy rate and/or the volume of directives.

Attachment 1: Selected list of program, project, referral, and audit finding impacts

cc: Paul Buddenhagen, Deputy City Manager
 LaTanya Bellow, Deputy City Manager
 Jenny Wong, City Auditor
 Mark Numainville, City Clerk
 Matthai Chakko, Assistant to the City Manager

¹ Three of the City's five transportation planner positions will be vacant by December 3. Before January 1, 2023, the City Manager will share an off agenda memo that explains the impact of transportation-specific vacancies on existing projects and programs.

Attachment 1: Selected list of program, project, referral, and audit finding impacts

Project and Program Impacts

- Major infrastructure planning processes are 6+ months behind schedule, including comprehensive planning related to the City's Zero Waste goal, bicycle, stormwater/watershed, sewer, and streetlight infrastructure.
- Some flashing beacon installations have been delayed for more than 18 months, new traffic maintenance requests can take 2+ months to resolve, and the backlog of neighborhood traffic calming requests stretches to 2019.
- The City may lose its accreditation status by the American Public Works Association because of a lack of capacity to gain re-accreditation.
- Some regular inspections and enforcement of traffic control plans for the City's and others' work in the right of way are missed.
- Residents experience missed waste and compost pickups as drivers and workers cover unfamiliar routes and temporary assignments.
- Illegal dumping, ongoing encampment, and RV-related cleanups are sometimes missed or delayed.
- The backlog of parking citation appeals has increased.
- Invoice and contracting approvals can face months-long delays.
- The Janitorial Unit has reduced service levels and increased complaints.
- Maintenance of the City's fleet has declined, with preventative maintenance happening infrequently, longer repair response times, and key vehicles being unavailable during significant weather events.

Prior Direction Deferred or Delayed

- Referral: Expansion of Paid Parking (DMND0003994)
- Referral: Long-Term Zero Waste Strategy (DMND0001282)
- Referral: Residential Permit Parking (PRJ0016358)
- Referral: Parking Benefits District at Marina (DMND0003997)
- Referral: Prioritizing pedestrians at intersections (DMND0002584)
- Referral: Parking Districts on Lorin and Gilman (DMND0003998)
- Budget Referral: Durant/Telegraph Plaza, 12/14/2021
- Referral: Traffic Calming Policy Revision (PRJ0012444)
- Referral: Public Realm Pedestrianization Opportunities (PRJ0019832)
- Referral: Long-Term Resurfacing Plan (PRJ0033877)
- Referral: Street Sweeping Improvement Plan (DMND0002583)
- Audit: Leases: Conflicting Directives Hinder Contract Oversight (2009)
- Audit: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal (2014)
- Audit: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity (2016)

**SOPHIE HAHN**

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

SUPPLEMENTAL AGENDA MATERIAL

for Supplemental Packet 2

Meeting Date: June 15, 2021

Item Number: 3

Item Description: Systems Alignment Proposal

Submitted by: Councilmember Sophie Hahn

This Supplemental offers suggestions for a legislative process better aligned with the goal of creating and supporting meaningful and effective change. Our current system is strengthened by (1) supporting the completeness of Major Items as introduced by Authors by requiring adherence to the existing Guidelines, and (2) significantly strengthening the Committee process - to support robust analysis and community/stakeholder consultation and ensure items moving forward to Council include realistic estimates of resources required related to launch and implement new programs and policies.



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

CONSENT CALENDAR

June 15, 2021

To: Honorable Mayor and Members of the City Council
From: Councilmember Sophie Hahn (Author)
Subject: Systems Alignment Proposal

COMMENTS ON SYSTEMS REALIGNMENT

My Frame for Systems Realignment: *Systems Aligned to Support Change*

We are in a time of rapid change both locally and globally. The impacts of climate change, globalization, and inequality; growing threats to democracy; and the rise of a new generation of leaders illustrate that change is both a fact and an imperative.

Berkeley has been and should continue to be on the cutting edge of that change, and our legislative processes as well as our City organization must be designed to do more than just manage the status quo, with change viewed as a threat, cost, or nuisance. *Our systems must be aligned to stimulate, support, and implement meaningful change across all sectors - quickly.*

With that framing in mind, I believe the legislative process in Berkeley should be designed to support Councilmembers and the Mayor in producing and passing legislation that addresses important local concerns as well as value-based issues with both local and broader impact. Some legislation may simply strengthen the City of Berkeley as an organization - improving the basic functions and services we provide to our community. Other legislation is designed to address city, community, regional, national, and sometimes global needs, values and priorities.

Because of the City's commitment to progressive and democratic principles and its role as a leader and innovator across many sectors, legislation will often push the envelope, which I believe requires a nimble, can-do City organization. While logistics, staffing, costs and other elements of feasibility and implementation are key to the ultimate success of any new policy or program, I view the exploration of these questions as a supporting rather than driving force for legislation; internal feasibility under the status quo should not be an end unto itself.

Systems Aligned to Support Excellence and Effectiveness in Change:

While I believe change is an imperative and innovation should be core to our City systems, I also know that not every idea brought forward is ultimately optimal, relevant, or feasible. We are much more than an incubator for ideas and concepts - we serve a real community and must balance a wide variety of needs and viewpoints with every decision we make. I believe our systems must therefore be aligned to ensure new programs and policies are thoroughly researched, revised, and vetted for Berkeley - to meet the needs of our community without overwhelming the City organization. If the Council has priorities for which funds or capacity are not currently available, we must identify resources to build capacity.

To achieve these goals in this frame, I envision a process wherein major items of legislation that begin with the well-researched and articulated proposals of one or a few councilmember/mayor-authors are progressively reviewed and improved with input from stakeholders, members of the public, City staff and Council colleagues.

The end result should be high quality, relevant, thoughtfully tailored and right-sized programs and policies accompanied by realistic assessments of the resources required for successful launch and implementation. City staff, with their subject matter expertise and knowledge of operations play a uniquely important role in contributing to legislative success, and should actively partner throughout the process, *with progressively increased levels of input and participation as legislation is moved forward.*

The adoption of Guidelines for legislative items and the implementation of the Committee system provide a good foundation. By clarifying expectations and improving the value we derive from our existing processes we can avoid bogging things down with too many steps.

The following are my suggestions for a legislative process better aligned with the goal of creating and supporting meaningful and effective change. Our current system is strengthened by (1) supporting the completeness of Major Items as introduced by Authors by requiring adherence to the existing Guidelines, and (2) significantly strengthening the Committee process - to support robust analysis and community/stakeholder consultation and ensure items moving forward to Council include realistic estimates of resources required related to launch and implement new programs and policies.

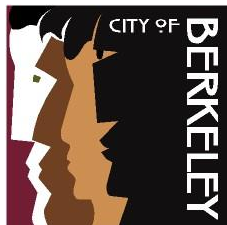
Proposed Systems Alignment Improvements for Major Items:

PROCESS ELEMENT	CONTENT	NOTES
MAJOR ITEM SUBMISSION	<i>Strongly encourage Authors to present Major Items in the full Guidelines format, which prompts for deep research, analysis and consultation</i>	
Define Major Item	Any law, program, or policy that represents a significant change or addition to existing law, program, or policy, and/or is likely to call for or elicit significant study, analysis, or input from the community, staff, or Council colleagues, and/or is likely to require significant new resources or staffing to implement .	Major items are, essentially, “Policy Committee Track” items (see Rules) that are routed to a Policy Committee because they are substantial. <i>The adoption of a definition for Major Items clarifies a practice that is already in place.</i> Some items are not “Major” because they propose less significant changes or additions to existing law, programs or policies. In addition, some Major Items may be routed directly to the City Council due to urgency (“Time Critical Track”). <i>All of this is already reflected in the Rules governing Policy Committees.</i>
Major Item Routing	Major items may originate with Councilmembers, the City Manager (often as referral responses), or Commissions. Major Items generally should be routed to a Committee to be reviewed by Committee members and, if necessary, revised, with input from stakeholders, the public, and City staff.	Currently, only Councilmember/Mayor items are subject to review by Policy Committees. <i>The Rules should be amended to require all Major Items, regardless of where they originated, to be reviewed in Committee</i> unless they fall under the Time Critical Track or another exception.
Make Guidelines Mandatory for presentation of Major Items for review	Council/Mayor and Commission authors of Major Items should present their items in accordance with the Guidelines at Appendix B of the City Council Rules of Procedure and Order. Authors should make a good faith effort to undertake the research, analysis and consultation necessary to complete all sections in substance.	Need to specify format for “non-Major” items.
Staff Consultation is encouraged, but not required at the initial	Councilmembers and the Mayor are encouraged to consult with Staff before presenting Major Items, but may choose to engage with staff later, through the Committee process.	Staff should keep confidential and seek to support the positive development of ideas and initiatives of electeds who reach out for initial

development of a legislative item.		input. Concerns, if any, should be addressed with a problem-solving lens.
City Attorney Consultation	Authors should submit Major Items for preliminary review by the City Attorney to determine if there are any legal implications - which may need to be addressed before the item is submitted or could be developed/addressed later. The author should state in the section on consultation that the City Attorney has been consulted.	Not all items have legal implications. The City Attorney's role at this juncture would be to identify whether there are legal considerations, or not. If there are, the Author can work with the City Attorney's office to determine if the issues can be avoided/addressed, or if the legislation may not be possible/advisable.
Agenda Committee makes an initial determination of whether an Item is "Major" and will be referred to a Committee, with input from the Author(s).	<i>This tracks the current practice</i> - except that with an adopted definition of a Major Item the determination to send an item to Committee will be made according to more clearly articulated, objective standards.	Per the existing rules, proclamations, sponsorships, ceremonial and similar items; Time Critical Items; and "Policy Track" items that are complete and have minimal impacts are currently <i>not</i> referred to Committees. <i>This practice will be unchanged.</i>
The Agenda Committee may require a Major Item not presented and/or fully rendered according to the Guidelines to be more amply developed before being sent to Committee.	<p>Authors of Major Items should do substantial research, analysis, and consultation before sending them to a Committee for further input and development.</p> <p>The Agenda Committee should be authorized to request that a major item not presented according to the Guidelines, or not substantially meeting the requirements, be further developed by the Author(s) before being sent to Committee.</p>	Analysis should go beyond diagnosing the problem to be solved and focus on explaining and understanding the specific solutions/policies/programs being proposed, as well as alternatives considered.
Appeal/Override of Agenda Committee recommendation to revise Major Item before submission to a Committee	Authors should be offered the opportunity to discuss an Agenda Committee recommendation to rework a Major Item at the time the recommendation is made. If, after discussion, the lead author disagrees with the Agenda Committee's request for further elaboration according to the Guidelines, the item may be referred to a Committee "as is" with a note that the Agenda Committee had requested the item be revised.	Authors should have a means to appeal a decision of the Agenda Committee to send an item back to the author for revision/expanded research, analysis or consultation and still move their items forward if they disagree with the request.
Major Items that are Complete go to Committee (or items that are incomplete but subject to an override)	<i>Per existing rules</i> , Major Items will be routed to a policy committee unless an exception applies.	Exceptions are already listed in the Rules.

MAJOR ITEM COMMITTEE REVIEW	<i>Clarify and significantly improve process and substance of Major Item review @ Committee, including development of a preliminary launch and implementation plan and associated costs</i>	
Committee hears Major Item more than once - First hearing includes development of a plan for review	As a general matter, Committees should plan to schedule Major Items to be heard more than once. At the first hearing, the Committee should discuss the level of analysis and consultation envisioned, identify specific stakeholders and questions Committee members would like to explore, and sketch a process for moving the item forward over several Committee meetings.	Depending on how complex and significant the Major Item appears to be, the Committee can plan out its process of review and consultation.
Committee reviews specific elements of the proposed Major Item	<p>The Guidelines require, under bullets 5-9, (5) full background on the problem/issue to be addressed, (6) the existing regulatory/legal framework, (7) potential alternative solutions to address the identified concern, (8) consultation with stakeholders, and (9) a rationale for the recommendation.</p> <p>Each of these sections should be specifically agendized for discussion (can all be same day, but should be individually considered) to ensure robust consideration of the legislation as proposed.</p>	By requiring the Committee to focus on each of these elements as a baseline review, Committee members are encouraged to do a deep dive into the basis, rationales and alternatives for the Major Item.
Committee identifies and does specific outreach to Stakeholders and Experts	<p>The “public” is always welcome at Committee Meetings. In addition to general public notice, the Committee in its first meeting to review a Major Item should identify stakeholders and experts who may have valuable input. If needed, those individuals/groups should be invited by the Committee to share their perspectives.</p> <p>Staff can support outreach to ensure identified stakeholders and experts are aware of the opportunity to comment.</p>	Sectors/individuals that are supported or otherwise impacted by new policies and programs are well positioned to provide useful comments and input for the Committee. Subject matter experts may also be helpful to hear from.
Staff input is agendized and includes preliminary review of Launch and Implementation	<p>Staff is encouraged to provide input and answer questions throughout the Committee process. Staff should be encouraged to volunteer comments and Committee Chairs should call on staff to ensure time is provided for their comments throughout the process. <i>In addition, a specific time for staff input should be agendized.</i></p> <p>The Staff presentation should include <i>preliminary review of staffing and budget/resource needs for both Launch and Implementation.</i></p>	Launching a new program or policy and running it are two different undertakings. Staff should specify what will need to be in place to LAUNCH (development of regulations, preparation of informational mailings, website updates, back-end systems, funding, etc.) and to RUN/IMPLEMENT new programs and policies over the long run.

<p>Manage/reduce Staffing of Committees</p>	<p>With a better articulated “plan” for Committee review of Major Items, staffing of meetings can be more closely managed to reduce waiting time for staff members/City Attorney when not needed for one or another matter.</p>	<p>Only need Clerk + Staff Lead - Chair can work with Staff Lead to bring other Staff into discussions on as-needed basis. The City Attorney may be able to be on standby for advice when presence is not required.</p>
<p>Major Item moves forward to Council (all recommendations)</p>	<p>Lead Author must revise/update item to include information about resources required for Launch and Implementation of the Major Item, and to reflect any other changes, before submission to City Council.</p>	
<p>Major Item gets passed by Council</p>	<p>Goes to Budget Implementation Conference, or vote no and it's over</p>	



Kate Harrison
Councilmember District 4

REVISED AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: June 15, 2021

Item Number: 3

Item Description: Systems Alignment Proposal

Submitted by: Councilmember Harrison

The attached item includes Councilmember Harrison's comments about the proposed Systems Alignment Proposal as well as an alternative proposal.

It is in the public interest that the Council consider this alternative proposal as part of the Mayor's development of a revised proposal for discussion and adoption at a later date.



Kate Harrison
Councilmember District 4

CONSENT CALENDAR
June 15, 2021

To: Honorable Mayor and Members of the City Council
From: Councilmember Harrison
Subject: Comments and Alternative Systems Alignment Proposal

COMMENTS AND ALTERNATIVE PROPOSAL

At the October 2019 Council retreat, the Council and the City Manager discussed various approaches to better align the legislative process to budget and implementation resources. These considerations are important and merit Council consideration and possible action. However, the proposed solution from the City Manager would also limit the voice of the public and the Council by restricting the time period for Council referrals to only four months per year.

At a Worksession on May 18, 2021 dedicated to the Systems Alignment proposal, the Council heard overwhelming public comment strongly opposed to such an approach.

A better solution lies in reexamining and modifying certain elements of the Policy Committee process as opposed to overhauling fundamental elements of Council duties.

This Supplemental discusses the shortcomings of the proposal in greater detail and advances an alternative and simpler approach to “Systems Alignment” achieving the original objective of the October 2019 retreat without sacrificing and abdicating fundamental values and responsibilities.

A. The Proposed Systems Alignment Proposal Unduly Limits Council Duties and Responsibilities Under the City Charter

The City Charter provides that the City Council is the “governing body of the municipality” and “shall exercise the corporate powers of the City, and... be vested with all powers of legislation in municipal affairs adequate to a complete system of local government.”

However, the proposal subjects “new significant legislation” to a labyrinth of new bureaucratic processes that will invariably and unduly limit the democratic organ of city government—the City Council—which is directly answerable to the will of the people.

Comments and Alternative Systems Alignment Proposal

The following list provides a non-comprehensive overview/discussion of the ways the current Systems Alignment Proposal could violate the letter and spirit of the Charter:

- The proposal limits Council from submitting “new significant legislation” to four months out of the year, effectively making the Council only responsive to the people’s “significant” needs on a part-time basis as any legislation that misses the deadline is inactive for the remainder of the year. Not only does this violate the necessity of providing the Council with “all powers of legislation in municipal affairs,” but it appears to contradict the voter’s will pursuant to Measure JJ, wherein they reaffirmed the scope and appropriate remuneration of Council’s myriad legislative and oversight responsibilities.
- The determination of which legislation will be subject to additional scrutiny and processes is based on *subjective* findings by the Agenda Committee in consultation with the City Manager. This is in contrast to alternative approaches, such as those adopted in other cities, which rely upon *objective* measures such as the consideration of a piece of legislation’s budgetary or staffing implications informed by thorough discussion and investigation by Policy Committees. Furthermore, pursuant to the Council’s historic rules of procedures, *subjective judgements* of legislation are appropriately the purview of the Council as a whole, not subcommittees. The current proposal adopts an inherently conservative and subjective framework that judges all legislation by whether it “represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff.” Legislation meeting that definition is then subjected to lengthy bureaucratic processes of more than a year.

In short, the proposed framework stands in contrast to the current Policy Committee system, whereby subcommittees are tasked with improving the quality, thoroughness and comprehension of legislation, as opposed to a subjective consideration and determination of whether a given policy change is merited largely within the narrow confines of considering limited budget and staff resources.

- Under the Charter, the Council is responsible for adopting a biannual budget. However, the proposal limits Council’s ability to adopt significant new legislation with budget implications at only one of the two primary budget processes per year.
- Legislative consultation with City staff is absolutely necessary. But the proposal encourages authors to “initially consult[] with the City Manager or city staff regarding their proposed Major Item and [note] the substance of those conversations, and initial staff input” before the item is even introduced. This system could potentially create an inappropriate layer of staff power over Council legislative prerogative, a division that the Charter is very clear about.
- The proposal requires that items align with Strategic Plan goals. While these goals are important and represent a snapshot of Council and City Staff’s vision for the city, they do not necessarily represent the totality of the people’s will as expressed

through their elected representatives at any given time.

- The Council is artificially constrained from acting upon legislation receiving an unfavorable review at the Policy Committee level. Council is reduced to a choice between proceeding through the next phase, or to vetoing a matter for the remainder of the legislative calendar if a policy committee forwards a negative recommendation. Currently, under the committee system, items not acted upon in committee within 120 days are forwarded to the Council. In this way, the proposal violates the Charter by imposing unreasonable hurdles to the exercise of “all powers of legislation in municipal affairs adequate to a complete system of local government.”
- The proposal states that all significant legislation must be submitted by April 30, and City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year. This raises the question of what the Council is engaged in for the majority of the year?
- Implementation Conferences, while a good idea, are currently crafted in a way that they will delay items unnecessarily and remove discussion of budgetary impacts from the substantive discussion by policy committees. Furthermore, the proposal imposes an artificial limit with respect to holding Implementation Conferences to once per year, which will further constrain the Council’s legislative obligations.
- After the implementation conference, Policy Committees are required to provide an additional subjective consideration of major items through prioritization. This is late in the life of an item. Additionally, under this proposal, the Council is expected to once again rank significant items as part of the RRV process (behind closed doors), despite the items having already endured the lengthy Systems Alignment process and final Council approval.
- When an item fails to receive Council approval, the author is barred from resubmitting it until the following year.

B. Alternative Systems Alignment Proposal

This item presents a simpler and less disruptive Systems Alignment proposal that conforms to the existing Council and Policy Committee processes and prioritizes research and investigation of items with significant budgetary and staff implications in order to better inform Council’s decision-making process as opposed to hard limits on legislation:

1. To address the backlog of outstanding items that may impact staff resources and availability to implement Council and other citywide priorities, the Council should immediately direct Policy Committees to review all such referrals and items in staff’s queue for which implementation work has not yet begun.

Comments and Alternative Systems Alignment Proposal

Upon this review, Policy Committees would be tasked with making a recommendation to the full Council to modify or reconsider certain items in the queue.

Next, the Council should schedule worksessions (outside of the RRV process) to consider Policy Committee recommendations in a public forum and prepare a Resolution potentially dispensing with and/or reprioritizing items in the queue.

In totality, this process would contribute to streamlining the existing queue, and facilitate staff resources for implementation and development of other new and existing legislative items. In sum, through revisiting the existing queue, Council can continue to conduct substantial legislative work throughout the year.

2. The Council should revise Policy Committee process with respect to the budget and legislative implementation.

Specifically, to address potential incongruity between Council items with significant budget implications, the Council should modify its Rules of Procedure to task Policy Committees (not the Agenda Committee) with making an initial and objective determination of whether a prospective item has significant budget and/or staffing impacts (**See Attachment 1** for a detailed flowchart of the Alternative Proposal):

- Upon an insignificant budget determination, the item and any related budget referral would proceed through the normal Policy Committee track process on a maximum 90-day timeline.
- Upon a significant determination, the item would be placed on a different Policy Committee track such that the Policy Committee would have a maximum of 120 days to research and investigate the budget and staffing implications of the item, any related budget referral, and policy implications, in order to *inform* Council's ultimate consideration. As part of the 120 day process, the Committee would facilitate an Implementation Conference hearing(s) with City staff, the author, and Committee members in order to prepare an Implementation Report.
- Once the Committee has made its policy recommendation and finalized its Implementation Report, the item would proceed to the Agenda Committee for scheduling at Council.
- Upon Council adoption of items with either significant or insignificant budget/staffing implications, the budget aspect of the item would proceed to either the June or November budget process pursuant to Council-established deadlines for consideration of budget items. For example, the

Comments and Alternative Systems Alignment Proposal

Council could establish deadlines of May and October for the respective budget processes. Therefore, the Budget Committee would only consider budget items that were passed ahead of the respective deadlines. Those that miss the deadline or are ultimately unfunded would be automatically carried over to the next budget process.

This alternative proposal would achieve the important goal of aligning Council items with significant budget and staff impacts with legislation in an objective way that is not detrimental to the Council's obligations under the Charter.

It is in the public interest that the Council consider this alternative proposal as part of the Mayor's development of a revised proposal for discussion and adoption at a later date.

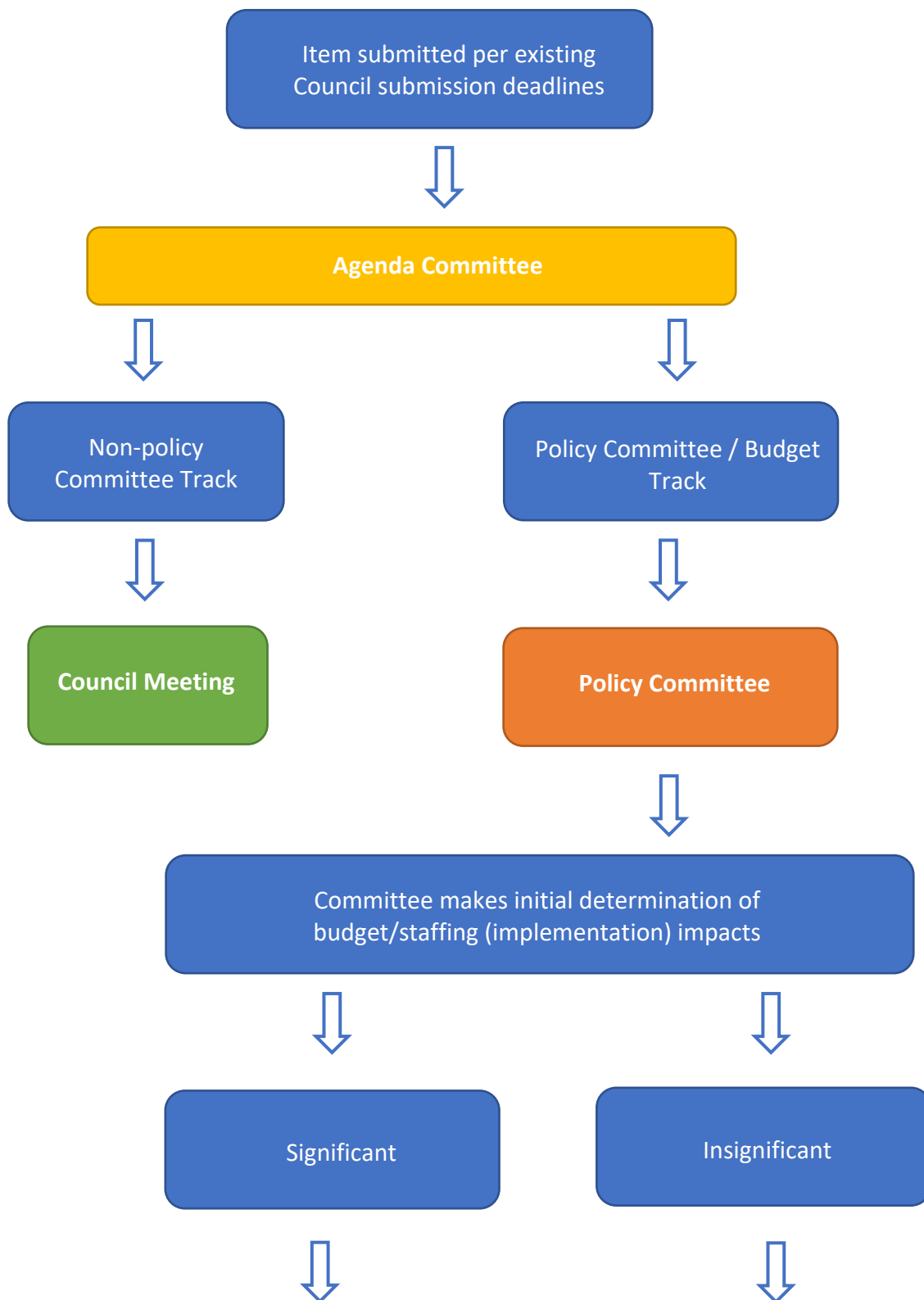
CONTACT

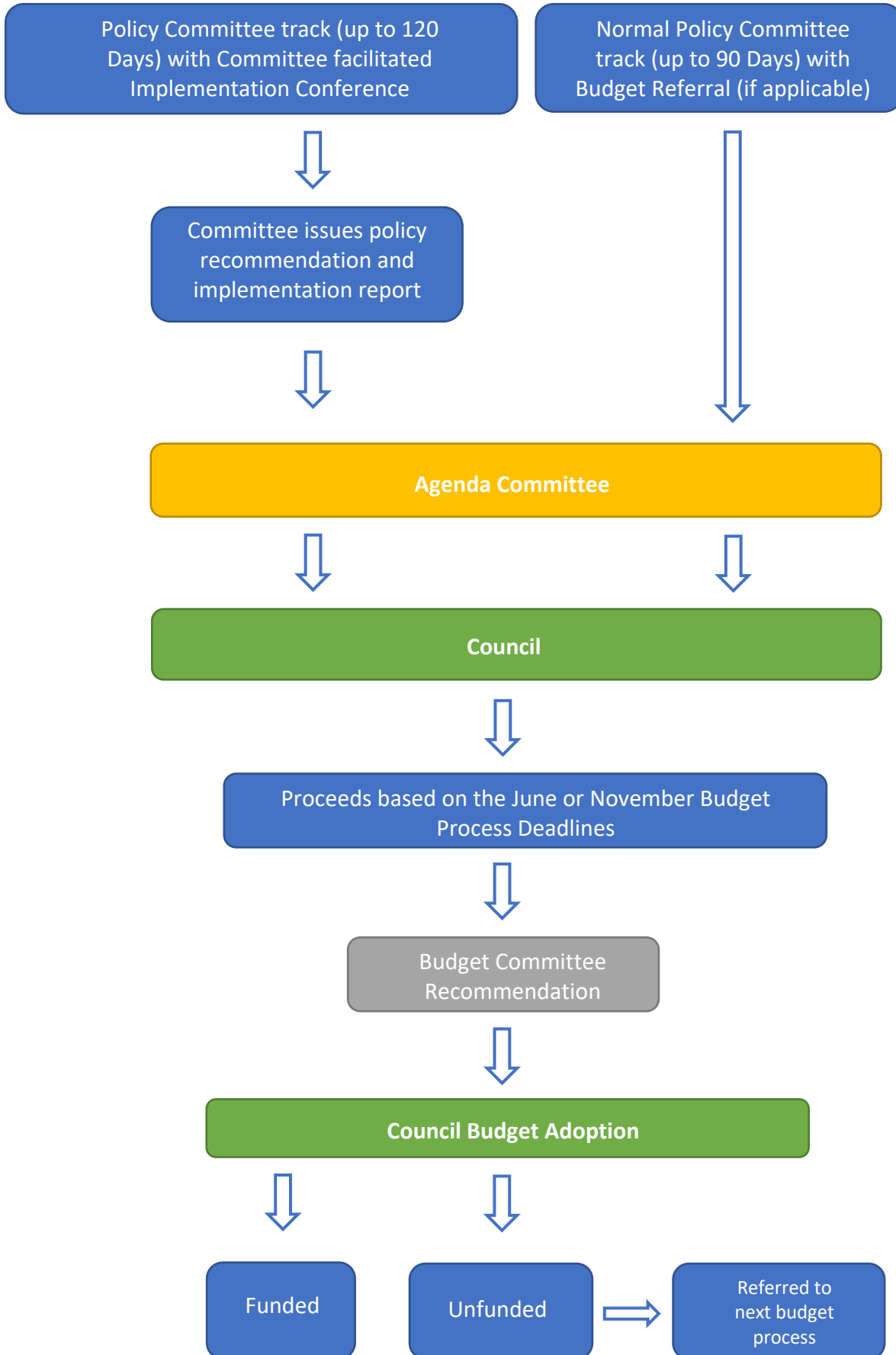
Councilmember Kate Harrison
kharrison@cityofberkeley.info | 510-981-7140

ATTACHMENTS:

1. Flowchart of Alternative Systems Alignment Proposal

Alternative Systems Alignment Proposal







Office of the City Manager

CONSENT CALENDAR

June 15, 2021

(continued from May 18, 2021)

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David White, Deputy City Manager

Subject: Systems Alignment Proposal

RECOMMENDATION

Review the proposal for systems alignment and provide edits and suggestions in order to compile Council feedback for the purpose of drafting a revised proposal for adoption.

SUMMARY

The City Council discussed the Systems Alignment proposal at a Worksession on May 18, 2021. The item was continued to June 15 to allow Councilmembers to submit suggestions and changes to the original plan. The Mayor will consolidate the input from the Council and the public and return with a revised proposal for discussion and adoption at a later date.

FISCAL IMPACTS OF RECOMMENDATION

While the recommendation of this report would not entail fiscal impacts, if adopted, the proposal would have budgetary effects. Broadly speaking, the proposal is designed to better ensure adequate financial and staffing resources are identified and approved with any adopted significant legislation¹ (Major Item).

CURRENT SITUATION AND ITS EFFECTS

This report proposes a process to integrate various systems (e.g., budget, Strategic Plan, prioritization of referrals, etc.) to ensure that resources are appropriately allocated, to focus the organization and employees on those priorities established by the City Council and City Manager, and to enhance legislative and budget processes. Ultimately, aligning systems will help ensure our community's values as reflected in the policies of our City Council are implemented completely and efficiently, with increased fiscal prudence, while supporting more meaningful service delivery. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve

¹ New significant legislation is defined, with some explicit exceptions, as "any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public". See Council Rules of Procedure, https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure.pdf.

vetting and costing of new projects and legislative initiatives to ensure success. In addition, the purpose of this proposal will align our work with the budget process.

The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. These changes support a clear and full realizing of City Council policies, programs, and vision. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
- Making the City Council Rules of Procedure Appendix B guidelines mandatory,
- Ensuring that Major Items that are adopted by City Council are vetted and clearly identify the resources needed for implementation,
- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.

Additionally, the proposed Systems Alignment would advance the City's Strategic Plan goal to provide an efficient and financially-health City government.

PROPOSED PROCESS

The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of "type" or origin will be subject to this process.

Step 1: Major Item Determination

The systems alignment proposal outlines a process for Major Items.

Defined in Council Rules of Procedure

Major Items are "new significant legislation" as defined in Appendix D of the [City Council Rules of Procedure](#):

Except as provided below, "new significant legislation" is defined as any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public.

The exceptions to the definition of new significant legislation and process state:

New significant legislation originating from the Council, Commissions, or Staff related to the City's COVID-19 response², including but not limited to health and

² If this proposal is adopted, "COVID-19" should be replaced with "declared emergency response" in the exception language.

economic impacts of the pandemic or recovery, or addressing other health and safety concerns, the City Budget process, or other essential or ongoing City processes or business will be allowed to move forward, as well as legislative items that are urgent, time sensitive, smaller, or less impactful.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item, using the Major Item Determination Checklist (see attachment 1). At any time in the process, if evidence demonstrates that the initial determination of the proposal as a Major Item proves incorrect, then it is no longer subject to this process. Additionally, if any legislation it originally deemed not to be a Major Item, the author or City Manager may appeal to the Agenda and Rules Committee or to the full Council and present evidence to the contrary.

Required Conformance and Consultation

All Major Items must use the agenda guidelines in Appendix B of the Council Rules, which require more detailed background information and analysis. The Agenda and Rules Committee can send the item back to the author if it is not complete and/or does not include all of the information required in Appendix B. The author must make a good faith effort to ensure all the guideline prompts are completed in substance not just in form.

Major Items must include a section noting whether the author has initially consulted with the City Manager or city staff regarding their proposed Major Item and the substance of those conversations, and initial staff input.

Required Submission Date

A Major Item must be submitted in time to appear on the agenda of an Agenda & Rules Committee meeting occurring no later than April 30 of every year. Any item submitted after that deadline, that does not meet an exemption, will be continued to the following year's legislative process.

Major Items will be referred by the Agenda & Rules committee on a rolling basis.

Step 2: Policy Committee Review

A Major Item, once introduced and deemed complete and in conformance by the Agenda and Rules Committee, will be referred to one of City Council's Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.), for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the [Council Rules of Procedure](#),³ the Policy

³ https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf

Committee will review the Major Item and the completed Major Item Determination Checklist to confirm Agenda & Rules initial determination that the Major Item is complete in accordance with Section III.B.2 and aligns with Strategic Plan goals. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

If the Major Item receives a negative or qualified negative recommendation, then it will be returned to the Agenda and Rules Committee to be placed on a City Council Agenda. When heard at a City Council meeting, the author can advocate for the Major Item to be sent to an Implementation Conference. If the Major Item does not receive a vote by the majority of City Council at this step, it becomes inactive for that year's legislative calendar but may be reintroduced for the next year's calendar.

City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year.

Step 3: Implementation Conference (Vetting and Costing)

At an Implementation Conference, the primary author will meet with the City Manager or designee, City Manager-selected staff subject matter experts, and the City Attorney or designee.

Identifying Fiscal, Operational and Implementation Impacts

The intended outcome of an Implementation Conference is a strong analysis containing all of the considerations and resources necessary to support implementation should Council choose to approve the Major Item.

The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager, City Attorney, and staff to better define the Major Item and identify more detailed fiscal and operational impacts, as well as implementation considerations. The information discussed during the Implementation Conference will be summarized in the Council Report as part of newly required sections (see attachment 2), in conformance with Appendix B:

- *Initial Consultation*, which
 - Lists internal and external stakeholders that were consulted, including whether item was concurrently submitted to a Commission for input,
 - Summarizes and confirms what was learned from consultation,
 - Confirms legal review addressing any legal or pre-emption issues, ensuring legal form,⁴
- *Implementation, Administration, and Enforcement*, which
 - Identifies internal and external benefits and impacts, and

⁴ While consultation with the City Attorney is mentioned in Appendix B, the legal review and "confirmations" recommended in this proposal is a more specific and robust requirement.

- Considers equity implications, launch/initiation of Major Item and its ongoing administration, and
- *Fiscal & Operational Impacts*, which
 - Summarizes any operational impacts,
 - Identifies necessary resources, including specific staff resources needed and costs.⁵

As part of the Implementation Conference, staff will provide a high level work plan, indicating major deliverables/milestones and dates. This information can be collected and recorded using the Implementation Conference Worksheet (see attachment 2).

Implementation Conferences will be date certain meetings held in July.

Revising the Major Item

After the Major Item's author revises the original Council Report based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process. If additional full time equivalent employee(s) (FTE) or fiscal resources are needed, the Major Item must include a referral to the budget process and identify the amount for implementation of the policy or program.

Step 4: Initial Prioritization

At their first meetings in September, Policy Committees must complete the ranking of the Major Items which were referred to them and also completed the Implementation Conference. The Policy Committees will provide these rankings in the form of a recommendation to the City Council. The Policy Committees prioritization will use the Policy Committee Ranking Form (see attachment 3) to standardize consideration of Major Items across Policy Committees. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and Strategic Plan process.

Step 5: City Council Approval and Final Prioritization

Under this proposal, all Major Items that the City Council considers for approved prioritization must have:

1. Received a City Council Policy Committee review and recommendation,
2. Received a City Council Policy Committee prioritization,
3. Completed the Implementation Conference, and
4. Been placed on the Agenda for a regular or special Council meeting in October for approval and inclusion in the RRV process.

⁵ Appendix B does require a Fiscal Impacts section, but the inclusion of operational impacts and specific noting of required staff resources and costs recommended in this proposal is a more specific and robust requirement.

At the designated Council meeting in October, staff will provide the Council with a list of all approved Major Items, including the initial prioritization by Policy Committee. The Council will consider each Major Item for approval. All approved Major Items then will be added to the RRV process (i.e., with other items, referrals, etc) and ranked. The RRV ranking will begin in late October. These rankings will be adopted by Council and used to inform the development of the draft budget. Approved and ranked Major Items have multiple opportunities to be approved for funding, when the biennial budget or mid-cycle budget is adopted in June or when the Annual Appropriations Ordinances are adopted in May and November.

If a Major Item *does not receive the endorsement* of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its Major Items approval, and RRV process no later than the final meeting in December of each year.⁶ This ensures that staff is able to develop the budget starting from and based on Council priorities.

Step 6: Budget & Strategic Plan Process

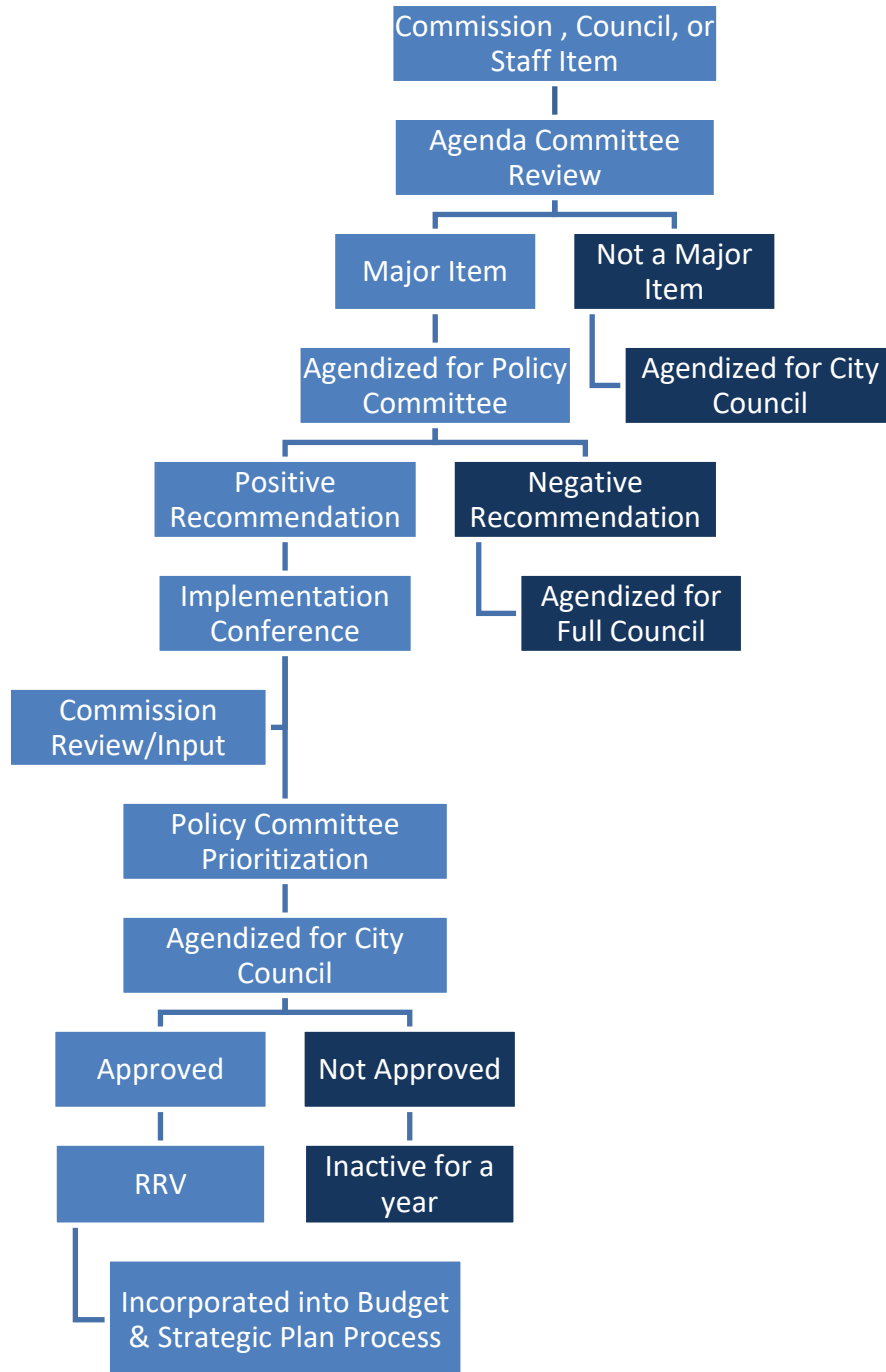
The Council's rankings are also forwarded to the Budget and Finance Committee for consideration as part of budget development. If the proposal is not ultimately funded in the biennial budget, mid-cycle budget or the Annual Appropriations Ordinance (mid-year budget amendment), then it does not move forward that year and will be added to a list of unfunded proposals for the future budget process.

During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Items, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain biennial. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

The proposed process is depicted in Figure 1 and the proposed launch calendar in Figure 2.

⁶ Due to noticing requirements, an RRV process completed by November 30 may not appear on a City Council Agenda for adoption until January.

Figure 1, Proposed Process⁷

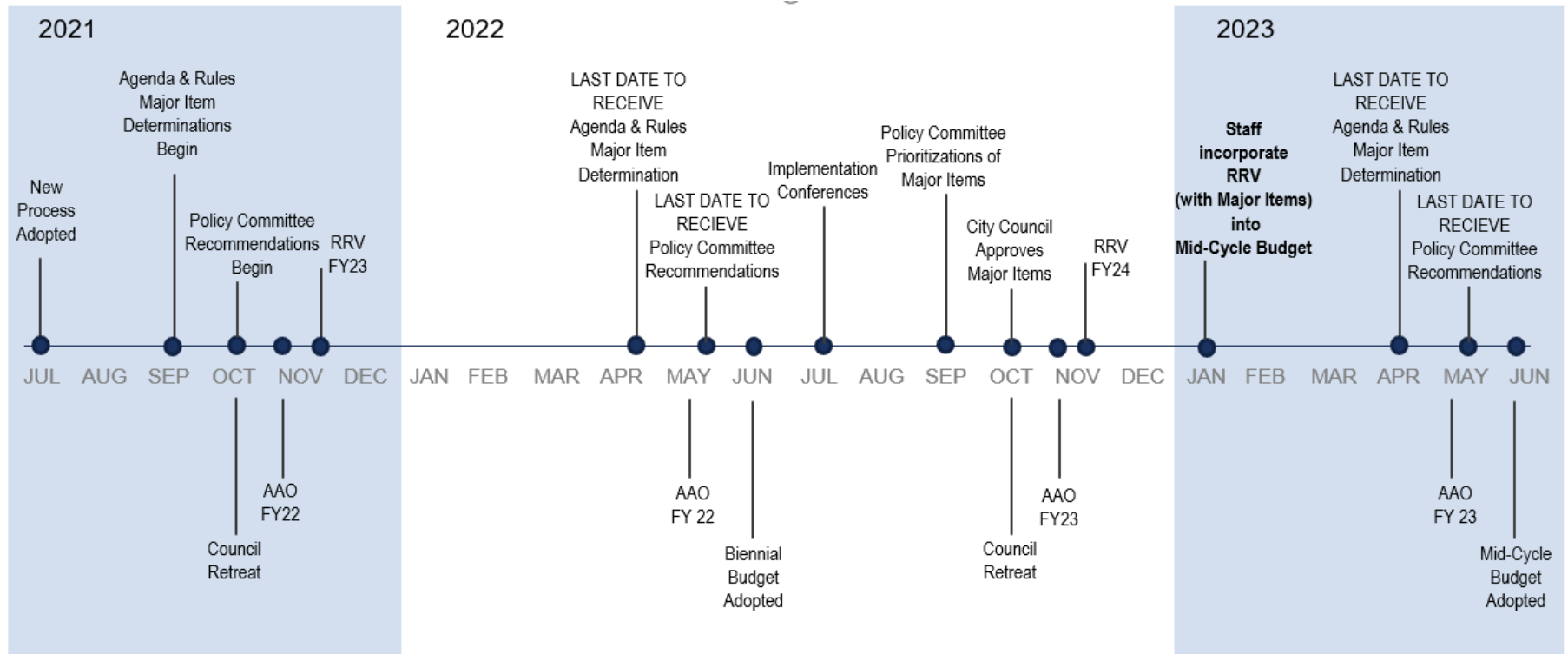


⁷ Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.



Office of the City Manager

Figure 2, Proposed Launch





Office of the City Manager

Next Steps

Staff will reach out to legislative aides for input and the City Manager will meet individually with Councilmembers to discuss this proposal. Staff will incorporate Council input from the worksession, and from subsequent input into a resolution and return to Council with a final Systems Alignment item for adoption by July 2021.

Benefits

The addition of an Implementation Conference will ensure that Major Items considered by Council are properly resourced, improving our City's responsible management of fiscal resources. Analysis from the Implementation Conference will help Council to balance and consider each Major Item within the context of related programs and potential impacts (positive and negative). When considered holistically, new policy implementation can be supportive of existing work and service delivery.

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is nearing completion when City Council's priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department's work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. Finally, since implementation only occurs after operational considerations are reported, and funds are

allocated, the resulting Major Item should move more quickly from idea to successful completion.

BACKGROUND

In October 2019, City Council held a half-day worksession to discuss systems realignment and provide direction on potential changes to the city's legislative process. The purpose of the meeting was to develop recommendations for how various systems (e.g., budget, Strategic Plan, RRV, etc) could better work together to ensure that the organization is able to focus on the priorities established by the City Council. The City Manager took direction from that meeting and worked with department directors and the Budget Office to create this proposal.

ENVIRONMENTAL SUSTAINABILITY

By improving efficiency, ensuring adequate resources, and strengthening implementation, this proposal would increase the speed and full adoption of new significant legislation, including sustainability work.

RATIONALE FOR RECOMMENDATION

The City of Berkeley is unique in comparison to many cities. It considers and approves many more policies, often at the cutting edge, than a typical city and especially for a city of its size. This proposal is a hybrid, incorporating city processes while mirroring State and Federal legislative processes which accommodate a larger number of policies and items in a given cycle. The disadvantage of this proposal is that it introduces additional steps, such as the implementation conference. The advantages of this proposal, are:

- Ensuring adopted legislation is adequately resourced, in terms of both staffing and budget;
- Providing adequate context for Council to balance and consider items in relation to potential positive and negative impacts; and
- Strengthening the effectiveness and efficiency of policy implementation.

ALTERNATIVE ACTIONS CONSIDERED

At the Council retreat in October 2019, a variety of approaches and ideas were discussed and considered. Additionally, the original version of this proposal was substantively revised through the Policy Committee process.

If the Council takes no action on this item, the existing process will continue to result in inadequately resourced adopted legislation and inefficient and complicated implementation.

CONTACT PERSON

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

Attachments:

- 1: Major Item Determination Checklist
- 2: Council Report Template and Implementation Conference Worksheet
- 3: Policy Committee Ranking Form
- 4: Vice Mayor Droste Supplemental



Major Item Determination Checklist

Item Name:

Item Author:

Is this a Major Item?

- | | | |
|--------------------------|--------------------------|--|
| Yes | No | |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant change to existing law, program, or policy. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant addition to existing law, program, or policy. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public |

Is this eligible for an Exemption?

- | | | |
|--------------------------|--------------------------|---|
| Yes | No | |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related the City's COVID-19 response. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to the City Budget process. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to essential or ongoing City processes or business. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is urgent. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is time-sensitive. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is smaller. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is less impactful. |

Agenda Committee Determination:

Major Item Exempted

Indicate name and date below.

Per Committee Member _____

Per Committee Member _____

Per Committee Member _____

Policy Committee Confirmation:

Determination Confirmed Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member _____

Per Committee Member _____

Per Committee Member _____



[First Lastname]
Councilmember District [District No.]

[CONSENT OR ACTION]
CALENDAR
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council

From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION

Adopt a Resolution...
or Support ...
or write a letter to ___ in support of _____...
or other recommendation....

FINANCIAL-FISCAL & OPERATIONAL IMPACTS IMPLICATIONS

This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented.

CURRENT SITUATION AND ITS EFFECTS

For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:

[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-health City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

[Title of Report]

CALENDAR

Macrobutton NoMacro [Meeting Date (MM dd, yyyy)]

- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.
- attract and retain a talented and diverse City government workforce.

BACKGROUND

INITIAL CONSULTATION

This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution

Exhibit A: [Title or Description of Exhibit]

Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

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

SHORT TITLE OF RESOLUTION HERE

WHEREAS, (Whereas' are necessary when an explanation or legislative history is required); and

WHEREAS, (Insert Additional 'Whereas Clauses' as needed); and

WHEREAS, enter text here; and

WHEREAS, enter text here; and

WHEREAS, (The last "Whereas" paragraph should contain a period (.) .

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (Action to be taken) - ends in a period (.).

BE IT FURTHER RESOLVED that (for further action if needed; if not delete) - ends in a period (.).

Exhibits **[Delete if there are NO exhibits]**

A: Title of the Exhibit

B: Title of the Exhibit



Implementation Conference Worksheet

Item Name:

Item Author:

AUTHOR SECTION

The author of the item may complete this section to help record required information for the report.

Descriptive title:
Is this for Consent, Action, or Information Calendar?
Recommendation:
Summary statement:
Background (history, circumstances and concerns to be addressed by the item):
Plans, programs, policies and/or laws were taken into consideration:
Actions/alternatives considered:
Internal stakeholders consulted:
Name/date of Commission(s) item submitted to for input:
List of external stakeholders consulted:

Summary of what was learned from consulting stakeholders:
Rationale for recommendation:
Internal Benefits of Implementation:
Internal Impacts of Implementation:
External Benefits of Implementation:
External Impacts of Implementation:
Equity Considerations:
Launch and Implementation Milestones (see staff section)
Environmental Impacts:
Operational Impacts:
Staff Resources Needed: Number of FTE/hours: Type of staff resource needed:
Costs: Amount(s): Funding Source:

STAFF SECTION

Staff may complete section to provide required information for the report.

Estimated Launch/implementation Deliverables/Dates:	
<i>Month/Year</i>	<i>Deliverable</i>
Estimated Administration Deliverables/Dates:	
<i>Month/Year</i>	<i>Deliverable</i>

Legal Consultation:

Confirmed

Name/Date _____

Staff Consultation:

Confirmed

Name(s)/Date(s) _____



Policy Committee Ranking Form

Starting on the right, think about and then indicate whether each consideration is high (H), medium (M) or low (L). Then rank the list of priorities. The highest priority would be “1”, the next highest “2” and so on.

Priority 1 is highest	Major Item Name	Major Item Author	Considerations H high M medium L low		
			Staff Resources	Cost	Benefits/ Savings

Policy Committee Determination:

Indicate name and date below.

Per Committee Member _____

Per Committee Member _____

Per Committee Member _____



Lori Droste
Vice Mayor District 8

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 3

Meeting Date: May 18, 2021

Item Number: 2

Item Description: Systems Realignment

Submitted by: Vice Mayor Lori Droste

Subject: Comments on Systems Realignment



Lori Droste
Vice Mayor District 8

To: Mayor and Council
From: Vice Mayor Lori Droste
Subject: Comments on the Systems Realignment

P. 13- what is “smaller” and “less impactful” and how is that determined?

P. 14- the council item template should include a problem definition and frontload the evidence (background, consultation, review) and include criteria considered. Strategic plan alignment, fiscal and operational impacts, environmental sustainability can be embedded under this heading. I would also argue that “Benefit” or “Effectiveness” should be included in Criteria Considered. Also, equity and administrative feasibility are separate criteria to be considered. Council is not involved in enforcement so I recommend that it be eliminated. Furthermore, as currently written the Current Situation and Its Effects describes the Strategic Plan goals and not the status quo situation.

General Template Outline:

- 1) Recommendation
- 2) Problem Statement
- 3) Background and Consultation
- 4) Current Situation and Its Effects
- 5) Criteria Considered (*new heading*)
 - a) Benefit or Effectiveness (*new*)
 - b) Fiscal Considerations
 - c) Strategic Plan Alignment (pick a goal)
 - d) Environmental Sustainability
 - e) Equity
 - f) Operational and Administrative Considerations (*moved operational considerations to a separate category*)
- 6) Rationale for Recommendation (*new*)

P. 15 Implementation Conference Worksheet

I recommend reducing the amount of redundant components in the implementation conference worksheet and specifying what “impact” means. Does it mean benefit? Does it mean tradeoff? In either case, I believe it is covered by other elements of this worksheet.

P. 19- There is no description of *how* policy committee members' rankings will be aggregated. Furthermore, the "ranking" is orthogonal and could be completely contradictory to the staffing, benefit, and costs. Scoring legislative items instead of ranking them will allow for easier prioritization. A cardinal voting system like this is more expressive, accurate and easier to understand. It also lessens vote splitting.

[CONSENT OR ACTION] CALENDAR [Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION Adopt a Resolution... or Support ... or write a letter to ___ in support of _____... or other recommendation....

PROBLEM STATEMENT

This section should identify the problem with specifics and enough context to explain why it merits public amelioration.

(Background and Evidence Should be Provided At the Beginning)

BACKGROUND **AND** INITIAL CONSULTATION This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

CURRENT SITUATION AND ITS EFFECTS

This section should explain the status quo and how it attempts to address the defined problem.

CRITERIA CONSIDERED

- FINANCIAL FISCAL & OPERATIONAL IMPACTS IMPLICATIONS This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

~~IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented. Equity should be a standalone category separate from administrative feasibility. Rename this section Operational and Administrative Considerations~~

- ~~CURRENT SITUATION AND ITS EFFECTS~~ For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section: [Insert project name] is a Strategic Plan **Alignment** Priority Project, advancing our goal to [pick one:]
 - provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
 - provide an efficient and financially-health City government.
 - foster a dynamic, sustainable, and locally-based economy.
 - create affordable housing and housing support service for our most vulnerable community members.
 - create a resilient, safe, connected, and prepared city.
 - champion and demonstrate social and racial equity.

- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.
- be a customer-focused organization that provides excellent, timely, easily accessible service and information to the community.
- attract and retain a talented and diverse City government workforce.
- ENVIRONMENTAL SUSTAINABILITY

RATIONALE FOR RECOMMENDATION

This section should describe how the author landed on the recommendation using the criteria considered. This section can also describe other alternatives considered.

CONTACT PERSON

Councilmember [First Last Name] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution Exhibit A: [Title or Description of Exhibit] Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

Implementation Conference Worksheet

Descriptive Title
Consent Action or Information
Recommendation
<u>Problem Statement</u>
Background, etc
Plans, etc.
<u>Current Situation and Its Effects</u>
Actions/Alternatives Considered
<u>Stakeholders Consultation and Results</u>
Internal Stakeholders Consulted
Name/date of Commission(s) item submitted to for input
List of external stakeholders consulted
Summary of what was learned from consulting stakeholders
Rationale for Recommendation <i>should go at the end after evaluative criteria</i>
<u>Policy Benefit</u>
Internal Benefits of Implementation:
Internal Impacts of Implementation:
External Benefits of Implementation:
External Impacts of Implementation:
Equity Considerations
Environmental Considerations
Operational Impacts
<u>Strategic Plan Goal Alignment</u>
Staff Resources Needed (Number of FTE/hours, Type of staff resource needed):
Costs (Amount(s), Funding Source):
<u>Rationale for Recommendation</u> <i>(after analysis)</i>



Lori Droste
Vice Mayor District 8

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 3

Meeting Date: May 18, 2021

Item Number: 2

Item Description: Systems Realignment

Submitted by: Vice Mayor Lori Droste

Subject: Comments on Systems Realignment



Lori Droste
Vice Mayor District 8

To: Mayor and Council
From: Vice Mayor Lori Droste
Subject: Comments on the Systems Realignment

P. 13- what is “smaller” and “less impactful” and how is that determined?

P. 14- the council item template should include a problem definition and frontload the evidence (background, consultation, review) and include criteria considered. Strategic plan alignment, fiscal and operational impacts, environmental sustainability can be embedded under this heading. I would also argue that “Benefit” or “Effectiveness” should be included in Criteria Considered. Also, equity and administrative feasibility are separate criteria to be considered. Council is not involved in enforcement so I recommend that it be eliminated. Furthermore, as currently written the Current Situation and Its Effects describes the Strategic Plan goals and not the status quo situation.

General Template Outline:

- 1) Recommendation
- 2) Problem Statement
- 3) Background and Consultation
- 4) Current Situation and Its Effects
- 5) Criteria Considered (*new heading*)
 - a) Benefit or Effectiveness (*new*)
 - b) Fiscal Considerations
 - c) Strategic Plan Alignment (pick a goal)
 - d) Environmental Sustainability
 - e) Equity
 - f) Operational and Administrative Considerations (*moved operational considerations to a separate category*)
- 6) Rationale for Recommendation (*new*)

P. 15 Implementation Conference Worksheet

I recommend reducing the amount of redundant components in the implementation conference worksheet and specifying what “impact” means. Does it mean benefit? Does it mean tradeoff? In either case, I believe it is covered by other elements of this worksheet.

P. 19- There is no description of *how* policy committee members' rankings will be aggregated. Furthermore, the "ranking" is orthogonal and could be completely contradictory to the staffing, benefit, and costs. Scoring legislative items instead of ranking them will allow for easier prioritization. A cardinal voting system like this is more expressive, accurate and easier to understand. It also lessens vote splitting.

[CONSENT OR ACTION] CALENDAR [Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION Adopt a Resolution... or Support ... or write a letter to ___ in support of _____... or other recommendation....

PROBLEM STATEMENT

This section should identify the problem with specifics and enough context to explain why it merits public amelioration.

(Background and Evidence Should be Provided At the Beginning)

BACKGROUND **AND** INITIAL CONSULTATION This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

CURRENT SITUATION AND ITS EFFECTS

This section should explain the status quo and how it attempts to address the defined problem.

CRITERIA CONSIDERED

- FINANCIAL FISCAL & OPERATIONAL IMPACTS IMPLICATIONS This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

~~IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented. Equity should be a standalone category separate from administrative feasibility. Rename this section Operational and Administrative Considerations~~

- ~~CURRENT SITUATION AND ITS EFFECTS~~ For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section: [Insert project name] is a Strategic Plan **Alignment** Priority Project, advancing our goal to [pick one:]
 - provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
 - provide an efficient and financially-health City government.
 - foster a dynamic, sustainable, and locally-based economy.
 - create affordable housing and housing support service for our most vulnerable community members.
 - create a resilient, safe, connected, and prepared city.
 - champion and demonstrate social and racial equity.

- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.
- be a customer-focused organization that provides excellent, timely, easily accessible service and information to the community.
- attract and retain a talented and diverse City government workforce.
- ENVIRONMENTAL SUSTAINABILITY

RATIONALE FOR RECOMMENDATION

This section should describe how the author landed on the recommendation using the criteria considered. This section can also describe other alternatives considered.

CONTACT PERSON

Councilmember [First Last Name] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution Exhibit A: [Title or Description of Exhibit] Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

Implementation Conference Worksheet

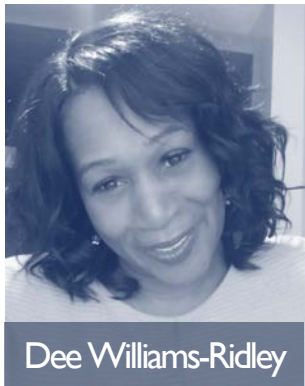
Descriptive Title
Consent Action or Information
Recommendation
<u>Problem Statement</u>
Background, etc
Plans, etc.
<u>Current Situation and Its Effects</u>
Actions/Alternatives Considered
<u>Stakeholders Consultation and Results</u>
Internal Stakeholders Consulted
Name/date of Commission(s) item submitted to for input
List of external stakeholders consulted
Summary of what was learned from consulting stakeholders
Rationale for Recommendation <i>should go at the end after evaluative criteria</i>
<u>Policy Benefit</u>
Internal Benefits of Implementation:
Internal Impacts of Implementation:
External Benefits of Implementation:
External Impacts of Implementation:
Equity Considerations
Environmental Considerations
Operational Impacts
<u>Strategic Plan Goal Alignment</u>
Staff Resources Needed (Number of FTE/hours, Type of staff resource needed):
Costs (Amount(s), Funding Source):
<u>Rationale for Recommendation</u> <i>(after analysis)</i>

SYSTEMS ALIGNMENT

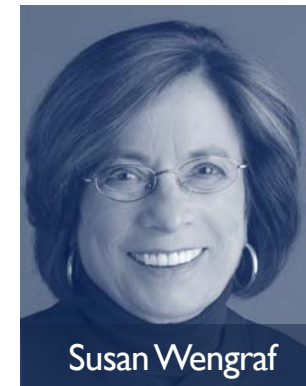
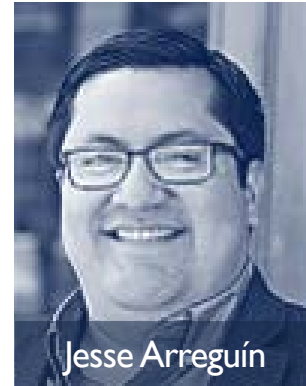
PROCESS PROPOSAL FOR VETTING & PRIORITIZING MAJOR ITEMS



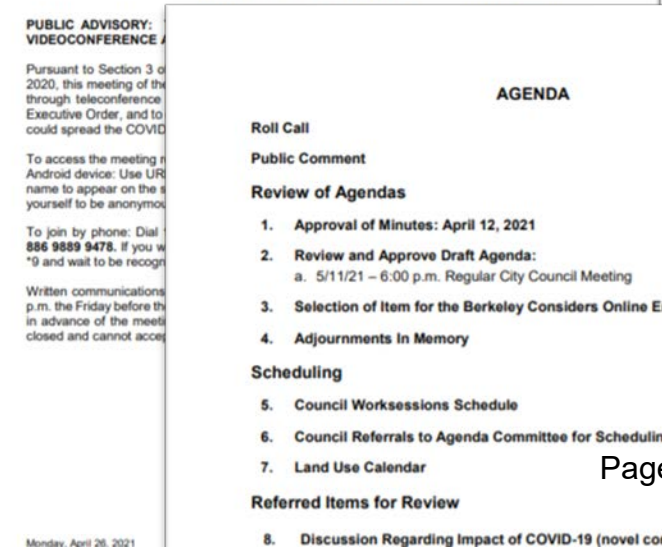
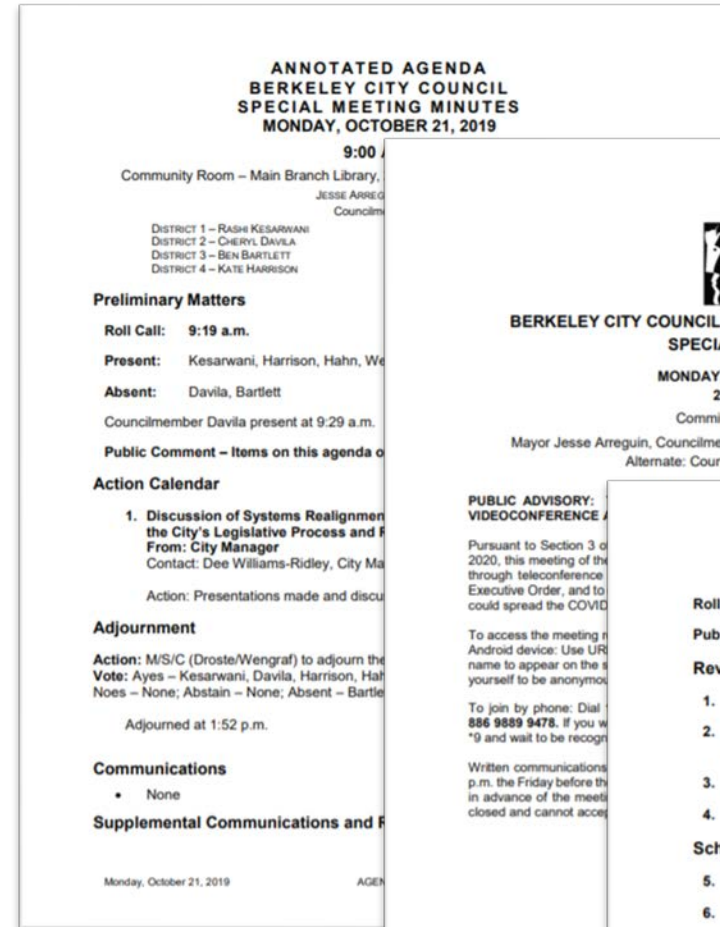
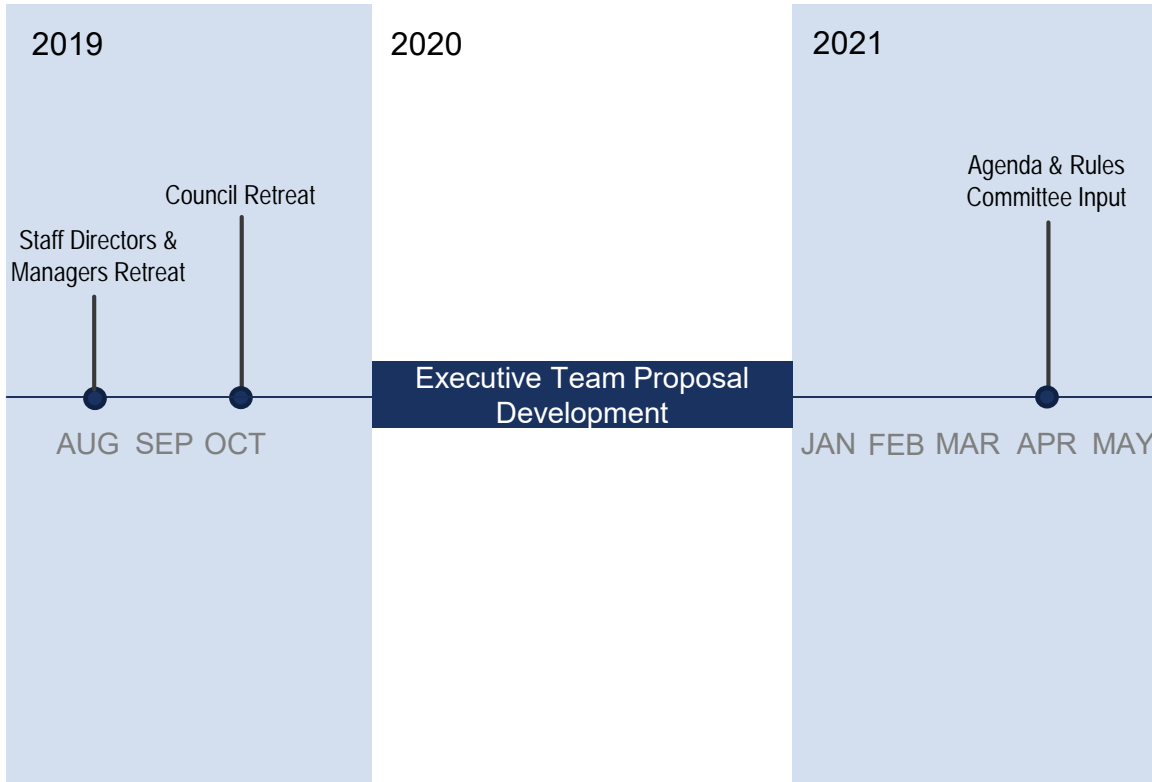
THE TEAM



AGENDA & RULES COMMITTEE



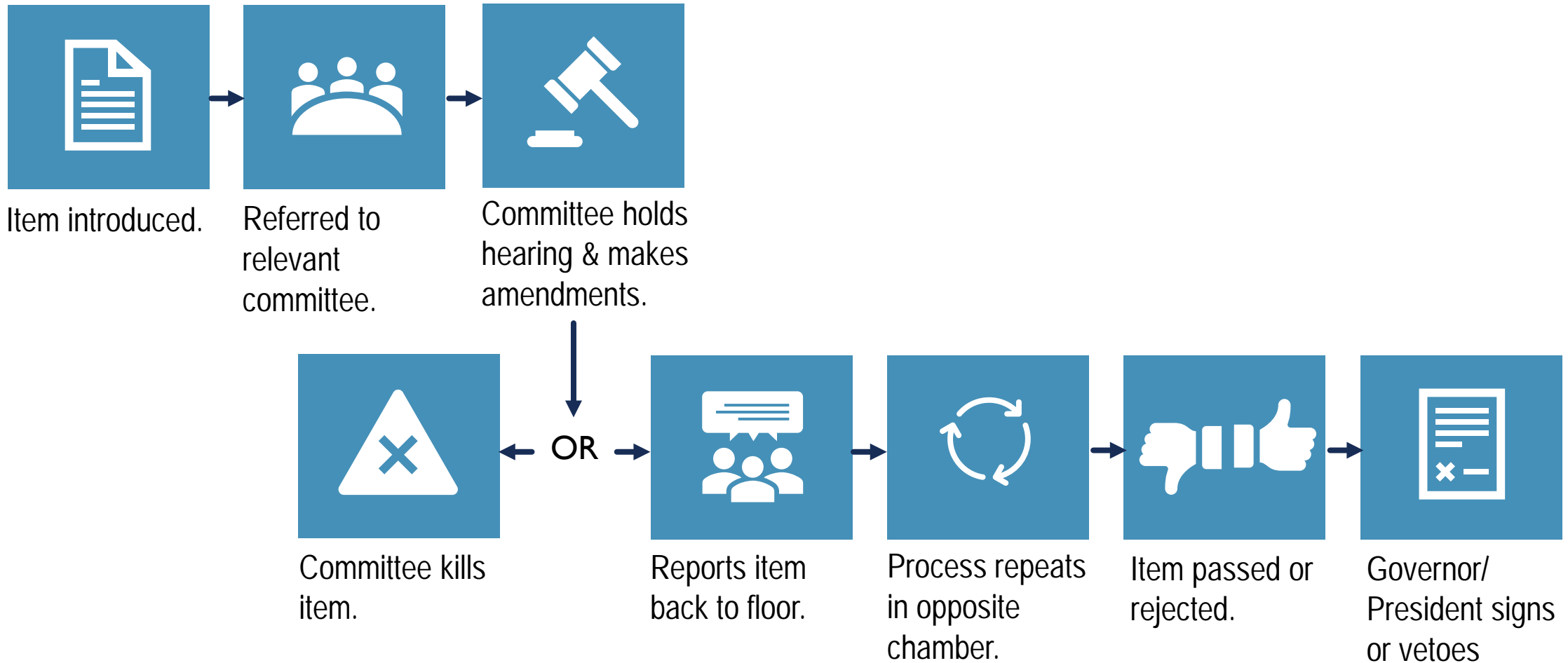
BACKGROUND



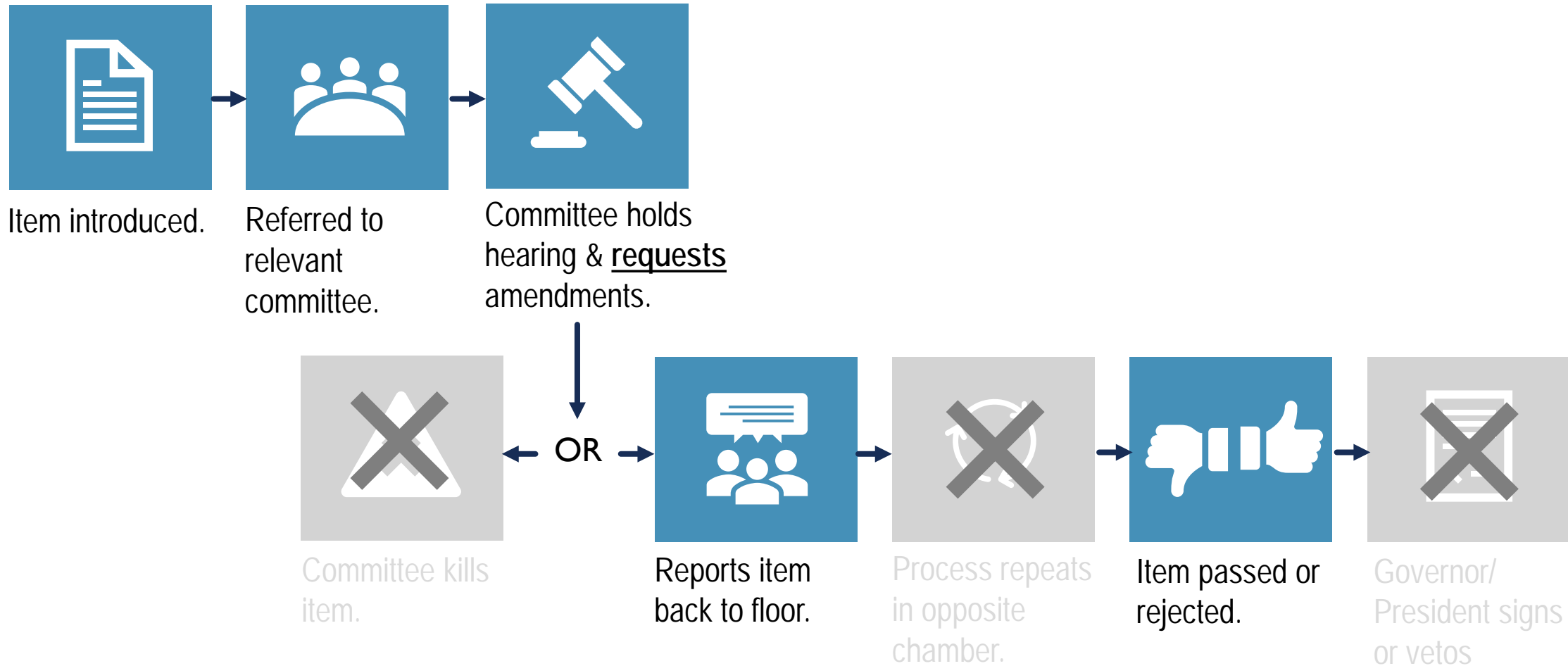
OBJECTIVES

- Align timing of Council approval and resource (budget) allocation
- Communicate resource needs (and any tradeoffs) well
- Ensure Council priorities are resourced and implemented

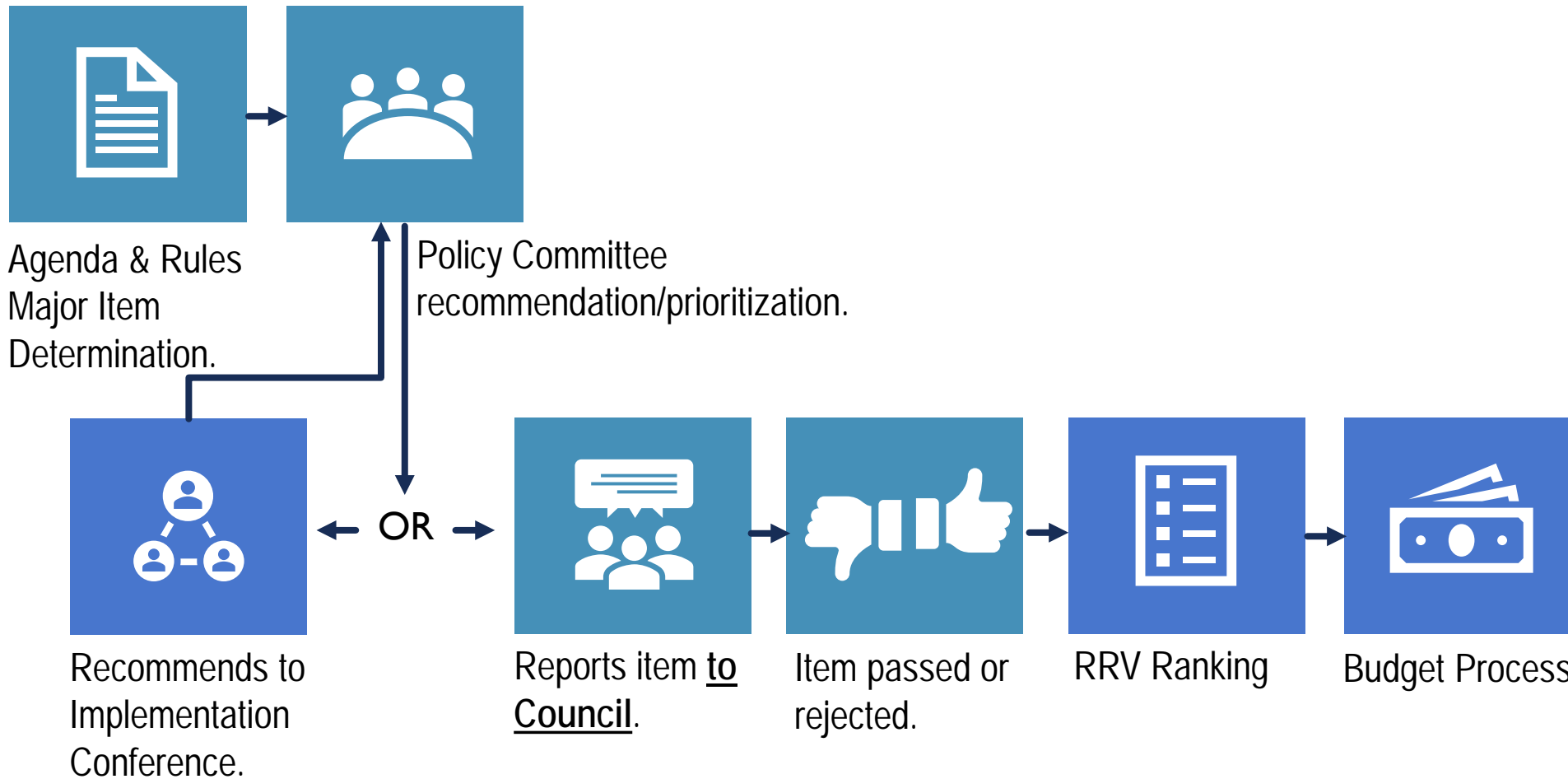
STATE OR FEDERAL MODEL



HYBRID MODEL



PROPOSED MODEL



IMPLEMENTATION CONFERENCE?

- What: Strong analysis and collaborative consultation
 - Identify costs\benefits
 - Identify resource needs
 - Outline high level work plan
- Who:
 - Commission Input (e.g, Chair or Vice Chair)
 - Staff & Legal
 - External Stakeholders
- How:
 - Ensure you've done your due diligence with the above
 - Meet with staff/legal



VETTING IS TIME WELL SPENT!

Cousin Janice

- Researched online, in magazines
- Talked to friends, designer, contractor
- Obtained supplies
- Contractor starts work
- Moved out for **weeks**
- **Loves** the result

Friend Cathy

- Talked to contractor
- Contractor starts work
- Waited for supplies → Contractor stops work
- Supplies arrive → Contractor restarts work
- Moved out for **months**
- **Still refining** the result

WHY PRIORITIZE AT POLICY COMMITTEE

NOT RECOMMENDED

- Agenda & Rules Committee

- Appointees:

- Jesse Arreguin, [Mayor](#)
- Sophie Hahn, [Councilmember, District 5](#)
- Susan Wengraf, [Councilmember, District 6](#)

- Alternate: Lori Droste, [Councilmember, District 7](#)

- Budget & Finance Committee

- Appointees:

- Jesse Arreguin, [Mayor](#)
- Kate Harrison, [Councilmember, District 4](#)
- Rigel Robinson, [Councilmember, District 7](#)
- Susan Wengraf, [Councilmember, District 6](#)

- Public Safety, Transportation, Environment & Sustainability Committee

- Appointees:

- Terry Taplin, [Councilmember, District 2](#)
- Kate Harrison, [Councilmember, District 4](#)
- Rigel Robinson, [Councilmember, District 7](#)

- Alternate: Sophie Hahn, [Councilmember, District 5](#)

- Government, Equity & Community Committee

- Appointees:

- Rashi Kesarwani, [Councilmember, District 1](#)
- Terry Taplin, [Councilmember, District 2](#)
- Ben Bartlett, [Councilmember, District 3](#)

- Alternate: Rigel Robinson, [Councilmember, District 7](#)

- Land Use, Housing & Economic Development Committee

- Appointees:

- Sophie Hahn, [Councilmember, District 5](#)
- Rigel Robinson, [Councilmember, District 7](#)
- Lori Droste, [Councilmember, District 8](#)

- Alternate: Ben Bartlett, [Councilmember, District 3](#)

- Public Safety Committee

- Appointees:

- Rashi Kesarwani, [Councilmember, District 1](#)
- Ben Bartlett, [Councilmember, District 3](#)
- Susan Wengraf, [Councilmember, District 6](#)

- Alternate: Terry Taplin, [Councilmember, District 2](#)

A QUICK NOTE ON FORMS

- Major Item Determination Checklist
- Implementation Conference Worksheet
- Policy Committee Ranking Form
- Revised Report Template



Major Item Determination Checklist

Item Name:

Item Author:

Is this a Major Item?

Yes No

- Item represents a significant change to existing law, program, or policy.
- Item represents a significant addition to existing law, program, or policy.
- Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public

Is this eligible for an Exemption?

Yes No

- Item is related the City's COVID-19 response.
- Item is related to the City Budget process.
- Item is related to essential or ongoing City processes or business.
- Item is urgent.
- Item is time-sensitive.
- Item is smaller.
- Item is less impactful.

Agenda Committee Determination:

Major Item Exempted

Indicate name and date below.

Per Committee Member _____

Per Committee Member _____

Per Committee Member _____

Policy Committee Confirmation:

Determination Confirmed Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member _____

Per Committee Member _____



Implementation Conference Worksheet

Item Name:

Item Author:

AUTHOR SECTION

Use this section to help record required information

Descriptive title:
Is this for Consent, Action, or Information Calendar?
Recommendation:
Summary statement:
Background (history, circumstances and context)
Plans, programs, policies and/or laws were taken into account:
Actions/alternatives considered:
Internal stakeholders consulted:
Name/date of Commission(s) item submitted to:
List of external stakeholders consulted:

Summary of what was learned from consultation:

Rationale for recommendation:

Internal Benefits of Implementation:

Internal Impacts of Implementation:

External Benefits of Implementation:

External Impacts of Implementation:

Launch and Implementation Milestones (see Environmental Impacts):

Operational Impacts:

Staff Resources Needed:

STAFF SECTION

Use this section to provide required information for the report.

Estimated Launch/implementation Deliverables/Dates:	
<i>Month/Year</i>	<i>Deliverable</i>
Estimated Administration Deliverables/Dates:	
<i>Month/Year</i>	<i>Deliverable</i>

Legal Consultation:

Confirmed

Name/Date _____

Staff Consultation:

Confirmed



Policy Committee Ranking Form

Starting on the right, think about and then indicate whether each consideration is high (H), medium (M), or low (L). Then rank the list of priorities. The highest priority would be "1", the lowest would be "10".

Priority 1 is highest	Major Item Name	Considerations H high M medium L low		
		Staff Resources	Cost	Benefits/Savings

NOT RECOMMENDED

Policy Committee Determination:

Indicate name and date below.

Per Committee Member _____

Per Committee Member _____

Per Committee Member _____



[First Lastname]
Councilmember District [District No.]

[CONSENT OR ACTION]
CALENDAR
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council
From: [Councilmember (lastname)]
Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION

Adopt a Resolution...
or Support ...
or write a letter to ___ in support of _____...
of other recommendation....

FISCAL IMPACTS

This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

This section must describe benefits and impacts to both internal and external stakeholders. It should also describe the launch or initiation of the item, as well as its ongoing administration once implemented.

CURRENT SITUATION AND ITS EFFECTS

For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:

[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-health City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental

[Title of Report]

CALENDAR

- attract and retain a talented and diverse City government workforce.

BACKGROUND

CONSULTATION OVERVIEW

This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

- 1: Resolution
 - Exhibit A: [Title or Description of Exhibit]
 - Exhibit B: [Title or Description of Exhibit]
- 2: [Title or Description of Attachment]
- 3: [Title or Description of Attachment]

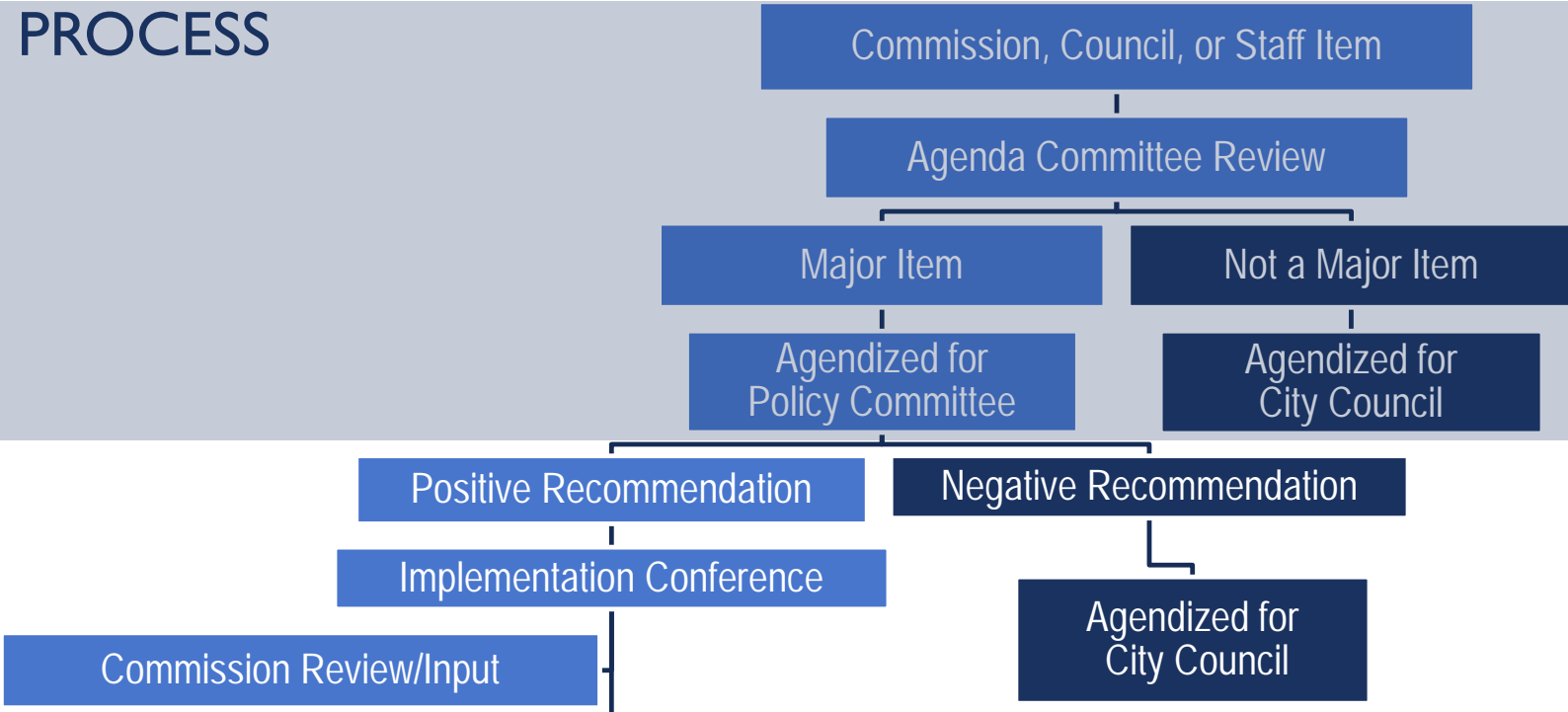
PROPOSED PROCESS

FLOW CHART



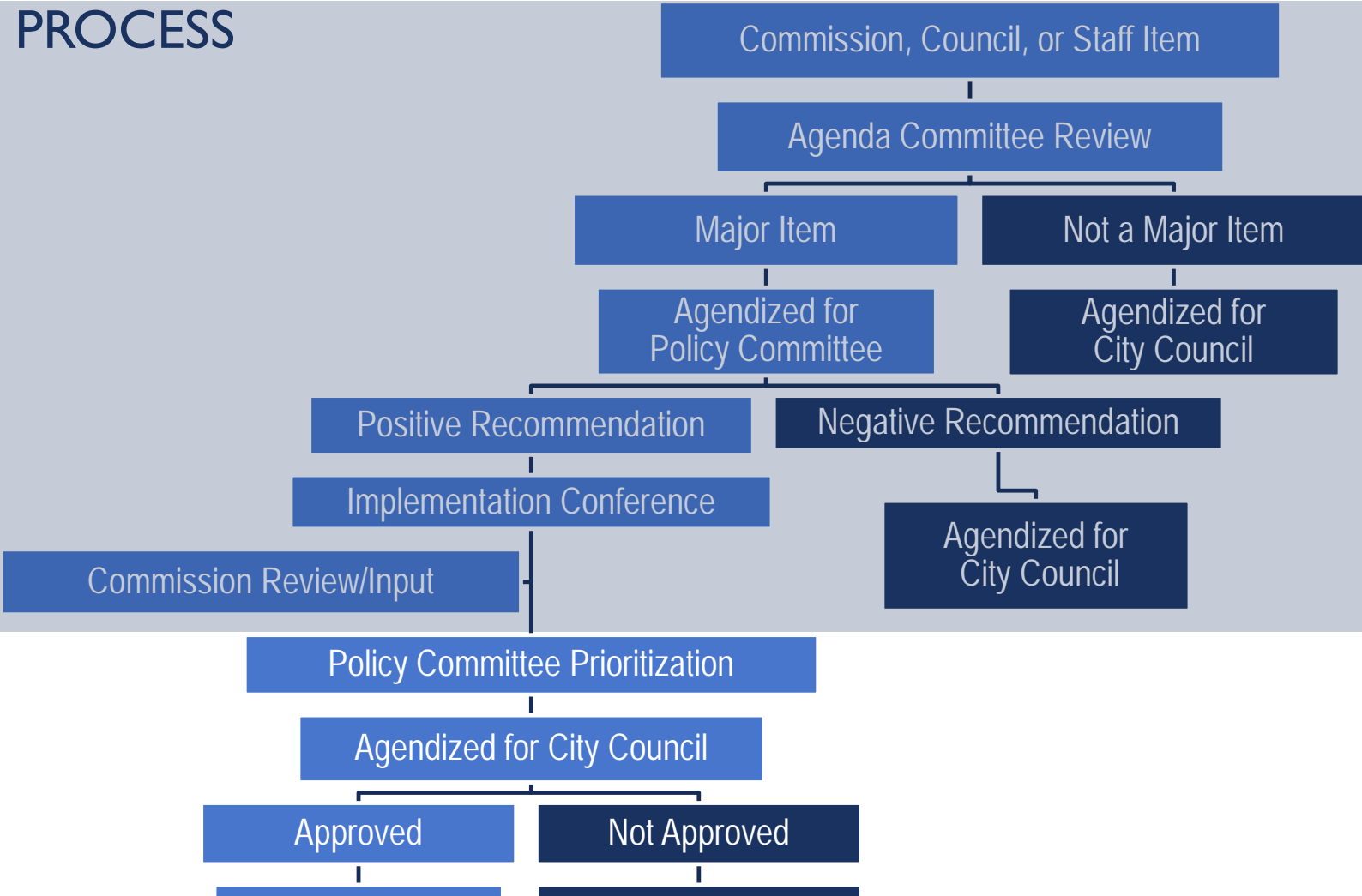
PROPOSED PROCESS

FLOW CHART



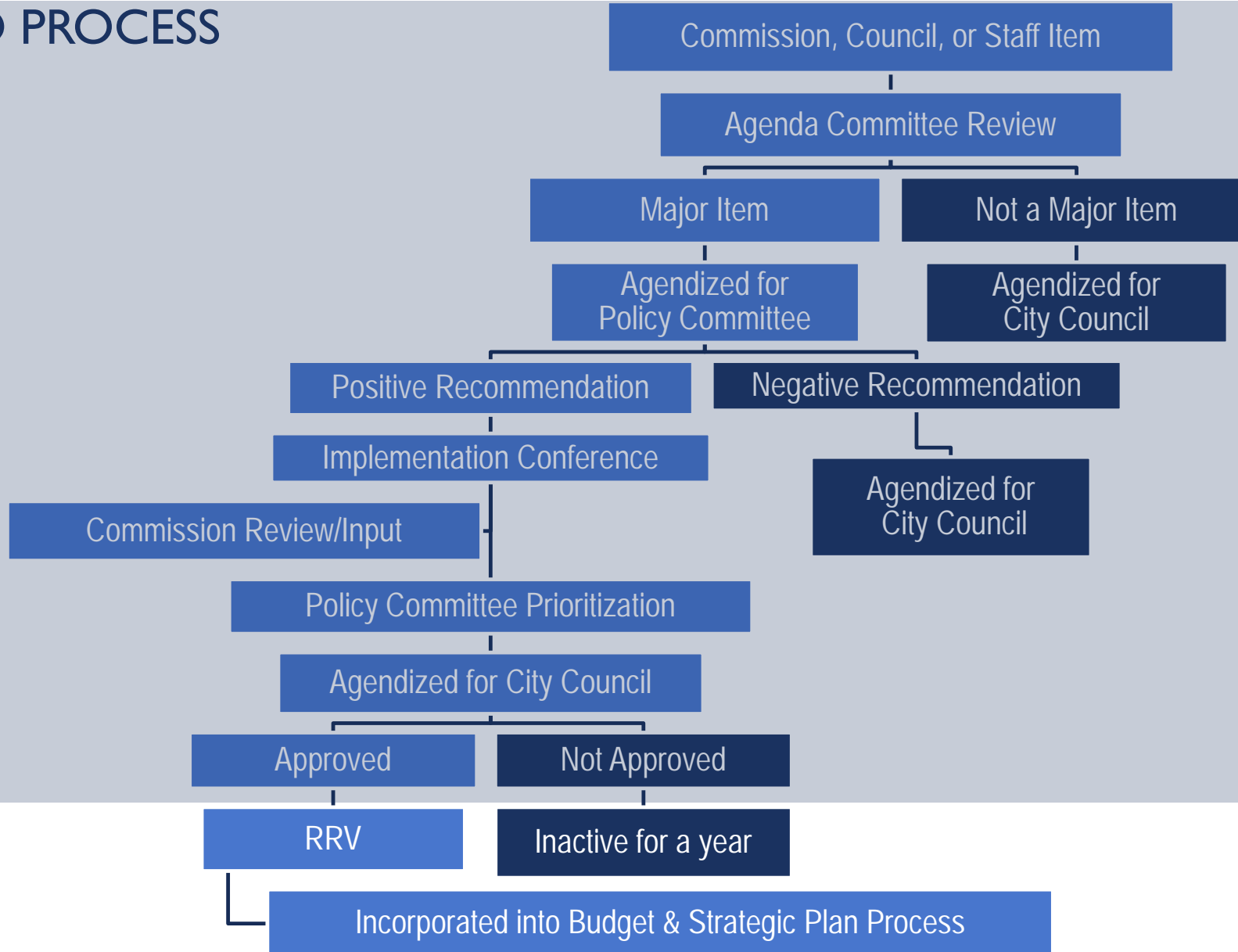
PROPOSED PROCESS

FLOW CHART



PROPOSED PROCESS

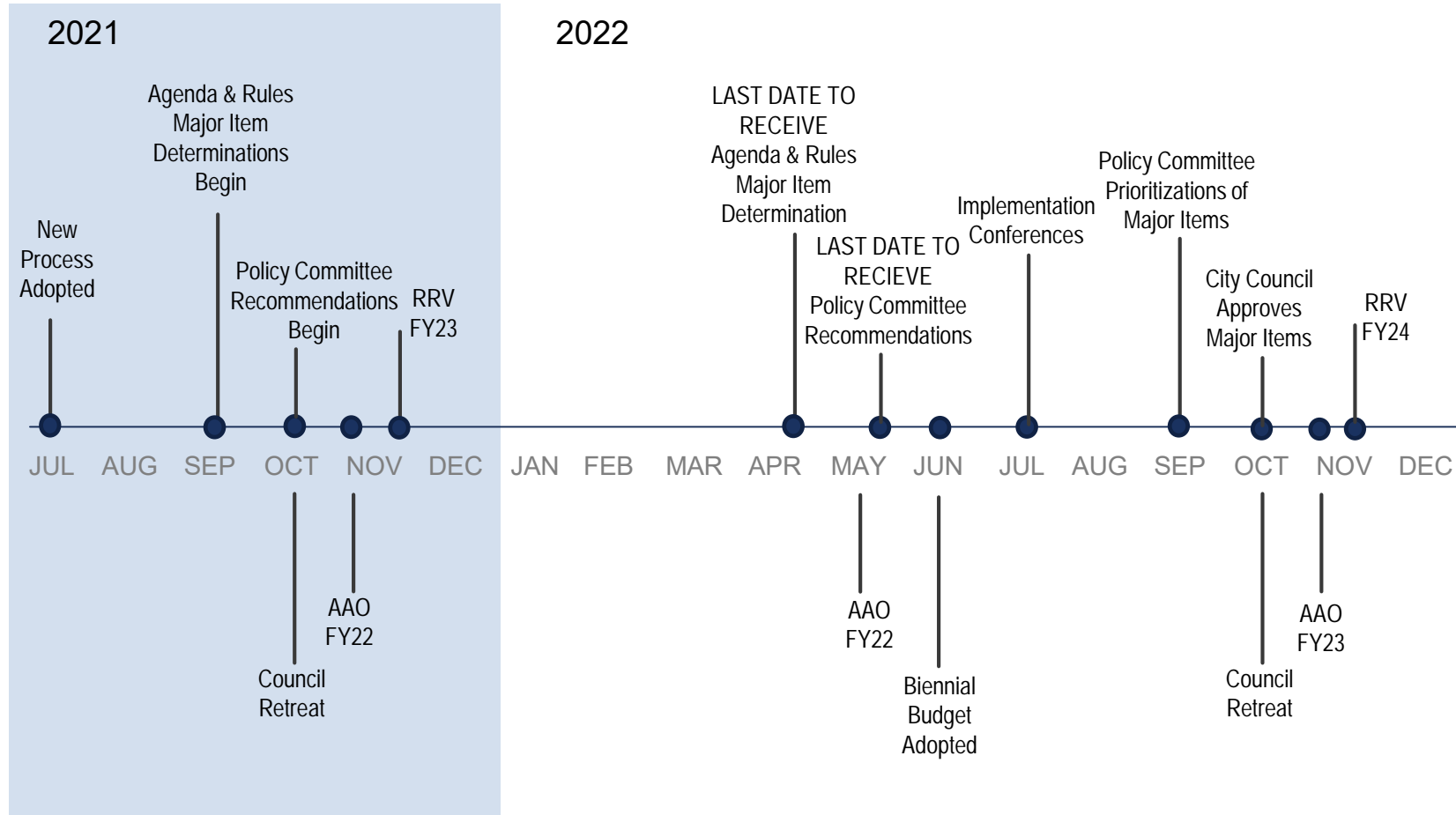
FLOW CHART





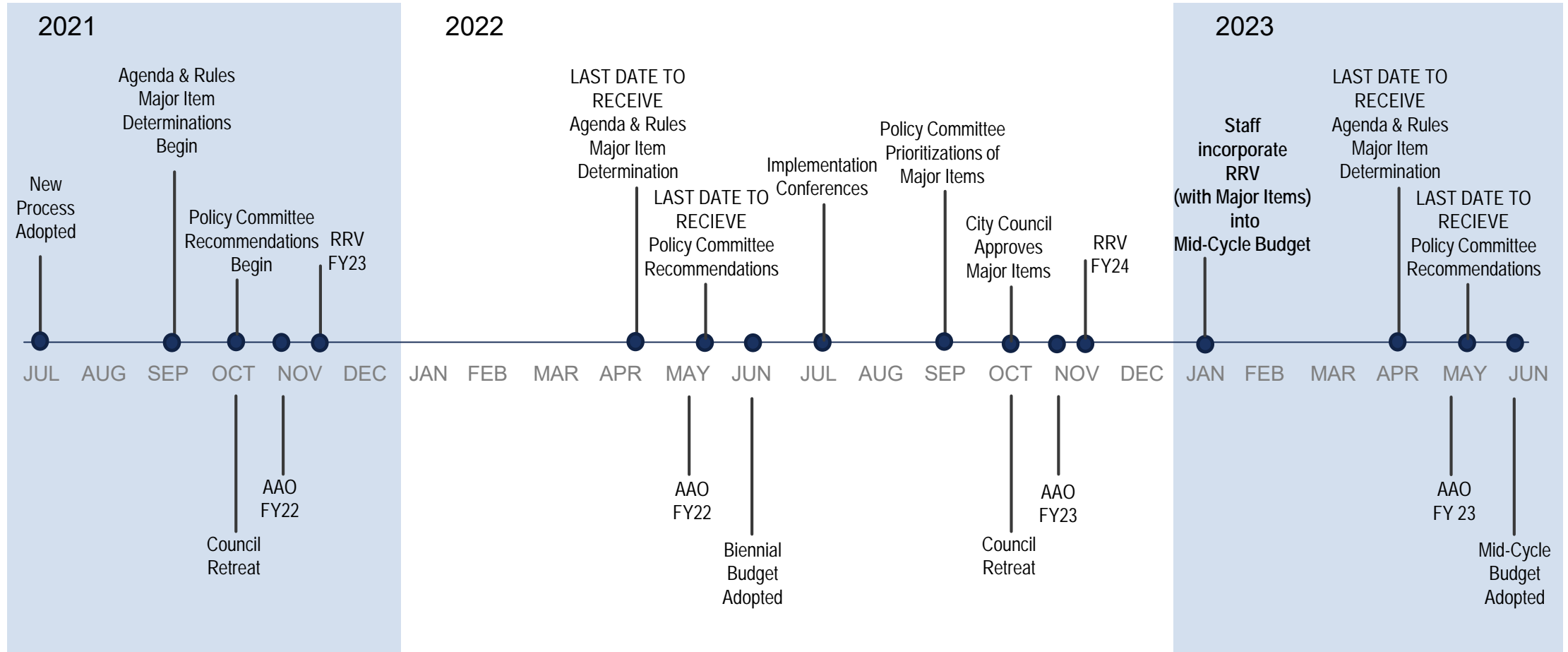
PROPOSED IMPLEMENTATION

PHASE-IN OF SYSTEMS ALIGNMENT



PROPOSED IMPLEMENTATION

PHASE-IN OF SYSTEMS ALIGNMENT



PROPOSED IMPLEMENTATION

PHASE-IN OF SYSTEMS ALIGNMENT

SEQUENCING & TIMING

Existing

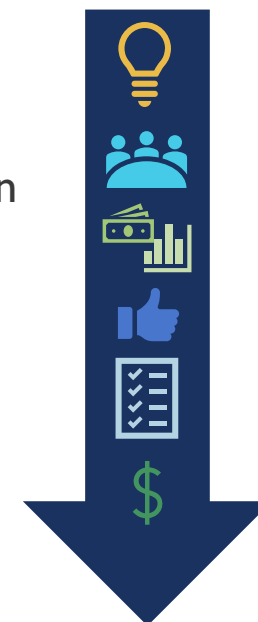
1. Idea
2. Committee Consideration
3. Council Approval
4. Costing
5. Budget development
6. RRV



Uncertain Timeline

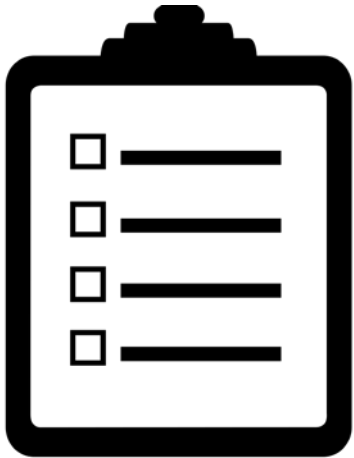
Proposed

1. Idea
2. Committee Consideration
3. Vetting & Costing
4. Council Approval
5. RRV
6. Budget development



Certain Timeline

WHAT'S DIFFERENT



Mandatory Guidelines

Implementation Conferences

Policy Committee Prioritization

Moving the RRV process

New required forms and processes

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide "additional analysis" if the item as submitted evidences a "significant lack of background or supporting information" or "significant grammatical or readability issues."

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
 - a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
 - b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
 - c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
 - d. Fiscal impacts of the recommendation;
 - e. A description of the current situation and its effects;
 - f. Background information as needed;
 - g. Rationale for recommendation;
 - h. Alternative actions considered;
 - i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
 - j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

SO, HOW DO WE MAKE THIS HAPPEN?

- Adopting aligned timeline and new process
 - Incorporating vetting and costing (i.e., implementation conferences)
 - Prioritizing vetted Major Items (prioritize, assign fiscal year, identify projects to remove to accommodate new Major Items)
 - Revising City Council Rules of Procedure and Order
- Making Appendix B guidelines mandatory
- Addressing adopted, open referrals
- Addressing Council items under consideration

BENEFITS



Ensures **continuous improvements**



Provides adequate context and impacts of items to **enhance Council decision-making**



Identifies appropriate and necessary resources so that **adopted items are adequately resourced**



Aligns processes to **ensure efficient implementation/realization of Council items**



Increases collaboration among and between stakeholders

NEXT STEPS



Legislative aide roundtable



City Manager and Councilmember One-on-Ones



Revise and return item in July

THANK YOU.



Office of the City Manager

01

Worksession Item

WORKSESSION

May 18, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David White, Deputy City Manager

Subject: Systems Alignment Proposal

RECOMMENDATION

Direct the City Manager to bring back a resolution for adoption of the Systems Alignment proposal as described in this document and incorporating direction and input received from City Council during the worksession.

SUMMARY

This report proposes a process to integrate various systems (e.g., budget, Strategic Plan, prioritization of referrals, etc.) to ensure that resources are appropriately allocated, to focus the organization and employees on those priorities established by the City Council and City Manager, and to enhance legislative and budget processes. Ultimately, aligning systems will help ensure our community's values as reflected in the policies of our City Council are implemented completely and efficiently, with increased fiscal prudence, while supporting more meaningful service delivery. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve vetting and costing of new projects and legislative initiatives to ensure success. In addition, the purpose of this proposal will align our work with the budget process.

FISCAL IMPACTS OF RECOMMENDATION

While the recommendation of this report would not entail fiscal impacts, if adopted, the proposal would have budgetary effects. Broadly speaking, the proposal is designed to better ensure adequate financial and staffing resources are identified and approved with any adopted significant legislation¹ (Major Item).

CURRENT SITUATION AND ITS EFFECTS

The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. These changes support a clear and

¹ New significant legislation is defined, with some explicit exceptions, as "any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public". See Council Rules of Procedure, https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure.pdf.

full realizing of City Council policies, programs, and vision. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
- Making the City Council Rules of Procedure Appendix B guidelines mandatory,
- Ensuring that Major Items that are adopted by City Council are vetted and clearly identify the resources needed for implementation,
- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.

Additionally, the proposed Systems Alignment would advance the City's Strategic Plan goal to provide an efficient and financially-health City government.

PROPOSED PROCESS

The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of "type" or origin will be subject to this process.

Step 1: Major Item Determination

The systems alignment proposal outlines a process for Major Items.

Defined in Council Rules of Procedure

Major Items are "new significant legislation" as defined in Appendix D of the [City Council Rules of Procedure](#):

Except as provided below, "new significant legislation" is defined as any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public.

The exceptions to the definition of new significant legislation and process state:

New significant legislation originating from the Council, Commissions, or Staff related to the City's COVID-19 response², including but not limited to health and economic impacts of the pandemic or recovery, or addressing other health and safety concerns, the City Budget process, or other essential or ongoing City processes or business will be allowed to move forward, as well as legislative items that are urgent, time sensitive, smaller, or less impactful.

² If this proposal is adopted, "COVID-19" should be replaced with "declared emergency response" in the exception language.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item, using the Major Item Determination Checklist (see attachment 1). At any time in the process, if evidence demonstrates that the initial determination of the proposal as a Major Item proves incorrect, then it is no longer subject to this process. Additionally, if any legislation it originally deemed not to be a Major Item, the author or City Manager may appeal to the Agenda and Rules Committee or to the full Council and present evidence to the contrary.

Required Conformance and Consultation

All Major Items must use the agenda guidelines in Appendix B of the Council Rules, which require more detailed background information and analysis. The Agenda and Rules Committee can send the item back to the author if it is not complete and/or does not include all of the information required in Appendix B. The author must make a good faith effort to ensure all the guideline prompts are completed in substance not just in form.

Major Items must include a section noting whether the author has initially consulted with the City Manager or city staff regarding their proposed Major Item and the substance of those conversations, and initial staff input.

Required Submission Date

A Major Item must be submitted in time to appear on the agenda of an Agenda & Rules Committee meeting occurring no later than April 30 of every year. Any item submitted after that deadline, that does not meet an exemption, will be continued to the following year's legislative process.

Major Items will be referred by the Agenda & Rules committee on a rolling basis.

Step 2: Policy Committee Review

A Major Item, once introduced and deemed complete and in conformance by the Agenda and Rules Committee, will be referred to one of City Council's Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.), for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the [*Council Rules of Procedure*](#),³ the Policy Committee will review the Major Item and the completed Major Item Determination Checklist to confirm Agenda & Rules initial determination that the Major Item is complete in accordance with Section III.B.2 and aligns with Strategic Plan goals. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

³ https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf

If the Major Item receives a negative or qualified negative recommendation, then it will be returned to the Agenda and Rules Committee to be placed on a City Council Agenda. When heard at a City Council meeting, the author can advocate for the Major Item to be sent to an Implementation Conference. If the Major Item does not receive a vote by the majority of City Council at this step, it becomes inactive for that year's legislative calendar but may be reintroduced for the next year's calendar.

City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year.

Step 3: Implementation Conference (Vetting and Costing)

At an Implementation Conference, the primary author will meet with the City Manager or designee, City Manager-selected staff subject matter experts, and the City Attorney or designee.

Identifying Fiscal, Operational and Implementation Impacts

The intended outcome of an Implementation Conference is a strong analysis containing all of the considerations and resources necessary to support implementation should Council choose to approve the Major Item.

The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager, City Attorney, and staff to better define the Major Item and identify more detailed fiscal and operational impacts, as well as implementation considerations. The information discussed during the Implementation Conference will be summarized in the Council Report as part of newly required sections (see attachment 2), in conformance with Appendix B:

- *Initial Consultation*, which
 - Lists internal and external stakeholders that were consulted, including whether item was concurrently submitted to a Commission for input,
 - Summarizes and confirms what was learned from consultation,
 - Confirms legal review addressing any legal or pre-emption issues, ensuring legal form,⁴
- *Implementation, Administration, and Enforcement*, which
 - Identifies internal and external benefits and impacts, and
 - Considers equity implications, launch/initiation of Major Item and its ongoing administration, and
- *Fiscal & Operational Impacts*, which
 - Summarizes any operational impacts,

⁴ While consultation with the City Attorney is mentioned in Appendix B, the legal review and "confirmations" recommended in this proposal is a more specific and robust requirement.

- o Identifies necessary resources, including specific staff resources needed and costs.⁵

As part of the Implementation Conference, staff will provide a high level work plan, indicating major deliverables/milestones and dates. This information can be collected and recorded using the Implementation Conference Worksheet (see attachment 2).

Implementation Conferences will be date certain meetings held in July.

Revising the Major Item

After the Major Item's author revises the original Council Report based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process. If additional full time equivalent employee(s) (FTE) or fiscal resources are needed, the Major Item must include a referral to the budget process and identify the amount for implementation of the policy or program.

Step 4: Initial Prioritization

At their first meetings in September, Policy Committees must complete the ranking of the Major Items which were referred to them and also completed the Implementation Conference. The Policy Committees will provide these rankings in the form of a recommendation to the City Council. The Policy Committees prioritization will use the Policy Committee Ranking Form (see attachment 3) to standardize consideration of Major Items across Policy Committees. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and Strategic Plan process.

Step 5: City Council Approval and Final Prioritization

Under this proposal, all Major Items that the City Council considers for approved prioritization must have:

1. Received a City Council Policy Committee review and recommendation,
2. Received a City Council Policy Committee prioritization,
3. Completed the Implementation Conference, and
4. Been placed on the Agenda for a regular or special Council meeting in October for approval and inclusion in the RRV process.

At the designated Council meeting in October, staff will provide the Council with a list of all approved Major Items, including the initial prioritization by Policy Committee. The Council will consider each Major Item for approval. All approved Major Items then will be added to the RRV process (i.e., with other items, referrals, etc) and ranked. The RRV ranking will begin in late October. These rankings will be adopted by Council and

⁵ Appendix B does require a Fiscal Impacts section, but the inclusion of operational impacts and specific noting of required staff resources and costs recommended in this proposal is a more specific and robust requirement.

used to inform the development of the draft budget. Approved and ranked Major Items have multiple opportunities to be approved for funding, when the biennial budget or mid-cycle budget is adopted in June or when the Annual Appropriations Ordinances are adopted in May and November.

If a Major Item *does not receive the endorsement* of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its Major Items approval, and RRV process no later than the final meeting in December of each year.⁶ This ensures that staff is able to develop the budget starting from and based on Council priorities.

Step 6: Budget & Strategic Plan Process

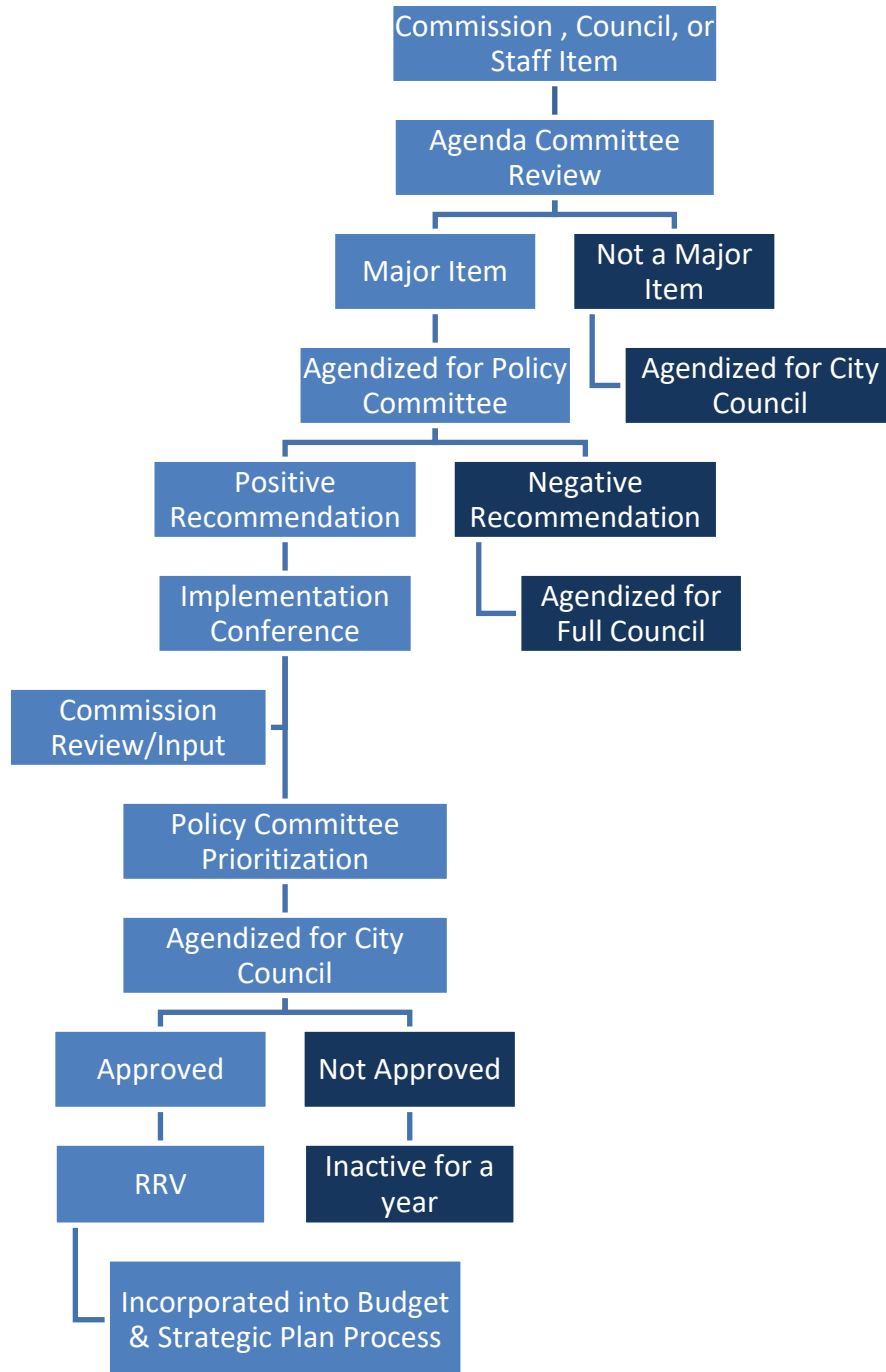
The Council's rankings are also forwarded to the Budget and Finance Committee for consideration as part of budget development. If the proposal is not ultimately funded in the biennial budget, mid-cycle budget or the Annual Appropriations Ordinance (mid-year budget amendment), then it does not move forward that year and will be added to a list of unfunded proposals for the future budget process.

During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Items, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain biennial. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

The proposed process is depicted in Figure 1 and the proposed launch calendar in Figure 2.

⁶ Due to noticing requirements, an RRV process completed by November 30 may not appear on a City Council Agenda for adoption until January.

Figure 1, Proposed Process⁷

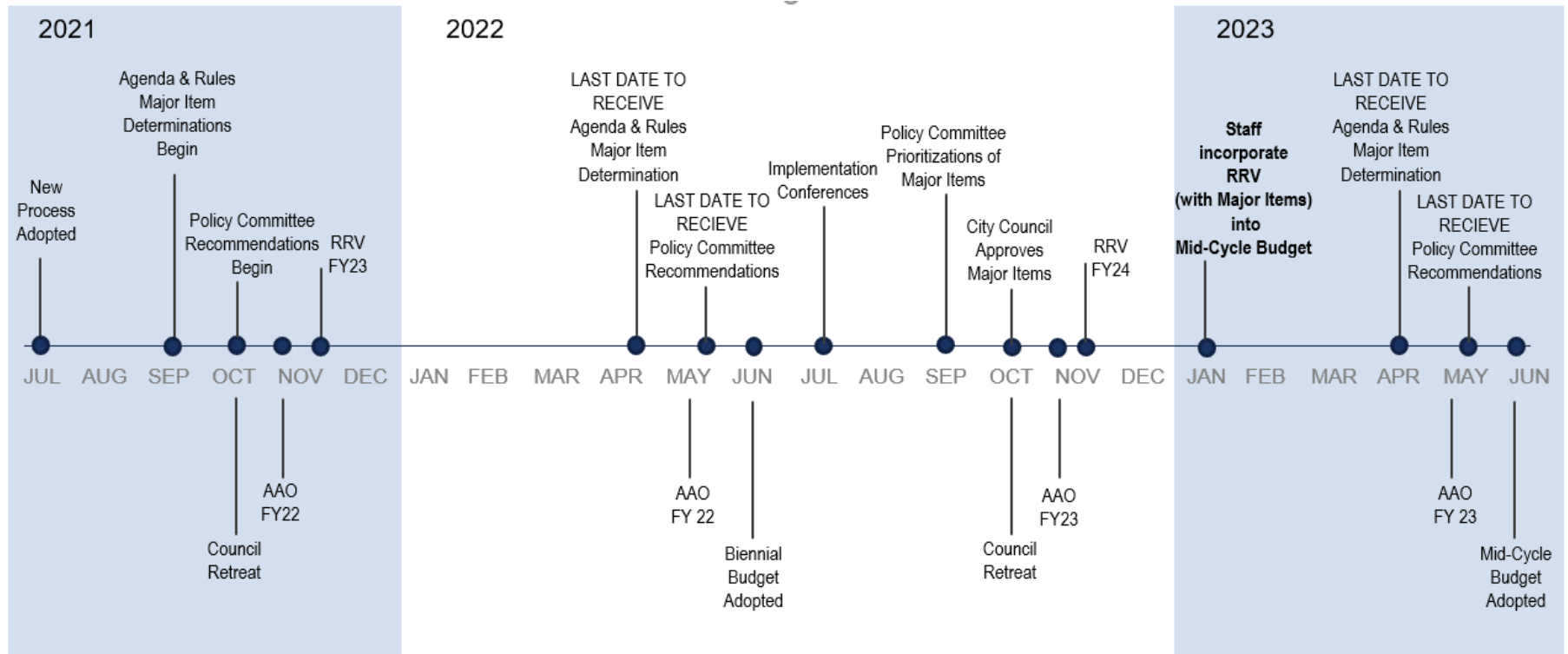


⁷ Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.



Office of the City Manager

Figure 2, Proposed Launch





Office of the City Manager

Next Steps

Staff will reach out to legislative aides for input and the City Manager will meet individually with Councilmembers to discuss this proposal. Staff will incorporate Council input from the worksession, and from subsequent input into a resolution and return to Council with a final Systems Alignment item for adoption by July 2021.

Benefits

The addition of an Implementation Conference will ensure that Major Items considered by Council are properly resourced, improving our City's responsible management of fiscal resources. Analysis from the Implementation Conference will help Council to balance and consider each Major Item within the context of related programs and potential impacts (positive and negative). When considered holistically, new policy implementation can be supportive of existing work and service delivery.

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is nearing completion when City Council's priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department's work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. Finally, since implementation only occurs after operational considerations are reported, and funds are

allocated, the resulting Major Item should move more quickly from idea to successful completion.

BACKGROUND

In October 2019, City Council held a half-day worksession to discuss systems realignment and provide direction on potential changes to the city's legislative process. The purpose of the meeting was to develop recommendations for how various systems (e.g., budget, Strategic Plan, RRV, etc) could better work together to ensure that the organization is able to focus on the priorities established by the City Council. The City Manager took direction from that meeting and worked with department directors and the Budget Office to create this proposal.

ENVIRONMENTAL SUSTAINABILITY

By improving efficiency, ensuring adequate resources, and strengthening implementation, this proposal would increase the speed and full adoption of new significant legislation, including sustainability work.

RATIONALE FOR RECOMMENDATION

The City of Berkeley is unique in comparison to many cities. It considers and approves many more policies, often at the cutting edge, than a typical city and especially for a city of its size. This proposal is a hybrid, incorporating city processes while mirroring State and Federal legislative processes which accommodate a larger number of policies and items in a given cycle. The disadvantage of this proposal is that it introduces additional steps, such as the implementation conference. The advantages of this proposal, are:

- Ensuring adopted legislation is adequately resourced, in terms of both staffing and budget;
- Providing adequate context for Council to balance and consider items in relation to potential positive and negative impacts; and
- Strengthening the effectiveness and efficiency of policy implementation.

ALTERNATIVE ACTIONS CONSIDERED

At the Council retreat in October 2019, a variety of approaches and ideas were discussed and considered. Additionally, the original version of this proposal was substantively revised through the Policy Committee process.

If the Council takes no action on this item, the existing process will continue to result in inadequately resourced adopted legislation and inefficient and complicated implementation.

CONTACT PERSON

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

Attachments:

- 1: Major Item Determination Checklist
- 2: Council Report Template and Implementation Conference Worksheet
- 3: Policy Committee Ranking Form



Major Item Determination Checklist

Item Name:

Item Author:

Is this a Major Item?

- | | | |
|--------------------------|--------------------------|--|
| Yes | No | |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant change to existing law, program, or policy. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant addition to existing law, program, or policy. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public |

Is this eligible for an Exemption?

- | | | |
|--------------------------|--------------------------|---|
| Yes | No | |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related the City's COVID-19 response. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to the City Budget process. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to essential or ongoing City processes or business. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is urgent. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is time-sensitive. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is smaller. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is less impactful. |

Agenda Committee Determination:

Major Item Exempted

Indicate name and date below.

Per Committee Member _____

Per Committee Member _____

Per Committee Member _____

Policy Committee Confirmation:

Determination Confirmed Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member _____

Per Committee Member _____

Per Committee Member _____



[First Lastname]
Councilmember District [District No.]

[CONSENT OR ACTION]
CALENDAR
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council

From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION

Adopt a Resolution...
or Support ...
or write a letter to ___ in support of _____...
or other recommendation....

FINANCIAL-FISCAL & OPERATIONAL IMPACTS IMPLICATIONS

This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented.

CURRENT SITUATION AND ITS EFFECTS

For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:

[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-health City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

[Title of Report]

CALENDAR

Macrobutton NoMacro [Meeting Date (MM dd, yyyy)]

- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.
- attract and retain a talented and diverse City government workforce.

BACKGROUND

INITIAL CONSULTATION

This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution

 Exhibit A: [Title or Description of Exhibit]

 Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

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

SHORT TITLE OF RESOLUTION HERE

WHEREAS, (Whereas' are necessary when an explanation or legislative history is required); and

WHEREAS, (Insert Additional 'Whereas Clauses' as needed); and

WHEREAS, enter text here; and

WHEREAS, enter text here; and

WHEREAS, (The last "Whereas" paragraph should contain a period (.) .

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (Action to be taken) - ends in a period (.).

BE IT FURTHER RESOLVED that (for further action if needed; if not delete) - ends in a period (.).

Exhibits **[Delete if there are NO exhibits]**

A: Title of the Exhibit

B: Title of the Exhibit



Implementation Conference Worksheet

Item Name:

Item Author:

AUTHOR SECTION

The author of the item may complete this section to help record required information for the report.

Descriptive title:
Is this for Consent, Action, or Information Calendar?
Recommendation:
Summary statement:
Background (history, circumstances and concerns to be addressed by the item):
Plans, programs, policies and/or laws were taken into consideration:
Actions/alternatives considered:
Internal stakeholders consulted:
Name/date of Commission(s) item submitted to for input:
List of external stakeholders consulted:

Summary of what was learned from consulting stakeholders:
Rationale for recommendation:
Internal Benefits of Implementation:
Internal Impacts of Implementation:
External Benefits of Implementation:
External Impacts of Implementation:
Equity Considerations:
Launch and Implementation Milestones (see staff section)
Environmental Impacts:
Operational Impacts:
Staff Resources Needed: Number of FTE/hours: Type of staff resource needed:
Costs: Amount(s): Funding Source:

STAFF SECTION

Staff may complete section to provide required information for the report.

Estimated Launch/implementation Deliverables/Dates:	
<i>Month/Year</i>	<i>Deliverable</i>
Estimated Administration Deliverables/Dates:	
<i>Month/Year</i>	<i>Deliverable</i>

Legal Consultation:

Confirmed

Name/Date _____

Staff Consultation:

Confirmed

Name(s)/Date(s) _____



Policy Committee Ranking Form

Starting on the right, think about and then indicate whether each consideration is high (H), medium (M) or low (L). Then rank the list of priorities. The highest priority would be "1", the next highest "2" and so on.

Priority <small>1 is highest</small>	Major Item Name	Major Item Author	Considerations <small>H high M medium L low</small>		
			Staff Resources	Cost	Benefits/ Savings

Policy Committee Determination:

Indicate name and date below.

- Per Committee Member _____
- Per Committee Member _____
- Per Committee Member _____

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

BERKELEY SPECIAL MEETING

TUESDAY, OCTOBER 10, 2023

Unofficial Text File

>> GOOD AFTERNOON.

THANK YOU FOR WAITING PAITENTLY.

I WOULD NOW LIKE TO CALL TO ORDER THE SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL FOR TUESDAY, OCTOBER 10TH, 2023 AT 4 P.M..

IF THE CITY CLERK CAN PLEASE CALL THE ROLL.

[ROLL CALL]

>> CLERK: COUNCILMEMBER KESARWANI.

>> R. KESARWANI: HERE.

>> CLERK: TAPLIN.

>> T. TAPLIN: PRESENT.

>> CLERK: BARTLETT.

>> B. BARTLETT: HERE.

>> CLERK: HARRISON.

>> K HARRISON: HERE.

>> CLERK: HAHN.

>> S. HAHN: PRESENT.

>> CLERK: WENGRAF.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

>> S. WENGRAF: PRESENT.

>> CLERK: ROBINSON.

>> R. ROBINSON: PRESENT.

>> CLERK: HUMBERT.

>> M. HUMBERT: PRESENT.

>> CLERK: AND MAYOR ARREGUIN.

>> MAYOR J. ARREGUIN: PRESENT.

>> CLERK: OKAY.

>> MAYOR J. ARREGUIN: OKAY.

ALL MEMBERS ARE PRESENT.

THANK YOU VERY MUCH.

SO THIS IS A SPECIAL CITY COUNCIL MEETING TO HOLD A WORK SESSION TO POTENTIAL PROPOSALS FOR THE REDESIGN OF OUR CITY COUNCIL'S LEGISLATIVE PROCESS.

AND I JUST WANT TO PROVIDE SOME INTRODUCTORY COMMENTS AND THEN TURN IT OVER TO COUNCILMEMBER HAHN, WHO IS GOING TO GO THROUGH PRESENTING THE PROPOSED FRAMEWORK THAT WE WANTED COUNCIL INPUT ON.

AND THEN, I'LL GIVE COUNCILMEMBER HARRISON AN OPPORTUNITY TO PRESENT ON HER CONCEPTS AS WELL.

SO AS THE COUNCIL KNOWS, WE HAVE BEEN DISCUSSING A REDESIGN OF OUR LEGISLATIVE SYSTEM FOR SEVERAL YEARS NOW.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

ADD OUR RETREAT IN OCTOBER, 2019, WE HAD I THINK A VERY EXCELLENT DISCUSSION AROUND POTENTIAL CHANGES TO THE PROCESS IN WHICH WE INTRODUCE AND REVIEW AND APPROVE LEGISLATION AT THE CITY COUNCIL LEVEL.

AND THERE WERE SEVERAL GOALS WE WANTED TO ACHIEVE. ONE, WE WANTED TO MAKE SURE THAT THERE WAS ALIGNMENT OF OUR LEGISLATIVE PROCESS WITH THE BUDGET PROCESS.

BECAUSE WHILE WE MAY ADOPT LAWS OR PROPOSED COUNCIL REFERRALS, IF THOSE LAWS OR PROGRAMS ARE NOT FUNDED, AND WE DON'T HAVE STAFF RESOURCES OR FUNDING ALLOCATED, THEN THEIR IMPLEMENTATION WILL NOT BE EFFECTUATED, IT WILL BE DELAYED.

IN ORDER TO FULLY REALIZE THE IMPACT OF THE LEGISLATION WE ADOPT WE WANTED TO ALIGN THE ADOPTION OF MAJOR ITEMS IN LEGISLATION WITH OUR BUDGET PROCESS TO MAKE SURE WE CAN CONSIDER THE BUDGET NEEDS, TO MAKE SURE WE CAN SET ASIDE FUNDING IN THE BUDGET FOR CITY STAFF AND IMPLEMENTATION.

ANOTHER AREA WAS LOOKING AT HOW CAN WE ENSURE MORE THOROUGH REVIEW OF ITEMS.

TO MAKE SURE THAT THEY HAVE COMPLETE INFORMATION AND ARE LOOKING AT PHYSICAL IMPACTS.

ANOTHER ISSUE WAS LOOKING AT WHAT WOULD BE AN EFFECTIVE PROCESS FOR THESE ITEMS IT BE CONSIDERED TO ALIGN WITH OUR BUDGET PROCESS, TO ALIGN WITH THE A.A.O.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

AND ON TOP OF THAT WE HAD A PRIORITIZATION PROCESS.

WHAT IS THE RELATIONSHIP TO THE PRIORITIZATION PROCESS AND THIS PROCESS.

SO WE HAD A LOT OF GOOD DISCUSSION WITH THE CITY MANAGER CAME FORWARD AFTER THAT WITH A PROPOSAL THAT WE DISCUSSED IN 2021.

AND/OR THE CITY MANAGER PUT THAT FORWARD TO STIMULATE DISCUSSION.

SHE SAID TO THE AGENDA COMMITTEE SHE HAS WITHDRAWN THAT PROPOSAL.

SO THAT IS NOT, SHE'S NOT PRESENTING THAT FOR ACTION AT THE PRESENT TIME BY COUNCIL.

BUT THAT DID SPARK A LOT OF REALLY GOOD IDEAS THAT HAD BEEN BROUGHT FORWARD THE LAST SEVERAL YEARS, ALL OF WHICH WERE INCLUDED IN THE PACKET.

WE WANT TODAY MAKE SURE THE PROPOSALS AND IDEAS THAT COUNCILMEMBERS CURRENTLY PROPOSED AROUND HOW TO IMPROVE AND STREAMLINE THE LEGISLATIVE PROCESS.

THOSE WERE INCLUDED SO WE CAN LOOK AT THE COMPREHENSIVE RECORD.

AND SO, THE AGENDA RULES COMMITTEE TASKED BY THE CITY COUNCIL TO NOT JUST APPROVE THE DRAFT AGENDA BUT TO ALSO REVIEW AND MAKE RECOMMENDATIONS ON CHANGES TO OUR COUNCIL RULES.

HAS BEEN DISCUSSING FOR SEVERAL YEARS NOW THE CHANGES TO OUR LEGISLATIVE PROCESS.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

AND OUT OF THAT, COUNCILMEMBER HAHN HAS BEEN WORKING WITH, I THINK THE CITY CLERK DEPARTMENT, THE CITY MANAGER'S OFFICE AND OTHERS TO COME UP WITH A CONCEPTUAL FRAMEWORK TO PRESENT SOME IDEAS FOR COUNCIL CONSIDERATION.

SO THAT WE CAN GATHER INPUT AND COME BACK WITH A PROPOSAL SO WE CAN FINALLY MOVE THIS CONVERSATION FORWARD.

THE PURPOSE OF TONIGHT'S WORK SESSION IS NOT TO TAKE ACTION BUT TO HEAR THE WHOLE COUNCIL'S INPUT.

BECAUSE THE AGENDA AND RULES COMMITTEE THERE ARE ONLY THREE MEMBERS THAT SIT ON THAT COMMITTEE, WE CANNOT ASK FOR YOUR IDEAS, UNFORTUNATELY.

SO REALLY, THIS IS WE'RE THE AGENDA RULES COMMITTEE PUTTING THIS FORWARD TO HEAR THE WHOLE COUNCIL'S IDEAS, SO WE CAN TAKE BACK THAT INPUT AND COME FORWARD WITH A RECOMMENDATION IN THE COMING MONTHS.

SO I REALLY APPRECIATE COUNCILMEMBER HAHN COMING FORWARD WITH A CONCEPTUAL, THOUGHTFUL FAKE WORK.

THE COMMITTEE DID NOT APPROVE THIS, I WANT TO CLARIFY.

WE WANT TO SEND IT FORWARD TO ALL COUNCIL, SO THE WHOLE COUNCIL CAN PROVIDE ITS FEEDBACK AND WE CAN TAKE THAT INTO CONSIDERATION AS WE'RE DELIBERATING ON IT.

I APPRECIATE COUNCILMEMBER HARRISON AND ROBINSON AND TAPLIN'S INPUT.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

THERE MAY BE OTHER IDEAS WE HEAR TONIGHT.

THIS IS INTENDED TO BE A DISCUSSION, AN OPPORTUNITY FOR COUNCIL INPUT AND OUR GOAL IS TO TAKE ALL THESE GOOD IDEAS, AND TO COME BACK WITH A PROCESS THAT WORKS FOR OUR CITY COUNCIL, OUR STAFF AND COMMUNITY, FOR OUR COMMISSIONS.

AND SO, WITH THE GOAL OF TRYING TO HAVE A PROCESS THAT HELPS REALIZE THE IMPACTS OF THE LEGISLATION WE'RE ADOPTED FOR THE BENEFIT OF THE PEOPLE OF BERKELEY.

AND I THINK AN IMPORTANT PART IS OUR BOARDS AND COMMISSIONS AND THE ROLE THEY PLAY ALSO IN REVIEWING A MAJOR LEGISLATION.

SO WITH THAT INTRODUCTION IN MIND, WITH THE UNDERSTANDING WE'RE NOT TAKING ACTION TONIGHT BUT INTENDED FOR DISCUSSION.

I WANT TO TURN IT OVER TO COUNCILMEMBER HAHN WHO WILL PRESENT ON THE SORT OF THE PROPOSED FRAMEWORK THAT WAS PRESENTED AT THE AGENDA RULES COMMITTEE AND THEN COUNCILMEMBER HARRISON THEREAFTER.

>> S. HAHN: THANK YOU SO MUCH, MAYOR.

SOME PRELIMINARY REMARKS.

AND I'LL ASK THE CITY CLERK IF THEY CAN GO AHEAD AND PUT UP THE FIRST PAGE.

FIRST OF ALL, I WANT TO CLARIFY THAT THE AGENDA COMMITTEE WAS WE WERE DELEGATED THE TASK OF COMING BACK TO COUNCIL WITH SOMETHING.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

AND AS YOU ALL KNOW FROM YOUR OWN COMMITTEES YOU CANNOT WORK TWO PEOPLE ON A COMMITTEE CANNOT WORK TOGETHER BEHIND THE SCENES. I WAS DESIGNATED AS A PERSON WHO WOULD WORK ON BRINGING SOMETHING FORWARD.

AND I DID I WAS ABLE TO WORK WITH THE CITY MANAGER AND THE CITY CLERK'S OFFICE, NOT JUST TO GET THEIR INPUT BUT BECAUSE I NEEDED BUDDIES TO HELP DEVELOP THIS AND HAD NO OPPORTUNITY TO WORK WITH MY COLLEAGUES.

I ALSO JUST WANT TO BE REALLY CLEAR, I'M EXTREMELY PROUD OF THE WORK PRODUCT BEING BROUGHT FORWARD AS A THOUGHT EXERCISE HERE TODAY.

BUT THIS IS NOT MY PROPOSAL.

THE PACKET HAS MY PROPOSAL.

MY PROPOSAL IS ON PAGE 43 OF THE PACKET.

AND IF ANYONE WANTS TO KNOW WHAT MY PROPOSAL IS, THAT IS IT.

I AM HAPPY TO TAKE CREDIT FOR HAVING LISTENED TO MANY DIFFERENT STAKEHOLDERS AND LOOKED AT MANY DIFFERENT PROPOSALS THAT ARE HERE IN THE RECORD.

AND TO HAVE WORKED, TO PUT SOMETHING TOGETHER THAT HOPEFULLY REFLECTS AN AMALGAMATION OF MANY DIFFERENT IDEAS AND THAT PROVIDES A CONVERSATION OPPORTUNITY FOR THE WHOLE COUNCIL, WHICH IS WHAT WAS ALWAYS INTENDED.

SO I JUST, I DO THINK THERE HAS BEEN A LITTLE CONFUSION.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

AND I WANTED TO CLARIFY WHILE I'M PROUD TO HAVE DONE WORK ON THIS, THIS IS NOT MY PROPOSAL.

MY PROPOSAL IS ELSEWHERE IN THE PACKET.

I ALSO WANTED TO JUST BRING YOUR ATTENTION TO THIS FIRST PAGE. PROCESS SKETCH FOR DISCUSSION.

WE NAMED IT THAT FOR A REASON.

IT'S ACTUALLY NOT A PROPOSAL.

IT IS A SKETCH OF A POTENTIAL PROCESS.

THAT IS INTENDED TO SPARK CONVERSATION.

IT'S NOT A PROPOSAL.

I WANTED TO MAKE THAT CLEAR AS WELL.

GIVEN THE VARIETY OF WORK PRODUCT THAT WE HAD TO GO BACK AND LOOK AT, AND TO KIND OF DIGEST AND PULL TOGETHER, IT'S NOT POSSIBLE FOR A SINGLE SKETCH TO INCLUDE ABSOLUTELY ALL THE IDEAS AT ONCE.

AND I THINK AS THE REASON WHY WE AS THE AGENDA COMMITTEE DID NOT APPROVE THIS AS A BODY IS BECAUSE WE WANT YOUR INPUT.

WHAT WE MIGHT FINALLY BRING FORWARD MAYBE VERY DIFFERENT FROM THIS.

BUT YOU HAVE TO START SOMEWHERE WITH A CONVERSATION.

AND I REALLY WANT TO MAKE SURE THAT ANY MISCHARACTERIZATION OF WHAT IS HERE IS CLEARED UP.

ALL RIGHT.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

SO LET'S GO THROUGH THIS SKETCH.

AND THE PURPOSE TODAY IS FOR US TO GET ALL YOUR IDEAS AND INPUT.

AND THERE IS NO DECISION POINT TODAY.

I ALSO WANT TO SAY THAT AS WE WERE GOING THROUGH THIS, IT'S ACTUALLY VERY COMPLEX.

AND THERE IS A LOT OF MOVING PIECES AND THERE IS A LOT OF PLACES WHERE YOU WANT TO STEP INTO A MORE COMPLICATED CORNER AND GO DOWN THAT LITTLE RABBIT HOLE.

THE WAY IT'S ORGANIZED THERE IS KIND OF AN OVERVIEW AND WE ACTUALLY DID A LITTLE WAYS DOWN A FEW RABBIT HOLES TO SORT OF SUGGEST SOME OF THE CONSIDERATIONS IN EACH OF THOSE SPECIAL TOPICS.

BUT IT IS OUR INTENT THAT WITH AN OVER-- CLEAR WITH THE OVERVIEW WE WOULD THEN TOGETHER DEVELOP AND REFINE SOME OF THE SPECIAL TOPICS.

>> MAYOR J. ARREGUIN: CAN I ADD ONE THING, COUNCILMEMBER HAHN, IF I MAY.

I FORGOT TO MENTION THAT WHAT WE INCLUDED IN THE PACKETS WAS A MATRIX, WHICH SUMMARIZED ALL THE DIFFERENT PROPOSALS THAT HAVE BEEN PUT FORWARD IN THE LAST WHAT THREE OR FOUR YEARS, INCLUDING THE MOST RECENT PROPOSAL THAT COUNCILMEMBER HAHN IS ABOUT TO PRESENT.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

AND KIND OF REALLY BROKE IT DOWN BY SORT OF ISSUE AREA, MAJOR ITEM DEFINITION PROCESS.

SO YOU CAN SEE ACROSS WHERE EACH PROPOSAL HAPPENED AND -- LANDED AND THE EVOLUTION THAT LED TO THIS PROPOSAL THAT COUNCILMEMBER HAHN WILL PRESENT.

I WANT TO THANK MY STAFF, JACQUELINE MCCORMICK AND LAURIE, AND COUNCILMEMBER WENGRAF'S OFFICE WHO WORKED QUICKLY TO PUT THIS TOGETHER SO WE HAD SOMETHING TO LOOK AT FOR COMPARATIVE PURPOSES.

BACK TO YOU.

>> S. HAHN: THANK YOU.

I ALSO WANT TO ACKNOWLEDGE AND THAT CAN THEM.

AS YOU CAN SEE BY LOOKING AT THE MATRIX, IT WAS VERY FORGET COMPLICATED.

AND THERE WERE A LOT OF DIFFERENT IDEAS THAT HAD BEEN FLOATED OVER TIME.

AND AGAIN, THIS SKETCH IS ONE OF MANY POTENTIAL PATHS FORWARD.

LET'S GO AHEAD AND WALK DOWN THE SKETCH PATH.

HOPEFULLY, THAT WILL TRIGGER MANY IDEAS AND INPUTS.

SO FIRST OF ALL, LET'S GO TO THE -- WELL, LET ME START HERE BY SAYING THIS IS BY MAJOR ITEMS.

SO VERY QUICKLY, YOU HAVE TO IMAGINE THAT THERE IS LOTS OF ITEMS THAT ARE NOT INCLUDED THAT ARE NOT BEING DISCUSSED.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

WHAT IS A MAJOR ITEM?

CURRENTLY, WE HAVE A DEFINITION.

SO IT'S NOT -- WE CALL IT A POLICY COMMITTEE TRACK ITEM.

THAT WAS TOO MUCH A MOUTHFUL.

WE'LL CALL THEM MAJOR ITEMS.

BUT IT IS THE SAME DEFINITION THAT WE HAVE CURRENTLY.

THIS IS NOT A NEW DEFINITION.

THIS IS THE OPERATIVE DEFINITION IN OUR COUNCIL RULES AND PROCEDURE AND ORDER, AND I HAVE NOT HEARD ANY CONCERNS ABOUT THE DEFINITION TO DATE.

IT IS THE ONE WE'VE BEEN USING FOR A COUPLE OF YEARS.

HOWEVER, AS WITH EVERYTHING THAT WE'RE LOOKING AT TODAY, IT'S ENTIRELY POSSIBLE FOR US TO ADJUST THE DEFINITION.

SO THAT'S NOT SET IN STONE.

IT'S JUST TO EXPLAIN WHERE WE GOT THAT TERMINOLOGY FROM.

WE CAN GO TO THE NEXT SLIDE.

THESE BIG IDEAS YOU CAN EACH BRING YOUR OWN TO THIS.

THIS WAS SORT OF THE BIG IDEAS, AGAIN, I WASN'T ABLE TO WORK TOGETHER WITH ANY OTHER COMMITTEE MEMBERS.

SO THE BIG IDEA FOR COUNCIL THAT CAME FROM MYSELF, SUCCESSFULLY DEVELOP AND IMPLEMENT STATE OF THE ART AND INNOVATIVE PROGRAM AND POLICIES TO SERVE BERKELEY AND MODEL BEST PRACTICES FOR OTHER JURISDICTIONS.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

THE CITY CLERK'S BIG IDEA WAS CONSISTENCY IN PROCESS FOR MAJOR ITEM DEVELOPMENT, BUDGETING AND IMPLEMENTATION.

OBVIOUSLY, CITY ATTORNEY IS INTERESTED IN ENSURING LEGAL AND DRAFTING COMPLIANCE.

AND THE CITY MANAGER'S BIG IDEA WAS TO HELP THE ORGANIZATION DELIVER WITHOUT OVERWHELM, AND HELP STAFF BE SUCCESSFUL IN THEIR WORK.

AND I THINK THAT EVEN THOUGH THOSE ARE COME FROM ONE INDIVIDUAL EACH, I THINK THEY ACTUALLY REALLY REFLECT WHAT THESE DIFFERENT ROLES MIGHT HAVE TOP OF MIND.

BUT OBVIOUSLY, YOU ALL MAY HAVE YOUR OWN RENDITIONS OF THIS AS WELL.

GOING TO THE NEXT SLIDE.

SO OBVIOUSLY, THIS IS A BIG POTENTIAL CHANGE.

BUT NOT AT ALL NECESSARY.

BUT THE IDEA OF YEARLY CYCLE REALLY I WOULD SAY IS BUILT BACKWARDS FROM THE IDEA THAT WE WANT TO GET TO A PLACE WHERE WE DON'T HAVE BACKLOGS, WHERE ITEMS WE PASS AND EVEN THAT WE FUND DON'T GET IMPLEMENTED FOR YEARS.

AND WE'RE -- THERE IS KIND OF A TIGHTER AND LOGICAL PROGRESSION FROM PROPOSALS TO BEING VET, TO BEING ELIGIBLE FOR FUNDING, TO RECEIVING FUNDING, TO HOPEFULLY BEING IMPLEMENTED PRETTY MUCH IMMEDIATELY AFTER.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

SO THAT THE CONVERSATION ABOUT IMPLEMENTATION BEGINS ESSENTIALLY AFTER THE ITEM IS FUNDED.

SO WHILE IT COULD ENTAIL A LONGER TIMELINE BEFORE AN ITEM IS PASSED AND BUDGETED, IT IS INTENDED TO SIGNIFICANTLY REDUCE THE AMOUNT OF TIME THAT IT TAKES FROM APPROVAL OR BUDGET TO IMPLEMENTATION.

AND THERE ARE OTHER WAYS TO ACHIEVE THIS.

AND PEOPLE MAY WISH TO FRONT LOAD THE WEIGHT OR BACK LOAD THE WEIGHT OR DISTRIBUTE IT DIFFERENTLY.

BUT -- I DID WANT TO EXPLAIN WHY THE IDEA OF A YEARLY CYCLE SEEMED LIKE SOMETHING WE MIGHT WANT TO PUT FORWARD.

SO, IF THERE WAS A YEARLY CYCLE, AGAIN ALL OF THESE DATES CAN BE CHANGED.

LOOKING AT IT WITH THE CITY MANAGER AND THE CITY CLERK, AND TRYING TO UNDERSTAND SORT OF THE DEADLINES BY WHICH THE BUDGET COMMITTEE NEEDS THINGS AND OTHER CONSIDERATIONS, WE CAME TO THE IDEA THAT JULY THROUGH SEPTEMBER COUNCIL WOULD BE FINALIZING ITEMS, NOW JUST TO BE CLEAR, THEY COULD DEVELOP AND SUBMIT THEM AT ANY TIME DURING THE YEAR.

BUT THERE WOULD BE FOUR MONTHS WHERE -- THREE MONTHS WHERE YOU COULD REALLY FOCUS ON THAT.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

DURING THAT TIME, THE CITY MANAGER WOULD BE FOCUSED ON STARTING TO IMPLEMENT ITEMS FROM THE PREVIOUS YEAR THAT HAD JUST BEEN FUNDED.

OCTOBER TO MARCH WOULD BE COMMITTEE SEASON.

RECOGNIZING THAT THERE IS PROBABLY A PRETTY BIG GAP IN DECEMBER.

AND THERE MIGHT BE QUITE A FEW ITEMS AND THE COMMITTEES WOULD BE DOING ROBUST REVIEWS AND WOULD NEED TO HEAR ITEMS MORE THAN ONCE.

AND THEN, APRIL THROUGH JUNE WOULD BE THE TIME WHEN COUNCIL WOULD REVIEW AND APPROVE ITEMS AND THE BUDGET WOULD FUND THOSE ITEMS THAT COUNCIL DEEMED READY TO FUND THAT YEAR.

SO IT'S BUILT BACK FROM THAT JUNE 30 BUDGET ADOPTION.

THE NEXT SLIDE.

SO SOME OF THE BENEFITS WERE WRITTEN HERE.

OBVIOUSLY, THERE IS DOWN SIDES AS WELL.

EVERYTHING CHOICE WE ME, INCLUDING THE CHOICE WE HAVE RIGHT NOW HAS UP SIDES AND DOWN SIDES.

BUT IN INTRODUCING A NEW IDEA, WE THOUGHT WE WOULD SHARE WHAT SOME OF THE BENEFITS MIGHT BE.

A YEARLY OPPORTUNITY.

THE FOUR SUBJECT MATTER COMMITTEES WOULD HAVE MORE OF A SEASON.

ALTHOUGH, THEY ABSOLUTELY COULD MEET AT ANY TIME.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

STAFF WOULD HAVE A PERIOD OF TIME WHEN THEY COULD FOCUS IN A MUCH MORE ROBUST WAY THAN THEY DO NOW.

ON IMPLEMENTATION AND COUNCILMEMBER SAID DURING THAT TIME WOULD ALSO HAVE SORT OF MORE FREE TIME, QUOTE/UNQUOTE, WITHOUT COMMITTEE MEETINGS TO FINALIZE ITEMS THEY WANTED TO SUBMIT BY THE DEADLINE.

AND AGAIN, THE IDEA BEING TO REDUCE THE GAP BETWEEN APPROVAL AND IMPLEMENTATION.

AND JUST TO BE CLEAR, WE DON'T REALLY HAVE EXPLICIT DEADLINES FOR ITEMS.

BULT BECAUSE WE HAVE A BUDGET CYCLE, THERE IS A DEADLINE, THERE IS A DATE AFTER WHICH AN ITEM CAN NO LONGER BE CONSIDERED FOR THAT BUDGET CYCLE.

EXACTLY.

SO WE DON'T HAVE THOSE DEADLINES DELINEATED VERY CLEARLY RIGHT NOW.

AND I THINK THAT CAN BE A PROBLEM.

BECAUSE PEOPLE DON'T REALLY KNOW HOW MUCH TIME THEY HAVE TO SUBMIT AN ITEM THAT MIGHT HAVE TO GO TO COUNCIL.

AND THEY DON'T KNOW IF THEY WILL MISS BEING CONSIDERED FOR ONE OR ANOTHER BUDGET CYCLE.

BY CLARIFYING, IT WOULD BE VERY FAIR AND EVERYONE WOULD BE ON NOTICE.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

THIS IS THE DATE BY WHICH YOUR ITEMS HAVE BEEN TO BE IN IN ORDER
TO BE CONSIDERED FOR THIS CYCLE.

THERE IS OBVIOUSLY DOWN SIDES AS WELL, TRADEOFFS.

AND I THINK IT'S SOMETHING FOR EVERYONE HERE TO CONSIDER.

SO LET'S GO TO THE NEXT SLIDE.

MAJOR ITEM DEVELOPMENT AND SUBMISSION.

AGAIN, YOU WOULD HAVE ALL YEAR TO SUBMIT.

IT'S NOT THAT YOU WOULD ONLY BE ABLE TO SUBMIT DURING A THREE-
MONTH PERIOD.

BUT THAT YOU WOULD HAVE LESS OTHER RESPONSIBILITIES DURING THAT
TIME AND YOU COULD FOCUS MORE.

SO FIRST THE MAJOR ITEM GUIDELINES WOULD BECOME MANDATORY.

RIGHT NOW THEY ARE RECOMMENDED AND I THINK A LOT OF PEOPLE DON'T
REALIZE THEY ARE RECOMMENDED.

AND THE AGENDA COMMITTEE HAS NOT NECESSARILY BEEN CONSISTENT AND
APPLYING THAT.

FIRST IDEA WOULD BE MAJOR ITEM GUIDELINES.

WHY?

BECAUSE THEY REQUIRE ROBUST RESEARCH AND CONSULTATION.

AND THAT WOULD MEAN THAT ITEMS CAME TO US AS A COUNCIL MORE
FULLY FORMED.

THEN THE SEPTEMBER 30 SUBMISSION DEADLINE.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

BUT ITEMS CAN BE SUBMITTED PRIOR AND THEY COULD BE REVIEWED BY THE AGENDA AND RULES COMMITTEE JUST FOR THE QUESTION OF DO THEY COMPLY WITH THE GUIDELINES.

TIMELINE ALLOWS FOR COUNCILMEMBERS TO WORK ALL YEAR WITH CONCENTRATED OPPORTUNITY JULY THROUGH SEPTEMBER.

AND ALSO STAFF INPUT AT THE PRESUBMISSION LEVEL AND INPUT FROM THE CITY ATTORNEY WOULD BE MORE FORMALIZED.

RATHER THAN SORT OF CATCH US IF YOU CAN AND SOMETIMES A DEPARTMENT HEAD HAS TIME TO WORK WITH YOU AND SOMETIMES THEY DON'T.

IT WOULD BE EXPLICIT, THE LEVEL OF INPUT AND CONSULTATION AVAILABLE TO COUNCILMEMBERS AS THEY ARE DEVELOPING THEIR ITEMS.

WE CAN GO TO THE NEXT SLIDE.

SO IN OCTOBER, AGAIN, MAYBE OCTOBER, IT'S ALL UP TO YOUR COMMENT.

WE WOULD HAVE THE AGENDA COMMITTEE WOULD REVIEW ALL MAJOR ITEMS THAT CAME IN TOWARDS THE DEADLINE FOR COMPLIANCE WITH THE GUIDELINES.

COMPLIANT MAJOR ITEMS WOULD GO TO COMMITTEES.

IF AN ITEM WAS NONCOMPLIANT THERE WOULD BE AN OPPORTUNITY FOR THE AUTHOR TO RESUBMIT AND STILL CATCH THAT CYCLE.

NEXT SLIDE.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

OCTOBER THROUGH MARCH, THE POLICY COMMITTEES WOULD ORGANIZE THEMSELVES.

MID OCTOBER THEY WOULD PLAN THEIR SESSION.

MAYBE THERE ARE SEVERAL ITEMS ON A SIMILAR TOPIC AND IT MAKES MORE SENSE TO HEAR THEM TOGETHER.

MAYBE THERE ARE ITEMS THAT THEY FEEL ARE GOING TO REQUIRE VERY SIGNIFICANT OUTREACH AND THEY WANT TO SCHEDULE THEM IN THAT WAY. AND THIS OF COURSE IS HOW IT IS DONE IN COMMITTEES, COMMITTEE SYSTEMS THAT HAVE AN ANNUAL CYCLE AT THE STATE LEVEL AND IN OTHER CITIES.

AND IT'S NOT UNCOMMON THAT THERE IS A TIME WHEN THE COMMITTEE IS ESSENTIALLY PLANS OUT THEIR HEARINGS.

THE MAJOR ITEMS WOULD BE REVIEWED ON A ROLLING BASIS.

AND ALL THE ITEMS WOULD BE OUT OF THE POLICY COMMITTEE BY MARCH 30.

THIS BULLET POINT WITH COMMITTEES MAY PRIORITIZE OR SCORE ITEMS THEY REVIEW.

THE REASON IT'S IN BRACKETS BECAUSE IT'S A BIG QUESTION MARK.

SO MAYBE THEY WOULD MAYBE THEY WOULDN'T.

BUT THAT IS IN BRACKETS BECAUSE IT'S REALLY A QUESTION MARK HERE.

NEXT SLIDE.

SO, IN APRIL ALL MAJOR ITEMS WOULD HAVE BEEN VOTED ON.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

THEY ARE NOT ALL VOTED ON IN APRIL.

BUT THEY WOULD ALL BE VOTED ON BY APRIL 30.

MAY MIGHT REQUIRE US, IT MIGHT REQUIRE A SPECIAL MEETING IN APRIL.

THERE WERE A WHOLE LOT OF THEM.

THE CITY ATTORNEY WOULD SIGN OFF ON THE DRAFTING AND LEGAL CONFORMITY OF THE ORDINANCE AS RESOLUTIONS AND FORMAL POLICIES. AND APPROVE ITEMS WOULD GO TO THE BUDGET COMMITTEE.

AND THEN NEXT SLIDE.

AND THEN, POSSIBLY, AGAIN, POSSIBLY MAJOR ITEMS.

AND JUST TO BE CLEAR, THAT'S NOT THE SAME AS ALL ITEMS PRIORITIZATION, BUT POSSIBLY THERE WOULD BE A PROCESS OF TAKING ALL THOSE MAJOR ITEMS FROM THAT CYCLE AND HAVING A PRIORITIZATION OF THEM.

AND SENDING THAT IN BY THE MIDDLE OF MAY.

AND THAT WOULD BE GOING TO THE BUDGET COMMITTEE.

BUT NOT BE BINDING.

IT WOULD BE A NONBINDING PRIORITIZATION.

AND NEXT SLIDE.

THEN THE BUDGET COMMITTEE WOULD HAVE ALL THESE.

THE PRIORITIZATIONS AGAIN IN BRACKETS AND COMMITTEE WITH A QUESTION MARK WOULD GO TO THE BUDGET COMMITTEE AS GUIDES BUT NOT BE BINDING.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

BUT THE BUDGET COMMITTEE WOULD ALREADY HAVE AN IDEA OF WHAT THE COUNCIL THOUGHT WHERE THE PRIORITIZATIONS.

THE BUDGET COMMITTEE WOULD DO NORMAL RECOMMENDATION TO THE FULL COUNCIL.

THE BUDGET WOULD GET PASSED.

MAJOR ITEMS THAT WERE FUNDED WOULD MOVE FORWARD TO IMPLEMENTATION.

THAT MEANS IMMEDIATE IMPLEMENTATION.

AND THAT IS ONE OF THE BIG CHANGES THAT THIS KIND OF A SET UP HOPEFULLY WOULD ALLOW.

AS WE ALL KNOW, RIGHT NOW MAJOR ITEMS THAT ARE PASSED AND FUNDED GO INTO A BIG BUCKET AND OFTEN TIMES ARE NOT BROUGHT FORWARD TO FRUITION FOR MANY YEARS, SOMETIMES 10 YEARS.

WE HAVE SEEN THINGS LIKE THAT.

ITEMS PASSED BY COUNCIL BUT NOT FUNDED WOULD GET AN AUTOMATIC ROLL OVER TO BE CONSIDERED AT FUTURE FUNDING OPPORTUNITIES.

TO BE CLEAR, THAT ISN'T THE NEXT YEAR.

THAT'S NOT 12 MONTHS LATER.

IT WOULD BE A FUTURE FUNDING OPPORTUNITIES THROUGHOUT THE YEAR.

NEXT SLIDE.

THIS IS REALLY, I THINK REALLY THE DOMAIN OF THE CITY MANAGER.

AND THIS SLIDE REFLECTS I THINK AND CITY MANAGER PLEASE STEP IN IF I DON'T PRESENT THIS CORRECTLY.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

BUT THIS REFLECTS HER THINKING.

AND I THINK WE ALL KNOW THAT SHE HAS BEEN VERY FOCUSED ON IMPLEMENTATION.

SHE WANTS THE WORK THAT WE DO TO BE SUCCESSFUL.

AND IT IS HER DREAM THAT WE ARE ABLE TO CLEAR OUR BACKLOGS AND THAT WE ACTUALLY START IMPLEMENTING RIGHT AWAY.

AND THAT THESE PROGRAMS AND POLICIES SEE THE LIGHT OF DAY SOON AFTER THEY ARE APPROVED AND FUNDED.

SO THE IDEA WOULD BE THAT THE CITY MANAGER WOULD ASSIGN A SINGLE IMPLEMENTATION LEAD, THAT THE LEAD AND CITY MANAGER WOULD ASSEMBLE THEIR TEAM, THAT MIGHT BE A COUPLE OF DIFFERENT DEPARTMENT HEADS.

THAT THEY MIGHT MEET WITH THE AUTHORS TO CLARIFY ANY INTENTIONS OR TO SKETCH TIMELINES OR DISCUSS OPPORTUNITIES, IDEAS OR CHALLENGES.

AND LET ME BE CLEAR, THOSE ARE AROUND IMPLEMENTATION.

NOT CHALLENGES WITH THE LEGISLATION ITSELF.

WHEN YOU SIT DOWN TO ACTUALLY DO AN IMPLEMENTATION PLAN, IT'S VERY DIFFERENT FROM KIND OF THE HIGH LEVEL THINKING ABOUT IMPLEMENTATION THAT OBVIOUSLY HAS TO HAPPEN BEFORE THE ITEM IS APPROVED.

THE IMPLEMENTATION TEAM HAS PREPARED TWO SEPARATE THINGS.

ONE IS A LAUNCH PLAN AND ONE IS AN OPERATING PLAN.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

AND THAT IS THE CITY MANAGER REALLY RECOGNIZING THAT LAUNCHING SOMETHING AND RUNNING IT ARE TWO DIFFERENT THINGS.

BUILDING A STRUCTURE AND KEEPING IT FUNCTIONING OVER TIME ARE DIFFERENT THINGS.

PUTTING IN A GARDEN AND KEEPING IT GOING OVER TIME ARE TWO DIFFERENT THINGS.

AND SO BOTH OF THOSE WOULD BE DEVELOPED AND THEN AS SOON AS POSSIBLE, THE PROGRAM OR POLICY WOULD BE LAUNCHED AND IMPLEMENTED.

SO LET'S GO TO THE NEXT SLIDE.

SO THAT IS, THAT WAS IT FOR THE OVERVIEW OF WHAT A WHOLE CYCLE MIGHT LOOK LIKE.

NOW, WE'RE GOING INTO WHAT I CALL SPECIAL TOPICS.

THESE ARE SOME OF THOSE THINGS THAT WE CAME UPON AS WE WERE THINKING THESE THINGS THROUGH.

THAT WOULD BE QUESTIONS WE PROBABLY WOULD WANT TO MAKE SURE WE HAD COVERED.

AND BY THE WAY, OUR SPECIAL TOPICS ARE NOT DEFINITIVE.

THERE ARE MANY MORE.

WE CHOOSE TO JUST GIVE YOU A LITTLE BIT OF A NIBBLE AND HAVE YOU UNDERSTAND THAT WE DIDN'T NOT THINK ABOUT THESE THINGS.

SO THE FIRST OBVIOUSLY IMPORTANT THING IS WHAT DID YOU DO IF THERE ARE A TIME CRITICAL MAJOR ITEM?

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

IF WE'RE STUCK IN A CYCLE WHAT DO WE DO IF THERE IS AN URGENT NEED AND WHAT COMES TO MIND FOR ME IS AFTER GEORGE FLOYD WAS MURDERED, THERE WAS A VERY, VERY INTENSE DESIRE ON THE PART OF THE COMMUNITY AND OUR COUNCIL TO BE ABLE TO BE RESPONSIVE VERY QUICKLY WITH PRETTY COMPREHENSIVE IDEAS THAT WERE PUT FORWARD. I DON'T THINK ANY OF US WOULD WANT SOMETHING LIKE THAT TO HAVE TO SIT AND WAIT FOR SEVERAL MONTHS TO BE SENT TO A COMMITTEE OR TO BE CONSIDERED.

SO THE OVERRIDE FOR TIME CRITICAL ITEMS IS A CRITICAL COMPONENT OF THIS.

WE ALREADY HAVE SOME TERMS FOR OVERRIDE IN OUR COUNCIL RULES AND PROCEDURE AND ORDER.

AN ITEM THAT WOULD OTHERWISE BE ASSIGNED TO A POLICY COMMITTEE MAY BY-PASS, IF IT'S DEEMED TIME CRITICAL.

AND THE AGENDA AND RULES COMMITTEE DETERMINES WHETHER IT IS TIME CRITICAL.

LIKE EVERY THING WE COULD EXPAND THIS, WE COULD REWRITE IT, WE COULD MAKE IT HAVE MORE SPECIFICITY.

BUT THE IDEA THAT WE WOULD HAVE A SAFETY VALVE FOR TIME CRITICAL ITEMS IS VERY IMPORTANT.

AND I THINK BECOMES MORE IMPORTANT IF WE'RE GOING TO HAVE A PROCESS THAT IS A YEARLY PROCESS.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

ANOTHER IDEA THAT I THINK IS IMPORTANT FOR US TO CONSIDER, IS THAT IF THE AGENDA COMMITTEE GETS TO MAKE THESE DECISIONS WE MAY ACTUALLY WANT TO HAVE AN OVER RIDE THAT TAKES THAT DETERMINATION TO THE FULL COUNCIL.

SO LET'S SAY A COUNCILMEMBER BRINGS SOMETHING FORWARD, THEY THINK IT'S TIME CRITICAL, THE AGENDA AND RULES COMMITTEE DOESN'T AGREE.

THEY COULD THEN BRING THAT DECISION TO THE FULL COUNCIL AND THE FULL COUNCIL WOULD BE ABLE TO WEIGH IN ON WHETHER THAT ITEM WAS TIME CRITICAL.

ALL RIGHTY.

NEXT TOPIC.

MOVING TO ANOTHER SPECIAL TOPIC.

THE DETAILS OF PRE SUBMISSION.

THE GUIDELINES FORMAT WOULD BE MANDATORY.

ANOTHER SUGGESTION IS THAT AT THIS STAGE THERE WOULD ONLY BE AUTHORS AND NO CO-SPONSORS AND THAT WOULD HELP WITH BROWN ACT ISSUES AS THINGS MOVE THROUGH COMMITTEE.

THAT A PRE-SUBMISSION CONSULTATION WITH THE CITY MANAGER WOULD BE AVAILABLE.

EXPLICITLY AVAILABLE SO THAT PEOPLE DON'T FEEL LIKE THEY ARE KIND OF BUGGING SOMEBODY BY REACHING OUT AND ASKING FOR HELP OR ADVICE ON SOMETHING THEY ARE THINKING OF DEVELOPING.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

AND THEN A REQUIRED PRE-SUBMISSION CONSULTATION WITH THE CITY ATTORNEY SO HER OFFICE HAS THE OPPORTUNITY TO IDENTIFY POTENTIAL LEGAL AND DRAFTING CONSIDERATIONS VERY EARLY IN THE PROCESS. I THINK IT'S PROBABLY A GOOD IDEA FOR THE CITY ATTORNEY TO DECIDE IF THERE ARE ISSUES.

AND THIS WOULD PROVIDE NOT JUST OPPORTUNITY BUT A REQUIREMENT TO RUN THINGS BY THE CITY ATTORNEY'S OFFICE.

THE LAST BULLET POINT IS VERY IMPORTANT.

HOW DO WE FOLD IN COMMISSIONS.

THIS IS SOMETHING BIG THAT THE AGENDA AND RULES COMMITTEE MEMBERS FELT VERY STRONGLY ABOUT.

I HAVE TO SAY THAT JUST TRYING TO HARNESS A SKETCH FOR THE COUNCIL PROCESS WAS A LOT.

BUT WE'RE VERY CLEAR THAT WHATEVER PROCESS WE STICK WITH OR MOVE TOWARDS, WE HAVE TO HAVE MORE EXPLICIT ABOUT HOW OUR COMMISSIONS ARE CONSULTED AND HOW WE GET THEIR IMPORTANT ADVICE AND REVIEW AND HOW THAT GETS WOVEN IN.

WE THOUGHT THERE MIGHT BE AN IMPORTANT ROLE FOR THAT IN THE PRE SUBMISSION PHASE.

LET'S SAY YOU START DEVELOPING SOMETHING EARLY IN THE CYCLE, IT'S POSSIBLE THAT IT COULD GO TO A COMMISSION BEFORE YOU EVEN SUBMIT IT.

THERE MIGHT BE OTHER WAYS AND OTHER TIMES IN THE PROCESS.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

BUT I REALLY WANT TO HIGHLIGHT THAT AS WE GO THROUGH THIS, THE AGENDA AND RULES COMMITTEE WAS VERY CONCERNED THAT THE COMMISSIONS NOT BE SIDE LINED AND ON THE CONTRARY, THAT WE FIND EXPLICIT WAYS FOR THEIR CONTRIBUTIONS AND THOUGHTS AND OPINIONS TO BE INTEGRAL TO THE PROCESS OF MOVING LEGISLATION FORWARD.

OKAY.

NEXT SLIDE.

STRENGTHENING THE COMMITTEE REVIEW.

LOTS OF IDEAS FOR HOW TO DO THAT.

AND I'M SURE THERE IS GOING TO BE A LOT MORE.

BUT SOME OF THE IDEAS OBVIOUSLY WOULD BE THAT FOR EVERY ITEM THERE IS A WHOLE SERIES OF QUESTIONS, A CHECKLIST IF YOU WANT TO CALL IT.

BUT A SERIES OF INQUIRIES THE COMMITTEE IS REQUIRED TO MAKE SO EVERY ITEM OF LEGISLATION IN COMMITTEE AND ACROSS COMMITTEES IS GETTING THE SAME SCRUTINY AND SAME OPPORTUNITY FOR INPUT.

ONE IDEA IS RELEVANCE TO STRATEGIC PRIORITIES.

ADDED VALUE OF THE PROGRAM OR POLICY.

BENEFITS AND COSTS OF THE PROGRAM OR POLICY TO THE COMMUNITY AND THE CITY.

POTENTIAL ALTERNATIVE MEANS TO ACHIEVE THE SAME OR SIMILAR GOALS THAT MIGHT BE MORE FRUITFUL OR MORE QUICK OR LESS EXPENSIVE.

PHASING IN TIMELINES FOR IMPLEMENTATION.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

STAFFING AND RESOURCES NEEDED.

HOW THE PROGRAM OR POLICY WOULD BE EVALUATED.

HOW IT WILL BE ENFORCED.

AND THEN AGAIN, IN BRACKETS ARE THINGS WITH A REAL QUESTION MARK.

WOULD THE COMMITTEE DO SOME KIND OF RATING OR RANKING, YES OR NO, POSSIBLY.

SHOULD WE INCREASE THE OPTIONS AROUND THE POSITIVE AND NEGATIVE RECOMMENDATIONS.

I THINK YOU ARE ALL FAMILIAR.

WE HAVE ONLY FOUR OPTIONS.

WHEN WE SEND SOMETHING TO CITY COUNCIL, MAYBE THERE IS SOME ROOM TO CHANGE OR REFINE THINGS THERE.

OTHER WITH A QUESTION MARK.

THIS QUESTION OF STRENGTHENING COMMITTEES REGARDLESS OF OUR OVERALL PROGRAM IS A SPECIAL TOPIC THAT WE ARE GOING TO HAVE TO ADDRESS AS A COUNCIL.

GOING TO THE NEXT SLIDE.

CONTINUING ON THE STRENGTHENING COMMITTEES IDEA, WE WOULD ALSO NEED TO CONSIDER HOW ARE WE GOING TO GET THE INPUTS WE NEED FROM THE PUBLIC, FROM STAFF, FROM CITY ATTORNEY.

THE COMMITTEES WOULD NEED TO DO ACTIVE OUTREACH WITH STAFF SUPPORT.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

ACTUALLY IDENTIFY STAKEHOLDERS THAT WOULD EITHER BE IMPACTED OR WOULD NEED TO TAKE ACTION ON ONE OR ANOTHER PRIORITY AND DO ACTIVE OUTREACH, NOT JUST HOPE THAT THEY MIGHT HAPPEN UPON AN AGENDA SOMEWHERE.

MULTIPLE HEARINGS TO ALLOW FOR A BEST COMMUNITY STAFF AND CITY ATTORNEY INPUTS AND DISCUSSION.

ENHANCE AND EMPOWER THE CITY ATTORNEY AND STAFF PARTICIPATION. SO THAT THEY COULD GIVE MEANINGFUL VERBAL INPUT WITHOUT THE REQUIREMENT FOR A FORMAL REPORT.

AND I KNOW THAT BOTH THE CITY ATTORNEY'S OFFICE AND THE CITY MANAGER ARE VERY HESITANT TO GIVE US AND HAVE THEIR STAFF GIVE US SORT OF PRELIMINARY ADVICE THAT DOES NOT REFLECT FULL AND DEEP CONSIDERATION.

AND I THINK THIS WILL BE SOMETHING FOR THE CITY ATTORNEY'S OFFICE AND THE CITY MANAGER'S OFFICE TO THINK ABOUT WHAT KIND OF INPUT THEIR STAFF COULD PROVIDE THEY WOULD FEEL COMFORTABLE WITH THAT WOULD BE SUBSTANTIAL AND MOVE THINGS ALONG.

THE COMMITTEE SCHEDULE.

HAVING A SCHEDULE AHEAD OF TIME COULD HELP THE CITY ATTORNEY AND THE CITY MANAGER SEND THE RIGHT PEOPLE TO EACH MEETING.

KNOWING AHEAD OF TIME WHAT ITEMS ARE GOING TO BE CONSIDERED AT DIFFERENT TIMES, I THINK COULD ALLOW US TO HAVE THE RIGHT PEOPLE THERE AND MORE ROBUST INPUT FROM OUR IMPORTANT PARTNERS.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

AND THEN, AGAIN CONSIDER HOW TO ATTAIN AND INTEGRATE INPUT FROM COMMISSIONS.

AGAIN, WE DID NOT GO DEEP THERE.

BUT WE IDENTIFIED IT AS SOMETHING CRITICALLY IMPORTANT.

NEXT SLIDE.

SO ANOTHER SPECIAL TOPIC.

PRIORITIZATION.

AND WHEN WE TALKED ABOUT THIS A LOT, BUT IN DISCUSSING THIS WITH THE CITY MANAGER, I THINK WE CAME TO UNDERSTAND THAT THERE IS KIND OF TWO ISSUES.

ONE IS THAT WE WHILE REDUCED, WE STILL HAVE THE BACKLOG NOW.

WE HAVE A BIG BACK LOG.

AND SO WE NEED TO FIGURE OUT SORT OF AN END GAME FOR HOW WE'RE GOING TO DEAL WITH THOSE BACKLOG ITEMS.

AND THE END GAME MIGHT BE THAT WE SORT OF FIGURE OUT WHAT TO DO.

THE SECOND TOPIC AROUND PRIORITIZATION IS ASSUMING THE DREAM OF A SYSTEM THAT HAS NO BACKLOGS, WE STILL WOULD HAVE TO DO

PRIORITIZATION.

SO LOOKING AT THE BACKLOG QUEUE, ONE IDEA WAS A ONE TIME PROCESS FOR MAJOR ITEMS THAT ARE CURRENTLY IN THE QUEUE THAT ALL PENDING BUT NOT INITIATED ITEMS EXPONENTIALLY WOULD GO BACK TO THE POLICY COMMITTEES FOR LIKE A REREVIEW.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

AND THE POLICY COMMITTEES WOULD LOOK AT THEM AND CONSIDER
MERGING ITEMS OR UPDATING REFERRALS IN CASE THEY ARE STALE OR
OTHER INITIATIVES THAT COME FORWARD THAT MAYBE MAKE THEM, MAKE
IT WORTH CHANGING THEM A LITTLE BIT.
REAPPROVAL OF ITEMS AS IS.

RECOMMENDATIONS TO SUNSET OR REMOVE ITEMS THAT HAVE BEEN
SUPERSEDED MAYBE BY STATE LAW, MAYBE BY SOMETHING ELSE THE CITY
HAS DONE.

RECOMMEND DISPOSITION OF ALL THE ITEMS.

POTENTIALLY RANKED BY LEAD DEPARTMENT.

AND BRING ALL THOSE RECOMMENDATIONS FROM EACH COMMITTEE TO THE
COUNCIL FOR US TO DECIDE WHAT WE WANT TO CONSOLIDATE, WHAT WE
WANT TO REMOVE, WHAT DO WE WANT TO RESTATE AND WHAT DO WE WANT
TO RESUPPORT.

WE MIGHT NEED SOME CRITERIA.

WE MIGHT NEED SOME KIND OF R.R.V.

THE POINT HERE IS WE WOULD HAVE TO DEAL WITH A BACKLOG IN ORDER
TO GET TO THAT BEAUTIFUL DAY WHERE EVERY YEAR, THE ITEMS THAT
WERE APPROVED AND FUNDED COULD BE IMPLEMENTED OR THE
IMPLEMENTATION COULD BEGIN RIGHT AWAY.

SO NEXT SPECIAL TOPIC.

IS THE PRIORITIZATION ON AN ONGOING BASIS OF A YEARLY QUEUE WITH
THE DREAM OF THE BACKLOG HAVING BEEN CLEARED.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

FIRST OF ALL, IT IS HOPED THE ENHANCED COMMITTEE PROCESS WOULD RESULT IN FEWER BACKLOGS, AND THAT ITEMS WOULD BE IMPLEMENTED IN A REASONABLE TIMEFRAME.

AND THEREFORE, PRIORITIZATION WOULD BECOME LESS OF AN ISSUE. OBVIOUSLY WHEN YOU HAVE 150 ITEMS YOU HAVE TO PRIORITIZE.

IF YOU HAVE 10 OR 15, IT'S MUCH LESS OF A CHALLENGE.

BUT IN A RATIONALIZED SYSTEM, ONE, YOU WOULD HAVE MORE FULLY CONCEIVED AND VETTED ITEMS.

MAYBE YOU WOULD HAVE COMMITTEE SCORING AND/OR RANKING.

AND THEN, COUNCIL RANKING.

AND IT IS SUGGESTED THAT WOULD BE EITHER BY LEAD DEPARTMENT OR OVERALL.

I THINK WE'VE ALL SEEN A SITUATION WHERE WE RANK EVERYTHING TOGETHER.

AND IT TURNS OUT THE FIRST 15 ITEMS ARE FOR PUBLIC WORKS OR PLANNING.

AND THEN OTHER DEPARTMENTS THEIR ITEMS ARE SPRINKLED IN THE QUEUE.

WE MAY WANT TO LOOK AT RANKING BY DEPARTMENT RATHER THAN JUST DOING THE UNIVERSAL RANKING.

AND AGAIN, THESE ARE ALL IDEAS.

IT'S BIG.

THERE WAS A LOT FOR US TO COVER.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

ALL RIGHT.

NEXT SPECIAL TOPIC.

WE WOULD NEED A PROCESS AT THE MIDYEAR BUDGET OPPORTUNITIES.

HERE YOU SEE IN BLUE VERY HIGH-LEVEL SUGGESTIONS.

WE'LL FELT THIS WOULD BE A TOPIC THAT WOULD HAVE TO GO TO

BUDGET AND FINANCE.

ONE IDEA WAS THAT ONLY TIME CRITICAL AND ROLL OVER ITEMS

PREVIOUSLY APPROVED BUT UNFUNDED WOULD BE CONSIDERED.

NOT JUST FOR COUNCIL ITEMS BUT ALSO FOR CITY MANAGER ITEMS.

ANOTHER WOULD BE THAT NOT ALL THE EXTRA FUNDS WOULD GET

ALLOCATED AND MORE FUNDS WOULD BE AVAILABLE FOR THE ANNUAL

BUDGET PROCESS FOR COUNCIL INITIATIVE SAID THAT GO THROUGH THE

YEAR PROCESS.

AND POSSIBLY THAT A.A.O.1 AND 2 ARE ONE TIME OR SENSITIVE NEEDS,

EXCEPT IN SPECIAL CIRCUMSTANCES.

REALLY WE FELT THIS SHOULD GO TO BUDGET AND FINANCE TO THINK

ABOUT SHOULD WE ADOPT SOMETHING LIKE A YEARLY PROCESS.

BUT WITH ANY PROCESS, THESE THINGS WOULD NEED TO BE CLARIFIED.

ALL RIGHT, NEXT SPECIAL TOPIC.

IMPLEMENTATION.

WE ALREADY SAW WHAT THAT LOOKS LIKE.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

BUT I THINK THE CITY MANAGER REALLY WOULD WANT TO WORK ON FILLING OUT WITH MORE DETAIL WHAT THE IMPLEMENTATION PROCESS WOULD LOOK LIKE.

AND I KNOW SHE'S VERY COMMITTED TO HAVING A LEAD SO THAT EVERYBODY KNOWS WHO SAID RESPONSIBLE FOR MAKING SOMETHING HAPPEN.

BUT ALSO, HAVING A TEAM AND ALSO MAKING SURE THAT THERE IS CLARITY ABOUT INTENTIONS AND OFTEN TIMES AN AUTHOR WILL HAVE THOUGHT ABOUT IMPLEMENTATION.

AND HAVE SOME GOOD IDEAS.

WE'LL HAVE CONSULTED WITH STAKEHOLDERS AND THE COMMUNITY AND MAY HAVE SOME ADDITIONAL HELPFUL IDEAS BUT ULTIMATELY, IT'S UP TO THE CITY MANAGER TO DETERMINE IMPLEMENTATION, THAT CONSULTATION IS OBVIOUSLY A COURTESY, WHICH I THINK SHE IS VERY GENEROUSLY INTERESTED IN EXTENDING.

AND I CAN'T REMEMBER DO WE HAVE ONE MORE SPECIAL TOPIC?

NO.

WE DON'T.

THAT'S IT.

SO THANK YOU VERY MUCH.

>> MAYOR J. ARREGUIN: THE LAST PIECE ON IMPLEMENTS, THAT HAS BEEN HOW WE HAVE DONE -- IMPLEMENTATION, IMPLEMENTATION OF MAJOR NEW LAWS.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

IS AFTER WE WHILE WE'RE DEVELOPING IT AND WE GET INPUT ON OPERATIONAL IMPACTS, IMPLEMENTATION, THEN WE REFER TO THE CITY MANAGER DEVELOP IMPLEMENTATION PLAN, RESOURCE THAT AND THEN IMPLEMENTATION.

SO I THINK IT'S OPERATIONALIZING THE KIND OF AD HOC PRACTICE THAT WE'VE IMPLEMENTED.

I WANT TO TURN IT OVER TO COUNCILMEMBER HARRISON.

>> K HARRISON: FIRST OF ALL, I WANT TO THANK YOU COUNCILMEMBER HAHN FOR HER HARD WORK.

IT IS NOT EASY TO TACKLE SUCH A BROAD TOPICKISM SOMEONE HAS TO START.

IF YOU DON'T START YOU NEVER GET ANYWHERE.

SO THANK YOU VERY MUCH FOR THAT.

I REALLY COMMEND YOU FOR LEADING THIS EFFORT.

SINCE WE FIRST DISCUSSED IT IN 2021, AND THE CITY MANAGER CONTRIBUTION AND DEFERRING TO COUNCIL FOR THE SHAPE ANY CHANGES TAKE.

I HEARD HER SAY A COUPLE OF TIMES, IT IS NOT HER PROPOSAL.

I WANT TO MAKE THAT STATEMENT.

I'M NOT ON THE AGENDA COMMITTEE.

AND AS YOU NOTED, I WASN'T ABLE TO WORK WITH YOU, BUT I WORKED WITH COUNCILMEMBERS ROBINSON AND TAPLIN.

THANK YOU TO BOTH.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

AND I THINK COUNCILMEMBER BARTLETT IS INTERESTED IN THE PROPOSAL ABOUT TO DISCUSS, TO UPDATE AND BUILD ON IT.

I SUBMITTED AN ALTERNATIVE.

THIS IS NOT AN ALTERNATIVE TO COUNCIL HAHN, IT WAS AN ALTERNATIVE TO THEN COUNCILMEMBER DROSTE'S PROPOSAL IN 2021.

WHICH WAS MUCH MORE CONVEIN STRAINING OF US.

CONSTRAINING OF US.

I UPDATED TO RESPOND TO COUNCILMEMBER HAHN.

IT'S MEANT TO BE TAKEN CONSIDERATION HERE AND THE PUBLIC AND COUNCIL AND THE AGENDA COMMITTEE.

THERE IS REALLY POSITIVE ASPECTS OF COUNCILMEMBER HAHN'S PROPOSAL I WANT TO HIGHLIGHT.

AND I THINK WE SHOULD MOVE AHEAD.

COUNCIL ITEMS SHOULD FOLLOW THE GUIDELINES ALREADY PROMULGATED RATHER THAN USING THEM AS RECOMMENDATIONS.

WE GET THINGS IN VERY DIFFERENT FORMAT SAID IN COMMITTEES.

AND IT MEANS WE DON'T HAVE FAIR CRITERIA AGAINST WHICH THINGS ARE EVALUATED.

I THINK WE NEED TO ADOPT THESE AS BEING MANDATORY.

I LIKE THE IDEA OF A FORMAL PROCESS FOR CITY STAFF TO PROVIDE HIGH LEVEL CONCEPTUAL INPUT TO AUTHORS BEFORE SUBMITTING PROPOSALS.

I ALWAYS DO THAT.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

I PROBABLY NEVER SUBMIT ANYTHING WITHOUT FIRST TALKING TO THE DEPARTMENTS AND THE CITY ATTORNEY'S OFFICE.

I THINK THIS IS GOOD PRACTICE AND WE'RE PROBABLY ALL DOING IT.

I LIKE THE PROCESS FOR ADDRESSING THE BACKLOG OF UNFUNDED ITEMS.

I DON'T THINK IT SHOULD BE IN THE POLICY COMMITTEE.

I'LL EXPLAIN MORE IN A MINUTE.

I LIKE THE ENHANCED CHECKLIST FOR THE POLICY COMMITTEE.

I THINK WE NEED THAT.

WE OFTEN STRUGGLING, AS CHAIR OF ONE OF THEM.

EXCLUDING THE PROPOSAL THAT WE RATE ITEMS.

I DON'T WANT TO RANK ITEMS.

I'M IN A THREE PERSON COMMITTEE.

WE ALL BRING THINGS FORWARD.

I DON'T WANT TO SAY, I'M GOING TO RANK MINE AHEAD OF

COUNCILMEMBER TAPLIN.

THAT IS AWKWARD.

IT'S THE JOB OF THE FULL COUNCIL TO DO THE RANKING.

AND I DO LIKE THE IDEA OF SOMEHOW GETTING BETTER INPUT FROM

COMMISSIONS.

BUT I DON'T WANT TO DO BEFORE AN ITEM GOES BEFORE COUNCIL.

WE DON'T WORK FOR THE COMMISSION.

THAT STRUCK ME AS A LITTLE ODD, THERE ARE TIMES I HAVE WRITTEN

LEGISLATION, ASKED THEM TO HOLD HEARINGS, WHICH IS SOMETHING WE

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

CAN CONSIDER DOING IF IT'S COMPLICATED AND WE BENEFIT FROM A LOT OF MORE HEARINGS THAN WE'RE ABLE TO HAVE.

BUT I DON'T WANT IT TO BE MANDATORY ANYWAY.

AND I GUESS MY MAJOR CONCERN ABOUT PROPOSALS, I'M A REALLY STRONG SUPPORTER OF THE POLICY COMMITTEE SYSTEM.

THAT COUNCILMEMBER HAHN ACTUALLY PROPOSED.

AND I DON'T BELIEVE OUR CENTRAL PROCESS IS FUNDAMENTALLY FLAWED ON MAJOR ITEMS.

I THINK WE'RE DOING A GOOD JOB ON THAT.

I'M GOING TO DESCRIBE IN A MINUTE WHY THE PROCESS WILL GO THROUGH A LENGTHY PROCESS AND DELAY US GETTING THINGS DONE.

I THINK THE MAIN THINGS WE'RE NOT DOING AS GOOD A JOB ON ARE REFERRALS AND BUDGET REQUESTS.

AND WHAT I SEE EMBEDDED IN BUDGET REQUESTS, BEING ON THE BUDGET COMMITTEE IS A LOT OF POLICY QUESTIONS NOBODY ANSWERED YET.

AND THAT REALLY CONCERNED ME.

IF WE CAN'T REALLY DISCUSS THE MONEY UNTIL WE KNOW HOW IT WILL WORK.

I'M HOPING YOUR INTENTION WAS TO INCLUDE IN THE GROUP OF ITEMS ORDINANCES WE WRITE NOW, REFERRALS, AND BUDGET REQUESTS OVER A CERTAIN DOLLAR AMOUNT.

I'M GOING TO MAKE A PROPOSAL HOW TO DO THAT.

I DON'T WANT TO SEE BUDGET REFERRALS JUST GO THROUGH.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

I THINK THAT'S NOT GOOD EITHER WHEN THEY ENTAIL A LOT OF BUDGETARY, POLICY ASPECTS.

A COUNTER EXAMPLE.

RECENTLY COUNCILMEMBER KESARWANI RECOMMENDED PUTTING MORE MONEY IN PAVING.

THAT DIDN'T NEED TO GO TO A POLICY COMMITTEE BECAUSE IT WASN'T CHANGING THE PAVING PLAN ANY WAY.

IT WAS SAYING PUT MORE MONEY IN.

IT WAS STRICTLY A BUDGET THING.

I'M NOT SURE WHY WE HAD IT AT OUR COMMITTEE.

OTHER TIMES WE HAVE THINGS THAT HAVE A LOT OF POLICY IMPLICATIONS BUT NOT MUCH MONEY AND GOING STRAIGHT TO BUDGET AND WE'RE LEFT AT BUDGET SAYING HOW ARE WE GOING TO DO THIS.

I THINK THAT IS THE WRONG PLACE TO ASK THOSE QUESTIONS.

I THINK THAT SHOULD GET WORKED OUT IN ADVANCE.

SOME OF THE MY CONCERNS ABOUT THE PROPOSAL I HAVE I AM GRATEFUL FOR, I THINK IT'S SIGNIFICANTLY LIMITS ACCESS TO THE LEGISLATIVE PROCESS BY EXTENDING TIMELINES.

RIGHT NOW, MAJOR ITEMS CAN BE SUBJECT TO NEARLY 300 DAYS.

THIS COMPARES THE CURRENT 120 DAYS IN COMMITTEE.

THAT HAPPENS BECAUSE OF THE SEPTEMBER DEADLINE.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

IF YOU TURN SOMETHING IN IN OCTOBER THAT IS NOT TIME CRITICAL BUT NONETHELESS IMPORTANT TO THE COMMUNITY IT WILL SIT THERE UNTIL NEXT YEAR.

AND THEN IT WILL SIT THERE UNTIL THE JUNE BUDGET PROCESS, THE WAY I READ IT NOW.

WE COULD BE LOOKING AT 18 MONTHS.

I DON'T THINK WE NEED TO BUILD IN EXTRA TIME.

SO I'M GOING TO SUGGEST WAYS TO NOT DO THAT.

IT ALSO DOESN'T ALIGN TIMELY LEGISLATIVE ITEMS WITH THE FALL BUDGET PROCESS.

THIS HAS BEEN A HUGE CONFUSION.

I HEARD THIS IN TWO DIFFERENT DIRECTIONS FROM THE CITY MANAGER.

ONE, SHE WOULD LIKE US TO GET ALL OF OUR PROPOSALS IN BEFORE THE JUNE BUDGET.

BUT TWO, ALSO SHE WOULD LIKE US TO NOT SUBMIT ANYTHING EXCEPT FOR THE A.A.O.

THAT'S WHEN WE KNOW MORE ABOUT REVENUES.

WE NEED A DEFINITIVE ANSWER ABOUT THE BEST PROCESS.

BUT I DO NOT WANT TO ASSUME THE BUDGET PROCESS.

I PERSONALLY THINK WE CAN HAVE TWO CYCLES.

ONE OF WHICH IS TO JUNE AND ONE OF WHICH IS TO A.A.O.

I THINK I'M RECOMMENDING WE DO THAT.

THAT WILL GET THINGS THROUGH MORE QUICKLY.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

I REALLY DON'T WANT POLICY COMMITTEES TO PRIORITIZE AS I'VE
ALREADY DISCUSSED.

AND I THINK THAT IS REALLY A COUNCIL JOB.

ALSO, THERE IS SOMEWHERE IN HERE AN IMPLICATION THE POLICY
COMMITTEES ARE A TIME COMMITMENT BURDEN. ON STAFF AND THE
COUNCIL.

I THINK IT'S THE OPPOSITE.

PERSONALLY FOR ME THE STUFF WE GET AT COUNCIL IS SO MUCH BETTER
BECAUSE OF YOUR SYSTEM, COUNCILMEMBER HAHN, OF SETTING OF THESE
COMMITTEES AND REVIEW IT GOES THROUGH THAT I THINK THE STAFF
BURDEN IS LESS.

AND SO THE BURDEN ON THE PUBLIC VERY CONFUSING PROPOSALS IS
LESS.

THINGS ARE BETTER BECAUSE THEY HAVE GONE THROUGH THESE
COMMITTEES.

SO I REALLY DON'T THINK WE SHOULD BE LIMITING THE COMMITTEES TO
OPERATING SIX MONTHS OF THE YEAR.

WHEN WE DON'T HAVE SOMETHING TO DO.

I THINK IT'S OKAY TO KEEP THEM OPERATING DURING THE ENTIRE TIME
THE COUNCILMEMBER IS MEETING AND TAKE THINGS UP AS THEY COME
ALONG.

I'M GOING TO PROPOSE THAT.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

AND THEN FINALLY, I DON'T LIKE THE IMPLEMENTATION TEAM AT THE
END AFTER THE ITEM HAS GONE OUT OF THE COMMITTEE, INCLUDING THE
COUNCILMEMBER.

IT FEELS LIKE, BECAUSE IT INDICATES THEY WOULD BE ESTABLISHING
CLARITY OF INTENTIONS, TIMELINES, OPPORTUNITIES, IDEAS AND
CHALLENGES.

THAT SHOULD ALL HAPPEN AT THE COMMITTEE PROCESS.

IF WE HAVEN'T FIGURED OUT TIMELINES AND OPPORTUNITIES THEN, I
DON'T THINK I'M COMFORTABLE WITH ONE COUNCILMEMBER BEING IN
CHARGE OF THAT.

EVEN WHEN IT'S MINE, I DON'T THINK I LIKE THAT.

THAT I'M NOW I'M NEEDING TO FIGURE OUT HOW WE'RE REALLY GOING TO
DO IT.

THAT SHOULD HAVE ALL BEEN TALKED ABOUT UP FRONT IN A COMMITTEE
PROCESS.

SO I HAVE A FLOW CHART THAT TRIES TO SHOW WHERE THE DIFFERENCES
ARE.

BUILDING OCOUNCILMEMBER HAHN'S EXCELLENT WORK.

GIVE ME ONE SECOND.

I'M ALWAYS TERRIBLE AT THIS.

I DON'T KNOW HOW TO SHARE A SCREEN.

HOLD ON A MINUTE PLEASE.

YOU WILL LAUGH AT ME BECAUSE I'M NOT GOOD AT THIS.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

I JUST FOUND IT.

THANK YOU, MR. MAYOR.

I SO APPRECIATE THAT.

HERE'S MY FLOW CHART, WHICH TRIES TO SHOW WHERE THERE ARE DIFFERENCES BETWEEN THE TWO PROPOSALS.

I'M PROPOSING THAT WE STILL SUBMIT ITEMS THROUGHOUT THE YEAR.

I THINK YOU SAID YOU WERE INTENDING FOR THE COUNCIL TO DO THAT.

A BIG DISTINCTION FOR ME IS ANOTHER THING THAT DOESN'T GO THROUGH THIS RIGOROUS ANALYSIS YOU ARE CALLING FOR ARE CITY MANAGER ITEMS.

AND I WOULD LIKE THOSE TO ALL GO THE COMMITTEE PROCESS.

THAT'S HOW THEY DO IT IN ON THE GROUND AND SAN FRANCISCO.

MY STAFF SPEND TIME LOOKING AT THOSE RULES.

IF IT'S A SIGNIFICANT THING, IT SHOULD BE USING THE SAME PROCESS THAT WE USE FOR OUR THINGS.

WE ARE THE BODY, WE APPROVE THE BUDGET AND THE ITEMS.

SO I WANT MAJOR ITEMS FROM THE CITY MANAGER TO ALSO GO TO THESE COMMITTEES.

AND I WANT TO DO IT ALL YEAR.

I ALSO WANT SOME OBJECTIVE CRITERIA FOR DETERMINING FROM THE AGENDA COMMITTEE, WHAT IS MAJOR.

I THINK RIGHT NOW THE LANGUAGE NEEDS TO BE TIGHTENED UP BUT IT IS A GOOD START.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

I THINK WE NEED TO IS SAY BUDGET ITEMS MORE THAN "X" DOLLAR.

BUDGET ITEMS THE DOLLARS THAT CAUSE OPERATIONAL DIFFERENCES OR SOMETHING.

BUT WE NEED SOME CRITERIA IN THERE.

AND I WOULD HAVE THE POLICY COMMITTEES CONTINUE TO MEET DURING THE ENTIRE PERIOD.

AND AGAIN, KEEP THINGS FOR 120 DAYS MAXIMUM IN THE POLICY COMMITTEE HOPPER.

ALTHOUGH I THINK THE MAYOR WAS THINKING WE WANT TO EXTEND THAT TIME.

I THINK WE START WITH THE 120 AND IF WE NEED TO EXTEND, WE CAN ALWAYS GET ACCOMMODATIONS FROM OUR COLLEAGUES ON THAT.

ISSUING THE POLICY RECOMMENDATIONS AGAINST THE ENHANCED REVIEW CHECKLIST, WHICH IS I THINK IS REALLY CRITICAL.

GOES BACK TO THE AGENDA COMMITTEE.

THEN IT GOES TO COUNCIL MEETING.

THEN IT GOES TO ONE OR THE OTHER OF THE BUDGET PROCESSES

DEPENDING ON WHAT TIME OF YEAR YOU ARE IN THROUGH THE BUDGET COMMITTEE.

AND THEN IT'S ADOPTED AS PART OF THE BUDGET.

A COUPLE OF OTHER COMMENTS I WANTED TO MAKE.

I'M NOT CERTAIN I THINK ALL BUDGET PROPOSALS SHOULD AUTOMATICALLY ROLL TO THE NEXT PERIOD.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

THE MAYOR HAS A UNIQUE AND DIFFERENT ROLE IN OUR GOVERNMENT.

WE DO HAVE A STRONG CITY MANAGER FORM OF GOVERNMENT.

AND WE DO HAVE A COLLABORATIVE COUNCIL IN WHICH HE SITS.

BUT THE CHARTER IS REALLY CLEAR THE MAYOR PRESENTS A BUDGET.

IF HE DOESN'T LIKE SOMETHING OR THINKS IT SHOULD NEVER BE

BUDGETED, I WANT HIM TO HAVE THAT OPPORTUNITY.

I'VE ACTUALLY NEVER SEEN YOU DO THAT.

BUT THERE COULD COME A TIME WHEN IT COULD HAPPEN.

AND SO I THINK THAT TAKING THAT AWAY FROM YOU IS NOT A GOOD

THING.

I DON'T THINK EVERYTHING SHOULD ROLL.

I THINK WE CAN HAVE A WORKING EXPECTATION THINGS WILL ROLL OVER

BUT I DON'T WANT EVERYTHING TO ROLL.

BECAUSE YOU MIGHT HAVE SOMETHING THAT ISN'T YOU THINK IS NOT A

GREAT IDEA OR THE CITY MANAGER MIGHT SAY THAT IS NEVER GOING TO

WORK BUDGETARILY SO DON'T DO THAT.

AND WE WANT TO MOVE ON WITH IT.

I ALSO FEEL WE HAVE TO VERY CLEARLY ESTABLISH THESE CRITERIA FOR

WHAT IS A SIGNIFICANT ITEM.

AND AGAIN IT SHOULD APPLY TO EVERYTHING FROM THE CITY MANAGER

AND FROM US.

AND ORDINANCES, REFERRALS AND BUDGET REQUESTS.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

MOST OF THE PROBLEMS I'VE SEEN IN MY COMMITTEE ARE NOT
ORDINANCES.

WE ALREADY HAVE A GOOD PROCESS ON ORDINANCES.

THE PROBLEM ARE REFERRALS.

AND I WOULD BE PANICKED IF I WERE YOU I SAW THAT LONG LIST LIKE
OH, MY GOD.

I JUST CAN'T GET THROUGH IT.

SO WE DO NEED, AND I SHOULD HAVE SAID THIS IN A POSITIVE ASPECT
PARTS.

WE NEED AN ACTIVE PROCESS FOR GETTING RID OF REFERRALS.

AND I'M GOING TO SAY ON MY OWN BEHALF, I'M THE ONLY ONE IN THE
LAST THREE CYCLES THAT HAS IDENTIFIED OTHER PEOPLE'S REFERRALS
TO GET RID OF OTHER THAN MY OWN OR MY PREDECESSORS.

AND YOU KNOW WHAT, WE'VE SEEN THE ENEMY, AND IT IS US.

WE KEEP PUSH STUFF FORWARD.

WE DON'T WANT TO SAY NO TO EACH OTHER.

OUR PROBLEM IS US.

AND I THINK WE HAVE TO BE BRAVER IN SAYING I DON'T WANT TO
PRIORITIZE THIS AT ALL.

I DON'T CARE IF IT COMES IN 43.

I REALLY DON'T THINK WE SHOULD BE DOING THIS THING OR 43 FITS
WITH 22.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

BECAUSE NOW I'M "D" AND I HAVE 43 ITEMS AND I'M NEVER GOING TO DO 43.

OKAY. IT'S NEVER GOING TO HAPPEN BUT IT IS STILL THERE.

SOMEBODY IS STILL GOING TO CALL AND SAY WHAT THE HECK HAPPENED TO THAT THING WITH THE REFRIGERATORS FOR THE HOMELESS, WHICH I NOTICED WAS STILL ON THE LIST LAST YEAR.

SO YOU KNOW, WE SHOULD KILL IT.

IF WE DON'T LIKE IT, LET'S GET RID OF IT.

LET'S BE BRAVE HERE, PEOPLE.

LET'S DO OUR JOB SO DEE CAN DO HERS.

I THINK THAT'S KIND OF ONE OF MY BASIC PREMISES HERE.

I WANT US TO BE A LOT OF MORE SYSTEMATIC ABOUT THAT REFERRAL LIST.

AND I THINK WITH THOSE CHANGES, I THINK THAT I LIKE THIS GENERAL FLOW.

AGAIN, A FEW THINGS I DON'T WANT POLICY COMMITTEES DOING A COUPLE THINGS I WANT BETTER DEFINED.

AND I DON'T WANT THIS LONG TIMELINE.

I THINK IT'S WAY TOO LONG.

WE CAN DO MORE WORK THAN THIS.

WE'VE BEEN DOING MORE WORK THAN THIS.

AND I THINK WOULD BE KEEP IT UP WITH SOME BETTER STANDARDS AND FORMS.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

SO THANK YOU, COUNCILMEMBER HAHN.

>> MAYOR J. ARREGUIN: OKAY, THANK YOU VERY MUCH.

WE'LL GO TO COUNCILMEMBER HUMBERT.

>> M. HUMBERT: YES, THANK YOU, MR. MAYOR.

THOSE TWO PRESENTATIONS ARE HARD ACTS TO FOLLOW CERTAINLY.

I WANT TO SAY HOW MUCH I APPRECIATE ALL OF THE WORK THAT AGENDA AND RULES COMMITTEE DID TO REVIEW AND SUMMARIZE THE PROPOSALS CURRENTLY ON THE TABLE.

AND TO ESPECIALLY THANK THE MAYOR, COUNCILMEMBER WENGRAF AND THEIR STAFF FOR THE WORK THEY DID TO CREATE THE MATRIX.

IT WAS A LOT OF MATERIAL.

THE MATRIX TO ME WAS REALLY HELPFUL IN BEING ABLE TO DO A MORE APPLES TO APPLE COMPARISON BETWEEN THE PROPOSALS THAT HAVE COME DOWN DURING A SIGNIFICANT PERIOD OF HISTORY.

AND HOW THEY WOULD POTENTIALLY IMPACT VARIOUS COMPONENTS OF THE LEGISLATIVE PROCESS.

I ALSO WANT TO DEEPLY THANK COUNCILMEMBER HAHN FOR HER WORK IN PRESENTING A MORE STRUCTURED PROCESS THAT IMPLEMENTED WOULD CERTAINLY HELP ENSURE THE DETAILS AND POLICIES AND PROPOSALS ARE DRILLED INTO WELL BEFORE THEY REACH THE COUNCIL STAGE.

I ALSO WANT TO THANK COUNCILMEMBER HARRISON, ALONG WITH COUNCILMEMBERS TAPLIN AND ROBINSON FOR THEIR WORK TO PUT FORWARD AN ALTERNATIVE LEGISLATIVE CYCLE APPROACH.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

I APPRECIATE HAVING DIFFERENT OPTIONS TO CONSIDER.

AND I THINK THIS ALTERNATIVE HAS SOME ADDITIONAL POSITIVE CHARACTERISTICS.

INCLUDING SIMPLICITY THAT MERIT STRONG CONSIDERATION.

OVERALL THOUGH I HAVE TO AGREE, ALTHOUGH I AGREE THAT PROPOSALS SOMETIMES NEED MORE WORK BEFORE COMING TO COUNCIL, BASED ON MY LIMITED EXPERIENCE ON COUNCIL, I DON'T NECESSARILY FEEL THAT A LACK OF COMPLETENESS IS THE BIGGEST PROBLEM WE FACE IN TERMS OF COUNCIL'S APPROACH TO MAJOR ITEMS.

I THINK THAT OUR EXISTING COMMITTEE APPROACH AND EXTREMELY CAPABLE STAFF ALREADY DO A PRETTY GOOD JOB OF ENSURING ITEMS EITHER GET TO COUNCIL OR COME OUT OF COUNCIL IN DESCENT SHAPE. AND THERE IS ALSO THE FACT THAT COUNCIL WAS A POLICY SETTING BODY WITH IMPLEMENTATION AND OPERATIONS BEING THE PROVINCE OF STAFF.

I DON'T KNOW THAT COUNCIL AND COUNCIL COMMITTEES GETTING EVEN MORE INTO THE WEEDS ON MINUTE DETAILS IS NECESSARILY GOING TO HELP STAFF DO THEIR JOBS.

IT MIGHT EVEN HAVE THE OPPOSITE EFFECT FOR POLICIES AND PROGRAMS AND HAVE LESS FLEXIBILITY.

THIS BRINGS ME TO WHAT I THINK IS THE FUNDAMENTAL PROBLEM WITH OUR APPROACH TO LEGISLATING, WE DO TOO MUCH OF IT.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

I THINK THE CITY MANAGER HAS BEEN JUST ABOUT AS CLEAR AS SHE CAN BE IN TELLING US WE NEED TO SLOW OUR GENERATION OF REFERRALS WHEN IT COMES TO THE MAJOR POLICIES AND PROGRAMS COMING OFF OF THIS DAIS.

AND I JUST DON'T FEEL A LEGISLATIVE SEASON APPROACH REALLY TACKLES THE FUNDAMENTAL ISSUE.

THAT'S WHY I LEAN STRONGLY TOWARD USING MY PREDECESSOR FORMER COUNCILMEMBER DROSTE BE RIGHT PROPOSAL AS A STARTING POINT WORKING OUT FROM THERE.

IN GENERAL, I'M RELUCTANT TO SUPPORT A LEGISLATIVE OVER HAUL WITHOUT LIMITS ON COUNCIL ITEMS OR TIME OUR REWEIGHTED RANGE VOTING PRIORITIZATION EXERCISE TO TAKE PLACE BEFORE STAFF AND COMMITTEES REALLY DIVE INTO THE DETAILS OF PROPOSALS THAT COULD CLEAR OUT SOME OF THE ITEMS EFFICIENTLY.

THIS LEGISLATIVE SEASON APPROACH SEEMS POISED TO RESEARCH OUTREACH AND NATIONAL BURDENS ASSOCIATED WITH ANY GIVEN ITEM, BOTH FOR COUNCIL STAFF AND POTENTIALLY OTHER CITY STAFF.

WITHOUT SOME LIMITS ON COUNCIL ITEMS THIS PROPOSAL SEEMS LIKELY TO INCREASE THE COMPLEXITY AND WORKLOAD ASSOCIATED WITH ITEMS COMING FROM COUNCIL.

IN ADDITION, BECAUSE ALL MAJOR ITEMS WOULD BE HELD TO THE SAME TIMELINE OR SAME TIMELINES THESE INCREASED NEEDS FOR REVIEW

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

HEARINGS, AND ANALYSIS SEEM LIBEL TO EXACERBATE CRUNCH TIMES DURING THE YEAR AND POSSIBLY EVEN CREATE NEW ONES.

I THINK THAT THE HARRISON, TAPLIN, ROBINSON PROPOSAL IS BETTER THAT WOULD REDUCE STAFF EFFORTS AND AVOID GIVING COMMITTEES AN APPROPRIATE VETO POWER OVER COUNCIL REFERRALS.

AGAIN, THAT SAID, I STILL THINK THIS ALTERNATIVE ALSO GIVES SHORT SHIFT TO THE FUNDAMENTAL ISSUE, THE SHEER VOLUME OF COMPLEX AND WORK INTENSIVE POLICY AND PROGRAMS COMING OUT OF COUNCIL.

THIS REMAINS THE NUMBER ONE ISSUE TO ME.

AND THIS FEELS CONSISTENT WITH WHAT WE HEARD FROM THE CITY MANAGER.

I'M NOT GOING TO SUGGEST A MORATORIUM ON NEW MAJOR NONEMERGENCY ITEMS WOULD BE IN ORDER.

I'M SURE I WOULDN'T FIND SUPPORT AND MAYBE IT DOESN'T MAKE SENSE BUT A CAP OF SOME SORTED AND PERHAPS A TEMPORARY NUMERICAL CAP IS WHAT WE SHOULD AIM FOR.

I DON'T FEEL LIKE IN SUPPORT ANY PROPOSAL THAT DOESN'T SET A FIRM LIMIT ON MAJOR COUNCIL ITEMS.

BUT I DO WANT TO THANK EVERYBODY FOR ALL THE REALLY COMPLICATED AND HARD WORK THAT THEY PUT IN ON THIS.

AND I'VE SPENT A LOT OF TIME LOOKING AT THESE PROPOSALS.

AND THANK YOU SO MUCH.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

>> MAYOR J. ARREGUIN: OKAY.

COUNCILMEMBER HAHN WANT TO MAKE A CLARIFYING COMMENT.

AND THEN, ARE THERE ANY OTHER CITY COUNCIL MEMBERS THAT HAVE COMMENTS?

WE NEED TO TAKE PUBLIC COMMENTS AS WELL.

>> S. HAHN: THANK YOU.

COUNCILMEMBER HARRISON, I WANT TO BETTER UNDERSTAND.

I COMPLETELY AGREE WITH YOU THAT CITY MANAGER ITEMS WOULD ALSO BENEFIT FROM THE SAME REVIEW.

BUT I'M TRYING TO UNDERSTAND WHERE THAT COMES UP, BECAUSE MOST OF WHAT THEY BRING TO US ARE REFERRAL RESPONSES.

AND I WAS TRYING TO REMEMBER A TIME WHEN THE CITY MANAGER SORT OF BROUGHT US SOMETHING NEW THAT HADN'T BEEN REFERRED BY THE CITY COUNCIL.

THE ONLY THING I CAN THINK OF WAS THE KIOSKS IS WHEN THE REFERRAL RESPONSE COMES BACK THAT RESPONSE SHOULD THEN BE VETTED BY A COMMITTEE?

IF YOU COULD CLARIFY WHAT YOU MEAN BY THAT.

>> K HARRISON: YES, MANY PAST REFERRALS WERE SO VAGUE THAT WE, AND WE HAD COMPLETELY DIFFERENT PEOPLE ON COUNCIL THAT I WOULD HOPE THEY WOULD COME BACK TO US.

IF WE START DOING A BETTER JOB OF REFERRALS, THE WON'T BE AS BIG AN ISSUE.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

I THINK SOMETIMES STAFFING IN THE DARK TO FIGURE OUT HOW TO RESPOND.

IT MIGHT NOT BE ON POINT WITH WHAT WE WERE THINKING.

I CAN'T THINK OF AN EXAMPLE.

THERE HAVE BEEN EXAMPLES ABOUT HOMELESS POLICY, SHE'S TRYING TO DO SOMETHING REASONABLE BUT MANY THINGS HAVE CHANGED IN THE LEGAL LANDSCAPE THAT HAVE CHANGED WHAT WE MIGHT BE ABLE TO DO OR NOT DO.

FOR EXAMPLE, WE HAD CERTAIN POLICIES ABOUT SLEEPING IN CARS AND THAT CHANGED AS YOU RECALL, THEN IT CAME BACK.

I THINK IF THAT'S GOING TO BE SOMETHING WITH A LOT OF IMPLICATIONS, IT SHOULD GO TO COMMITTEE.

>> S. HAHN: NOT NECESSARILY SOMETHING WRITTEN, A CHANGE IN POLICY.

>> K HARRISON: I THINK SHE WAS COMING BACK WITH CHANGE IN WRITTEN POLICY BASED ON CHANGE IN THE LAW.

>> S. HAHN: I SEE.

>> K HARRISON: SO I THINK AT THAT POINT DEPENDING ON HOW COMPLEX IT IS, CRITERIA, IT WOULD GO TO A COMMITTEE.

MANY THINGS AREN'T THAT COMPLEX.

SO OBUT AND STILL THINK THERE ARE ITEMS --

>> S. HAHN: YEAH.

>> K HARRISON: -- [MULTIPLE SPEAKERS]

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

>> S. HAHN: I WAS TRYING TO UNDERSTAND EXACTLY WHAT YOU WERE REFERRING TO.

WE'RE JUST TAKING NOTES AND WE'LL TAKE IT BACK TO THE AGENDA AND RULES COMMITTEE.

BUT I WONDERED, I THINK THE CITY MANAGER MIGHT HAVE HAD, MAYOR, IF I MAY, I THOUGHT IT LOOKED THE CITY MANAGER MIGHT HAVE A COMMENT ON THAT.

>> I JUST WANTED TO ECHO YOUR CONCERNS, COUNCILMEMBER HAHN, THAT WE RARELY IN EVER BRING FORWARD OUR OWN MAJOR, I DON'T BRING FORWARD POLICY.

I'M RESPONDING TO THIS BODY'S POLICY.

BUT IF THAT'S THE ROUTE THAT IS BEING RECOMMENDED WE BRING IT BACK TO A POLICY COMMITTEE BEFORE BRINGING IT TO THE FULL COUNCIL FOR ADOPTION, WE'RE OPEN TO THAT AS WELL.

>> S. HAHN: OKAY.

ANYTHING ELSE COUNCILMEMBER HARRISON, FOR US TO FULLY UNDERSTAND YOUR VISION ON THIS?

>> K HARRISON: AS AN EXAMPLE.

I THINK THE RESPONSE TO A.L.P.R.'S IS A GOOD EXAMPLE.

WE HAD A REFERRAL A LONG TIME AGO.

WE HAVE SO MUCH COMPLICATION, THE PARKING L.P.R.'S, THE OTHER CAMERAS THAT DID FINALLY GO TO PUBLIC SAFETY BUT IT WENT TO BUDGET FIRST.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

AND THAT WAS ODD.

SO IT'S REALLY NEED THAT NEEDED THAT PUBLIC SAFETY COMMITTEE
REVIEW.

AND YOU GUYS DID A GREAT JOB BUT THAT WAS A BIG DEAL.
IT IS THINGS LIKE THAT.

I DON'T THINK IT WILL COME UP EVERY DAY.

BUT WE'RE DEALING, YOU ARE DEALING WITH A LOT NOW, CITY MANAGER,
MADAM CITY ATTORNEY, COMPLICATED ITEMS, AND I THINK SOMETIMES
THEY BENEFIT FROM THAT FORUM.

THE COMMITTEES ARE BETTER FOR HAVING PUBLIC INPUT.

ONE REASON I LOVE THEM, WE REDUCED CONFUSION AT THE COUNCIL
ABOUT WHAT THINGS ARE.

IT'S BEEN VERY HELPFUL.

>> THANK YOU.

VERY HELPFUL FOR US TO BETTER UNDERSTAND THE VISION ON THAT.

>> MAYOR J. ARREGUIN: COUNCILMEMBER ROBINSON.

>> R. ROBINSON: SURE.

GOOD AFTERNOON, I'LL TAKE THIS OPPORTUNITY TO JUMP IN.

AND FIRST, THANK YOU TO THE AGENDA COMMITTEE WHO HAVE BEEN
ENGAGING WITH THE DISCUSSION AND INCREDIBLY DEEP LEVEL.

THE REST ARE STUCK OUTSIDE WITH OUR FACES PUSHED AGAINST THE
WINDOW EAVESDROPPING AND UNABLE TO PARTICIPATE.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

COUNCILMEMBER HAHN, IT IS SO MUCH EASIER FOR THE REST OF US TO
POKE AT PROPOSALS AND IDENTIFY THINGS WE'RE CRITICAL OF TO
ASSEMBLE FOR CONSIDERATION.

THANK FOR THE HEAVY LIFTING.

MY FEEDBACK IS LARGELY REFLECTED IN THE SERIES OF NOTES WITH
COUNCILMEMBER HARRISON.

I'M GLAD THE COMMITTEE WILL BE ABLE TO WEIGH THAT AND CONSIDER
ALL PATHS AVAILABLE TO US.

REALLY I THINK COUNCILMEMBER HARRISON, TAPLIN, AND I, IT'S NOT
REALLY A PROPOSAL.

IT'S A STRING OF IDEAS AND PRIORITIES REALLY FOR THE PROPOSAL
THAT I THINK WILL BE SHAPED BY THE AGENDA COMMITTEE.

I'LL FOCUS MY COMMENTS ON THE TINY HANDFUL OF THOUGHTS IN MY
TIME SITTING HERE.

ONE, WHICH I THINK COUNCILMEMBER HUMBERT ALLUDED TO, BUT WE
HAVEN'T TALKED TO SUPER DIRECTLY.

THE IDEA OF QUANTITATIVE LIMITS ON THE NUMBER OF PIECES OF LIMITED
LEGISLATION THAT COUNCILMEMBERS AND INTRODUCE, THIS HAS BEEN
FLOATED BEFORE AND IT'S SOMETHING I THINK CANDIDLY INITIALLY I
HAD A BIT MORE HOSTILE OF A REACTION TO.

I THINK IT FELT A LITTLE UNDEMOCRATIC IF YOU WILL.

WE'RE REPRESENTATIVES OF OUR DISTRICTS.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

I THINK WE SHOULD BE ABLE TO INTRODUCE THE VOLUME OF LEGISLATION THAT OUR RESIDENTS EMPOWER US TO.

BUT THAT SAID, WE HAVE A REAL ISSUE HERE.

AND I THINK IF I'M A LITTLE HONEST WITH MYSELF, I THINK THERE IS PROBABLY NUMBERS OUT THERE, MAYBE IT'S FIVE.

A NUMBER OF MAJOR ITEMS THAT ONE COUNCIL MEMBER COULD INTRODUCE THAT IS HIGHER THAN THE NUMBER OF MAJOR ITEMS I OR SOMEONE WAS GOING TO INTRODUCE ANYWAY BUT COULD HAVE AN INTERESTING SELECTIVE AFFECT IN OUR DECISION-MAKING PROCESS, TO EXERCISE JUST A LITTLE BIT MORE HESITATION TO VET AN IDEA JUST A LITTLE BIT MORE BECAUSE YOU KNOW THERE IS AN OPPORTUNITY COST TO INTRODUCING IT.

THAT LEVEL OF ANALYSIS, THAT LEVEL OF PATIENCE, REALLY THAT LEVEL OF HESITATION I THINK IS VALUABLE.

AND COUNCILMEMBER HARRISON, AS YOU SAID, IF THE PROBLEM IS US, IT'S REALLY HARD TO DEFINE RULES THAT WILL SHAPE THAT.

BUT I THINK THERE IS PROMISE THERE.

I THINK THERE ARE LIMITS SO WE COULD PUT IN PLACE THAT REALLY DON'T MEANINGFULLY CURTAIL THE EXTENT TOO MUCH WE CAN BE INNOVATIVE AND PUT THINGS ON THE TABLE AND FORCE US TO ASK OURSELVES BEFORE WE THROW SOMETHING ON THE HOPPER IF IT'S THE HILL WE WANT TO DIE ON.

I'M RUMINATING ON THAT.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

OPEN TO POSSIBILITY SAID THERE.

A LOT OF OTHER THINGS I LIKE THAT ARE IN THE MIX ACROSS PROPOSALS, I THINK REQUIRING THE ITEM GUIDELINES WE HAVE BE IN PLACE WOULD BE VALUABLE.

I'M CERTAINLY NOT ALWAYS THE BEST AT FOLLOWING THEM.

I THINK EXPLICIT CLARITY ABOUT ITEM DEADLINES FOR BUDGETING/IMPLEMENTATION WILL BE VALUABLE.

I THINK IT WILL BE GOOD, REALLY WE'RE DOING THIS CYCLE I THINK IT'S A GOOD PRACTICE TO MAKE PERMANENT TO BE CLEAR ABOUT WHAT THE ROLE OF BUDGET REFERRALS FOR A.A.O. ONE AND TWO SHOULD BE. AS ONE TIME OR SENSITIVE NEEDS.

THAT I THINK WOULD BE REALLY POSITIVE.

AND I CALLED TOGETHER A LIST OF THINGS I WOULDN'T EVEN SAY I'M OPPOSED TO BUT THINGS I WORRY A LITTLE ABOUT.

IN CONTEMPLATING SORT OF THE IDEA OF A SESSION.

OBVIOUSLY THAT WORKS AT A LOT OF OTHER LEVELS OF GOVERNMENTS.

I FIND MYSELF BEING ANXIOUS THE SURGES OF CERTAIN TYPES OF WORKLOAD AT CERTAIN TIMES MIGHT BE UNTENABLE.

I THINK OF THE WORK THAT OUR COMMITTEES ARE DOING RIGHT NOW SOMETIMES THEY EBB AND FLOW, SOMETIMES THEY HAVE SWELLS, SOMETIMES A LITTLE BACK LOG THAT TAKES MONTHS, SOMETIMES I GO FOUR MONTHS WITHOUT A LAND USE MEETING.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

TO DO THAT AT ONCE, TO HAVE PACKED AGENDAS FOR THAT COMMITTEE, WE HAVE A HARD TIME GETTING TO TWO AGENDA ITEMS AT THE COMMITTEE LEVEL.

I THINK AT OUR TUESDAY EVENING COUNCIL MEETINGS THERE IS OFTEN A LOT ON THE AGENDA AND WE HAVE AN INCENTIVE TO BE BRISK AND MAKE SURE WE GET TO WHATEVER ELSE WE HAVE.

I THINK THE BEAUTIFUL THING ABOUT THE POLICY COMMITTEE, WE CAN RUN IN CIRCLES AND ASK ALL SORTS TECHNICAL SMALL QUESTIONS TO REALLY VET SOMETHING AND SPEND THREE HOURS WITH ONE ITEM WORKSHOPPING IT.

AND SO I THINK I HAVE LOGISTICAL WORRIES ABOUT WHAT IT WOULD LOOK LIKE TO PACK THAT STAGE TO HAVE THE POLICY VETTING PROCESS FOR THE WHOLE CYCLE INTO A FEW MONTHS.

I SHARE AND WANT TO RESONATE WITH COMMENTS MADE ABOUT A ROLE FOR COMMITTEES PRIORITIZING OR SCORING ITEMS.

I THINK IT'S VERY VALUABLE THAT IS COMING FROM THE FULL COUNCIL. AND ALSO, WANTS US TO STIR AWAY FROM BEING LIMITED TO ONLY HAVING AUTHORS NOT CO-SPONSORS AT THE PRE-SUBMISSION STAGE.

I FLOAT AROUND A LOT OF IDEAS WITH COLLEAGUES AND I THINK HAVING THE OPPORTUNITY TO BRAINSTORM AND VET SOMETHING WITH OTHER COUNCILMEMBERS BEFORE I BRING IT FORWARD IS VALUABLE AND OFTEN RESULTS IN ME NOT INTRODUCING THINGS BECAUSE THERE IS A BETTER WAY TO GO ABOUT IT OR SOMETHING I DIDN'T KNOW.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

THAT IS VALUABLE AND I DON'T WANT TO MAKE THAT HARDER TO DO.

IN SUMMATION, THANK YOU TO EVERYONE WHO PUT ITEMS ON THE TABLE.

I DO NOT ENVY THE COMMITTEE TO FIGURE OUT A PATH FORWARD.

THANK YOU.

>> MAYOR J. ARREGUIN: COUNCIL WENGRAF.

>> S. WENGRAF: YEAH, THANK YOU VERY MUCH.

FIRST, I WANT TO THANK COUNCILMEMBER HAHN FOR DOING ALL OF THE HARD WORK.

AND TAKING ON THE BURDEN OF FORMULATING THIS WITH THE CLERK, CITY MANAGER AND PRESENTING IT TO US.

I THINK IT WAS A HUGE TASK.

AND I'M VERY GRATEFUL TO HER FOR DOING IT.

AND AS SHE EXPLAINED, THE MAYOR AND I COULD NOT PARTICIPATE BECAUSE OF THE BROWN ACT.

SO THANK YOU VERY MUCH, COUNCILMEMBER HAHN.

I ALSO WANT TO THANK COUNCILMEMBER HARRISON FOR PUTTING FORWARD AN ALTERNATIVE.

BUT THESE ARE NOT THE ONLY TWO THINGS THAT ARE BEFORE US.

WE CAN, BOTH OF THESE THINGS I CONSIDER JUMPING OFF POINTS FOR THE DISCUSSION.

AND I WOULD LIKE TO SUGGEST WE TAKE A STEP BACK AND THINK ABOUT WHAT OUR GOAL IS.

IT'S BEEN YEARS YOU KNOW, WE'VE HAD SO MANY PROPOSALS.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

WHAT IS THE PROBLEM WE'RE TRYING TO SOLVE.

AND BOTH PROPOSALS BEFORE US ARE PRETTY COMPLEX.

I'M NOT SURE THAT LEVEL OF COMPLEXITY IS NECESSARY.

I THINK IT WAS COUNCIL HUMBERT WHO BROUGHT UP THE IDEA OF
LIMITING THE NUMBER OF ITEMS.

ORIGINALLY, YOU KNOW, I REMEMBER THE CITY MANAGER COMING TO US
AND BASICALLY BEGGING US TO STOP DOING MAJOR ITEMS BECAUSE STAFF
WAS SO OVERWHELMED.

AND I THINK THERE IS STILL A BACKLOG.

I DON'T KNOW WHAT IT IS.

BUT MAYBE 90 ITEMS OR SOMETHING LIKE THAT.

YOU KNOW, GIVEN THE STAFFING SITUATION MAYBE WHAT WE DECIDE TO
DO WILL BE TEMPORARY.

MAYBE WE CAN LINK IT TO STAFFING.

BUT I THINK THERE IS AN URGENCY IN US DOING SOMETHING RIGHT NOW
TO ALLEVIATE THE PROBLEM THAT STAFF IS FACING, WHICH IS THAT
THEY JUST CAN'T DEAL WITH EVERYTHING WE'RE GIVING THEM.

SO I WOULD LIKE TO AT OUR NEXT, WHEN WE DISCUSS THIS AGAIN, I
DON'T THINK WE'RE GOING TO BE ABLE TO MAKE A DECISION TONIGHT,
ARE WE MAYOR?

>> MAYOR J. ARREGUIN: WE'RE NOT MAKING A DECISION TONIGHT.

>> S. WENGRAF: YEAH, OKAY.

SO I WOULD LIKE TO REVISIT THE GOAL.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

AND REVISIT THE PROBLEM THAT WE'RE TRYING TO SOLVE.

BECAUSE I CERTAINLY DON'T WANT TO REPLACE A NEW BUNCH OF BUREAUCRATIC AND VERY COMPLICATED PROCEDURES WITH WHAT WE HAVE NOW.

I'M NOT SURE THAT IS GOING TO FIX ANYTHING.

SO THAT'S MY SUGGESTION FOR TONIGHT.

THANK YOU.

>> MAYOR J. ARREGUIN: THANK YOU VERY MUCH.

VICE MAYOR BARTLETT.

>> B. BARTLETT: THANK YOU, MR. MAYOR.

I WANT TO THANK COUNCILMEMBER HAHN FOR YOUR DILIGENT WORK.

DEEP, DEEP WORK HERE.

SCHEMATICS OF A MICROCHIP.

[LAUGHTER]

>> B. BARTLETT: AND THANK YOU, AS WELL, COUNCILMEMBER HARRISON FOR YOUR APPROACH, COUNCILMEMBER ROBINSON, COAUTHORING.

WE TALKED ABOUT THIS THROUGH THERE YEARS.

AND YOU KNOW, A COUPLE OF THINGS COME TO MIND.

ONE, YOU KNOW, I THINK JUST A KNEE JERK I HAVE A KNEE JERK

RESPONSE WHEN I FUNDAMENTALLY TEND NOT TO SUPPORT LIMITATIONS ON DEMOCRACY AND REPRESENTATION.

BUT YOU HAVE ANSWERS SOME OF THE ISSUES WITH THE EXCEPTIONS YOU PROVIDE TO TIME CRITICAL MEASURES.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

BUT I GUESS THE REAL QUESTION IS, AND IT'S THIS KIND OF HARKENS TO WHAT COUNCILMEMBER WENGRAF JUST MENTIONED.

DOES ANYONE KNOW HOW MANY MAJOR ITEMS THE COUNCIL PRODUCED IN THE LAST YEAR?

I CAN'T THINK OF TOO MANY.

THERE ANY DATA ON THAT?

>> I'LL SAY I THINK JUST GOING OFF OF THE FLOW THROUGH THE AGENDA COMMITTEE, OBVIOUSLY NOTHING SCIENTIFIC, BUT I THINK DURING THE PANDEMIC WE SORT OF HAD A UNSPOKEN AGREEMENT.

THAT WE WERE GOING TO LEAVE THE

>> S. HAHN: CITY MANAGER TO ADDRESS THE PANDEMIC.

SO THE FLOW WENT DOWN.

AND SINCE THAT IS LIFTED I WOULD SAY THE FLOW OF MAJOR ITEMS IS LOWER THAN IT WAS BEFORE THE PANDEMIC.

MAYOR, WOULD THAT?

I MEAN, IF YOU LOOK AT FOR EXAMPLE OUR AGENDA TONIGHT, I THINK IT'S THE FIRST TIME IN MY TIME ON THE AGENDA COMMITTEE THAT WE ACTUALLY DON'T HAVE AN ACTION ITEM EITHER FROM STAFF OR FROM THE COUNCIL --

I THINK PEOPLE ARE BEING MORE I DON'T KNOW, RESTRAINED.

>> B. BARTLETT: THAT WAS MY ANECDOTAL OBSERVATION AS WELL.

IT SEEMS WE UNDERSTAND THE STAFF IS OVERWHELMED.

WE LOST MANY MEMBERS OF OUR TRANSPORTATION DIVISION.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

I SEE US WITHHOLDING AND WAITING FOR THINGS TO NORMALIZE.

I FOR ONE HAVE TAKEN MUCH TIME TO WORK WITH CITY STAFF ON MAJOR ITEMS THAT ARE IN DEVELOPMENT.

AND MAYBE DO ONE THIS YEAR.

WHICH SHOULD BE AMAZING TOO.

I CAN'T WAIT TO SHARE WITH YOU ALL.

[LAUGHTER]

>> B. BARTLETT: YOU KNOW, BUT THE YOU KNOW, THE LEANING INTO LEGISLATION THAT IS, AND THIS IS WHAT WE DO THROUGH THE PROCESS, THROUGH THE COMMITTEE PROCESS, WHICH I'M A FAN OF, IT HELPS YOU THINK IT THROUGH.

WE HELP OTHERS COME WITH THEIR -- WE LEND OUR EXPERTISE AND GROUP KNOWLEDGE AND HELP AUTHOR REFINE THEIR WORK.

WE HELP THEM SIMPLIFY THEIR WORK.

AND SO I THINK THIS MEASURE WE'RE TALKING ABOUT TO UNDERSTAND IS PRIORITIZATIONS, THEY KIND OF NEED THE SAME PROCESS, THEY NEED TO BECOME SIMPLIFIED.

THIS IS TOO COMPLEX.

THERE IS A MORE ELEGANT WAY.

PARTICULARLY IN THE LIGHT OF THE FACT THAT THE COUNCIL APPEARS TO BE RESPONSIVE TO THE NEEDS OF THE BUREAUCRACY.

BUT NOT GIVING THEM ANYTHING TO DO.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

IT SEEMS LIKE WE MAY NOT NEED TO OVERLAY THIS MUCH BUREAUCRATIC TO SOMETHING THAT IS NOT EXISTING RIGHT NOW.

WITH ALSO ANOTHER QUESTION, DOES THIS KEEP THE R.V. V. PROCESS AS WELL OR SUPPLANT IT?

>> S. HAHN: I THINK THE IDEA WAS THAT WHEN YOU DON'T HAVE A BIG BACK LOG OF OLD ITEMS THAT HAVEN'T BEEN IMPLEMENTED AND YOU HAVE A RESTRICTED FLOW BASICALLY MORE BASED ON QUALITY THEN ON QUOTAS, BY RAISING OUR STANDARDS, THE IDEA WOULD BE THAT LESS WOULD BE GOING FORWARD.

THEN THE PRIORITIZATION BECOMES MUCH EASIER.

YOU ARE NOT PRIORITIZING 100 ITEMS, MAYBE 15 OR 20.

AND MAYBE YOU USE R.R.V. OR MAYBE THERE IS ANOTHER PROCESS.

IT DEFINITELY DID NOT RECOMMEND GETTING RID OF IT.

BUT THE IDEA WAS THAT IT WOULD ESSENTIALLY BECOME LARGELY MOOT.

>> B. BARTLETT: IF UNDER THIS PROPOSAL YOU HAVE TO WAIT 16 MONTHS TO SUBMIT SOMETHING OR THEN YOU GET R.R.V.ED TO THE BOTTOM OF THE LIST, YOU EFFECTIVELY DENIED THE RESIDENTS WHO PAY EXORBITANT PROPERTY TAXES AND RENTED, THE OPPORTUNITY TO HAVE SOMETHING THEY CARE ABOUT SEEN BY THE COUNCIL.

FOR NEXT, THAT PERSON IS OUT OF OFFICE.

IT'S OVER.

YOU ARE TALKING SEVEN YEARS LATER.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

AND TRUST ME, I LIVED HERE SEVEN YEARS CYCLES OF LEGISLATION AND IT TAKES DILIGENCE TO SEE IT THROUGH.

AGAIN, I DON'T THINK -- I DON'T SEE THE NEED TO KEEP ADDING SO MUCH TIME AND DISTANCE BETWEEN PEOPLE AND THEIR ASPIRATIONS.

AND THEN, THE CO-SPONSOR'S MEASURE, COUNCILMEMBER ROBINSON BROUGHT IT UP.

I THINK IT'S IMPORTANT FOR COLLEAGUES AND COUNCILMEMBERS TO THINK THROUGH THE STRATEGIES AND YOU KNOW, IT'S PART OF THE KEY TO SUCCESS.

YOU KNOW, NEWER COUNCILMEMBERS COME ON AND TEAM UP WITH OTHERS AND FIGURE OUT HOW TO WIN THE RIGHT COMBINATIONS, I THINK IT'S A GOOD PROVING GROUND FOR LEGISLATION BECAUSE IN THE DAY THE AUTHORS GOAL IS TO GET IT PASSED ON BEHALF OF THE CONSTITUENTS WHO REQUESTED IT OR BENEFIT FROM THEM.

SO I THINK WE NEED TO BAN THEIR ABILITY TO STRATEGIZE ESSENTIALLY.

RIGHT?

AND GET HELP TOO. RIGHT?

AND THEN, LASTLY, I DO SUPPORT ATTACKING THE BACKLOG QUEUE.

SPECIAL TOPIC NUMBER FOUR.

I THINK THAT'S IMPORTANT.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

SITTING ON THIS DEEP BENCH OF MATERIALS THAT IS RAPIDLY TURNING FROM COAL INTO DIAMONDS AS IT SITS THE TECTONIC PRESSURE OF BUREAUCRATIC TIME, RIGHT?

YES, ABSOLUTELY, I THINK THAT'S IMPORTANT.

WE SHOULD GO THROUGH THIS AND GET THESE THINGS DEALT WITH.

THOSE ARE MY POINTS.

THAT'S ALL.

I THINK ULTIMATELY, I DON'T THINK ANY OF THIS IS NECESSARY.

>> MAYOR J. ARREGUIN: COUNCILMEMBER HARRISON, AGAIN.

>> K HARRISON: I WANT TO ANSWER COUNCILMEMBER BARTLETT'S

QUESTION ABOUT MY PROPOSAL DOES NOT GET RID OF R.R.V.

IT'S STILL THERE.

I DON'T THINK WE SHOULD DO IT AT THE COMMITTEE LEVEL.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU.

ARE THERE ANY OTHER CITY COUNCIL MEMBERS THAT HAVE COMMENTS?

COUNCILMEMBER WENGRAF?

>> S. WENGRAF: YES.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

>> S. WENGRAF: YEAH, I JUST WANT TO SAY THAT YOU KNOW, THE STAFF ISN'T JUST WORKING ON OUR ITEMS.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

I MEAN, THEY HAVE TO WORK ON ALL KINDS OF OTHER STUFF AS WELL.
AND THEY HAVE PARTNERS, THE SCHOOL BOARD, THE RENT BOARD, YOU
KNOW, ALL OF THESE STATE AGENCIES THAT THEY HAVE TO WORK WITH.
SO I THINK WE'RE BEING A LITTLE NEAR SIGHTED WHEN WE THINK THAT
STAFF ONLY WORKS WITH OUR ITEMS.

I THINK THEIR WORKLOAD IS HUGE.

AND WE'RE ONLY THINKING OF A LITTLE PART OF IT.

SO MAYBE IT WOULD BE ACTUALLY HELPFUL FOR US TO KNOW MORE ABOUT
WHAT THE DEMANDS ARE ON THE DEPARTMENTS FROM ALL OF OUR
PARTNERING AGENCIES.

SO THAT WE WOULD HAVE A BETTER UNDERSTANDING AND A BETTER
PERSPECTIVE ON THE WORKLOAD.

THANK YOU.

>> MAYOR J. ARREGUIN: THANK YOU.

SO FOLLOWING UP ON THAT POINT, I RECALL I THINK IT WAS THE LAST
BIENNIAL BUDGET PROCESS, WE GOT A COMPREHENSIVE LIST OF
OUTSTANDING COUNCIL REFERRALS THAT HAD NOT BEEN PRIORITIZED I
BELIEVE.

AND WE DO GET STATUS UPDATES FROM THE CITY MANAGER ON THE
IMPLEMENTATION OF COUNCIL REFERRALS, SHORT TERM AND LONG TERM.
AND WE HAD THAT DATABASE.

BUT I DO THINK, YOU KNOW, AT SOME POINT YOU KNOW PROBABLY
LEADING UP TO THE NEXT BUDGET DEVELOPMENT, I THINK GOING OVER

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

THAT LIST AGAIN WOULD BE HELPFUL BECAUSE THINGS MAYBE OBSOLETE OR REDUNDANT.

I SEEM TO RECALL MULTIPLE REFERRALS ABOUT ADU POLICY OR HOUSING POLICY, MULTIPLE FIRE SAFETY RECOMMENDATIONS.

AND YOU KNOW, WE MAY BE ABLE TO FIND A WAY TO CONSOLIDATE OR ELIMINATE REDUNDANT OR OBSOLETE COUNCIL REFERS SO WE CAN FOCUS ON THE THINGS WE THINK ARE RELEVANT AND WE WANT TO HAVE STAFF DEDICATE TIME TO ADDRESS.

SO I HEAR THAT AS AN OVERARCHING AGREEMENT AMONGST COUNCIL WE NEED TO LOOK AT DEALING WITH THE QUOTE, BACK LOG.

I HOPE WE CAN WHETHER IT'S THROUGH NEW PROCESS OR JUST LEADING UP TO THE BUDGET ADOPTION, WE CAN DO THAT.

I THOUGHT THAT WAS VERY HELPFUL.

SO MAYBE IN ALIGNMENT WITH THE R.R.V. PROCESS THAT MAYBE ONE WAY TO DO IT BEFORE THE R.R.V. PROCESS.

I'M SURE ASSOCIATION WITH THE APPRECIATE IF WE CAN CLARIFY AND REDUCE THE OUTSTANDING NUMBER OF ITEMS.

SO WITH THAT, WHY DON'T WE PROCEED TO PUBLIC COMMENT.

ANY MEMBER HERE THAT WOULD LIKE TO SPEAK TO THE ITEM ON OUR 4:00 P.M. SPECIAL CITY COUNCIL MEETING AGENDA, THE CITY COUNCIL LEGISLATIVE SYSTEMS REDESIGN?

YES, MISS MOROSOVIC.

>> THANK YOU.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

I ATTENDED THE JUNE 29TH RETREAT.

AND I HEARD THE CITY MANAGER'S FRUSTRATION, AND TOTALLY

UNDERSTOOD IT.

HOW THERE WERE TOO MANY ITEMS THAT WERE POSSIBLE FOR STAFF TO POSSIBLY IMPLEMENT PROPERLY.

AND IT SEEMED AS IF SOME ITEMS COULD BE CONSOLIDATED AS THE MAYOR JUST MENTIONED AND SOME COULD BE FOLDED INTO ONE ANOTHER.

I UNDERSTAND THAT'S CHANGED THAT THERE AROUND AS MANY ITEMS COMING BEFORE COUNCIL BUT THERE ARE STILL OUTSTANDING ITEMS THAT ARE OUT THERE.

THERE IS A NEED FOR TIME CRITICAL ITEMS FOR OBVIOUS REASONS, STATE LAWS CHANGE, FEDERAL LAWS CHANGE, AND FUNDING CHANGES THAT COMES IN.

AND SO YOU ARE GOING TO HAVE TO HAVE TIME CRITICAL ITEMS THAT CANNOT BE LIMITED IN NUMBER IF THEY ARE GENERALLY TIME CRITICAL ITEMS.

THERE IS A NEED TO WORK WITH COMMISSIONS.

NOT ONLY HAS TO REFERRALS TO THEM, BUT ALSO REFERRALS FROM THEM.

NOW, THIS IS PERHAPS A SEPARATE ITEM.

BUT I BELIEVE IT'S IMPORTANT TO HAVE TRANSPARENCY TO THE PUBLIC SO THE PUBLIC NEEDS TO SEE WHAT STAFF IS DOING.

OR RATHER WHAT COUNCIL IS DOING, BUT ALSO WHAT STAFF IS DOING IN TERMS OF IMPLEMENTATION OF THE ITEMS THAT PASSED BEFORE YOU.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

I'M GOING TO RAISE THAT THE AGENDA, HOMELESS COMMISSION BROUGHT AN ITEM BEFORE THE AGENDA COMMITTEE THAT WAS PASSED IN EARLY 2020.

AND IT SOMEHOW STAYED AT THE AGENDA COMMITTEE LEVEL.

AND THAT WAS THAT ALL THE COMMISSION RECOMMENDATIONS FROM VARIOUS COMMISSIONS BECOME COMPILED ONLINE AND IN A BINDER SO THEY COULD BE TRACKED HOW THEY GO TO COUNCIL.

AND ALSO, IN TERMS OF IMPLEMENTATION.

AND THIS IS IMPORTANT, NOT ONLY FOR INFORMATION SHARING BETWEEN COMMISSIONS BUT ALSO FOR COUNCIL TO KNOW WHAT COMMISSIONS IS DOING, FOR STAFF TO FOLLOW IT, AND ALSO FOR TRANSPARENCY TO THE PUBLIC.

AND I HOPE THAT THIS IS ACTED ON.

EDIS GOING TO GIVE ME HIS TWO MINUTES, RIGHT?

THANK YOU. SO LET ME GIVE YOU AN EXAMPLE HOW DIFFICULT IT IS TO RESEARCH AN ITEM.

AND I THINK THE SAME THING HAPPENS WITH COUNCIL ITEMS THAT, AGAIN, THERE HAS TO BE THIS TRANSPARENCY TO THE PUBLIC.

ON THE COMMISSION OF STATUS OF WOMEN, I WANTED TO RESEARCH WHAT IS HAPPENING WITH PREVIOUS ITEMS THAT I WOULD NOT HAVE EVEN KNOWN THESE ITEMS EXISTED EXCEPT I'VE BEEN ATTENDING COUNCIL MEETINGS GENERALLY FOR THE LAST 17 YEARS.

SO I RECALLED SOMETHING ABOUT SMALL BUSINESSES AND WOMEN.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

I RECALLED IT PASSED BEFORE COUNCIL SEVERAL YEARS AGO.

I RECALLED OVER 10 YEARS AGO, THIS WAS SOMETHING ON SEX

TRAFFICKING THAT CAME FROM THE STATUS OF WOMEN.

I WOULDN'T HAVE KNOWN HAD I NOT ATTENDED THOSE ITEMS.

I WENT TO THE CITY CLERK'S OFFICE, WHO IS EXCELLENT AT DOING THE RESEARCH.

BUT I AM VERY RESPONSIVE.

HAD TO KEEP GOING BACK AND SAY WHAT HAPPENED TO THAT AFTER THAT.

WHERE IS SETTING, DID IT JUST DIE?

AND IT'S REALLY IMPORTANT WE HAVE THIS INFORMATION, AGAIN, FOR COMMISSIONS, FOR COUNCIL, FOR STAFF, AND FOR THE PUBLIC.

WE HAVE TO BE TRANSPARENT ABOUT WHAT HAPPENS.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU VERY MUCH.

ARE THERE ANY OTHER MEMBERS OF THE PUBLIC HERE IN THE BOARDROOM AT 1231 ADDISON THAT WOULD LIKE TO SPEAK TO ITEM ONE, THE COUNCIL'S REDESIGN.

I'LL ASK ARE THERE SPEAKERS ON ZOOM, PLEASE RAISE YOUR HAND.

MONI LAW.

>> GOOD EVENING, MAYOR AND COUNCIL AND COMMUNITY.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

I AM JUST VERY THANKFUL FOR EVERYONE'S HARD WORK AND MY COUNCILMEMBER, KATE HARRISON AND OTHERS WHO MAY HAVE PROPOSED AMENDMENTS.

I UNDERSTAND THIS IS GOING BACK TO AGENDA COMMITTEE FOR REVIEW.

I WANTED TO MAKE A QUICK REFLECTION AND IMPORTANCE OF THE OPENNESS OF CONTINUED DEMOCRACY.

AND I APPRECIATE COUNCILMEMBER BARTLETT'S COMMENT ABOUT NOT DISTANCING THE PEOPLE FROM THE PROCESS.

AND TO ENSURE THIS OPEN SPACE FOR OUR ASPIRATIONS TO GROW.

WITH THAT IN MIND, I'M THINKING OF THE MAYOR'S FAIR AND IMPARTIAL POLICING WORK GROUP THAT I'M THANKFUL FOR THE MAYOR HAVE APPOINTED ME TO THAT.

AND ALL THE WORK THAT PEOPLE ON THE REIMAGINING TASK FORCE FOR CONSTRUCTIVE IDEAS, POLICIES AND PROGRAMS TO PREVENT VIOLENCE AND KEEP US SAFE IN ALL WAYS FROM EDUCATION, ECONOMIC SECURITY, AND POLICE ACCOUNTABILITY.

THOSE PROPOSALS ARE IMPORTANT AND TIME SENSITIVE AND SHOULDN'T BE CONSTRAINED OR PUSHED OUT TO A YEAR LATER.

OR YEAR AND A HALF LATER.

SO TIME LOST IS -- JUSTICE AND GOOD POLICY AND BASIC GOVERNANCE AS DELAYED.

AND SO WE REALLY HAVE A BEAUTIFUL COMMUNITY IN BERKELEY.

I DON'T WANT IT PUT TO THE SIDE AND TOO MANY BITS AND PIECES.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

WE SHOULD HAVE A HOLISTIC CONSTRUCTIVE PROCESS THAT IS OPEN AND OTHERS SAID, TRANSPARENT AND AVAILABLE.

FINALLY, I WANT TO KIND OF SAY THAT WITH REGARD TO BUDGETS AND ALL THE OTHER THINGS THAT WAS SAID, SHE WOULD POINT OUT TO THE BUDGET AND FINANCING ISSUES THAT COME UP.

AND FINALLY, THERE ARE SO MANY THINGS WE HAD AN EXHIBIT "D" WAS CALLED, PART OF THE CITY MANAGER'S ATTACHMENT, AS I RECALL OF THE THINGS THAT HAD NOT BEEN COMPLETED.

I THINK WE COULD HAVE CONTINUED TO CHISEL ON THAT.

I BELIEVE IT'S WORKED ON I HOPE BECAUSE THERE ARE A NUMBER OF IMPORTANT PARTS OF GOVERNANCE AND COMMUNITY ACTIVITIES THAT NEED TO BE COMPLETED IN THAT EXHIBIT "D" AS I BELIEVE IT WAS REFERENCED FOR ALL OF THE BACK UP WORK THAT NEEDED TO BE DONE STILL.

I HOPE AS A CITY WORKER MYSELF, WE DO WORK HARD BUT WE ALSO WANTED TO MAKE THE BEST CITY WE CAN.

THANK YOU SO MUCH.

>> MAYOR J. ARREGUIN: THANK YOU VERY MUCH.

ARE THERE ANY OTHER MEMBERS OF THE PUBLIC ON ZOOM WHO WOULD LIKE TO SPEAK TO ITEM ONE, THE CITY COUNCIL LEGISLATIVE SYSTEMS REDESIGN?

ANY OTHER MEMBERS OF THE PUBLIC?

THIS IS THE LAST CALL.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

OKAY.

THANK YOU.

WE'LL CLOSE PUBLIC COMMENT.

AND COLLEAGUES, I'LL ASK ARE THERE ADDITIONAL QUESTIONS OR COMMENTS?

COUNCILMEMBER KESARWANI.

>> R. KESARWANI: THANK YOU VERY MUCH, MR. MAYOR.

AND THANK YOU, COUNCILMEMBER HAHN, FOR YOUR PROPOSAL.

AND COUNCILMEMBERS HARRISON, ROBINSON, AND TAPLIN, FOR YOUR PROPOSAL AS WELL.

I DID WANT TO JUST TURN TO THE CITY MANAGER.

BECAUSE I WAS LOOKING BACK AT THE AUDITOR'S RECORD REPORT ON THE STAFFING.

SHE DID NOTE WORKLOAD ISSUES.

DRIVEN IN PART BY COUNCIL ITEMS BUT ALSO BY UNDERSTAFFING AND VACANCIES AS WELL.

AND SO I WANTED TO ASK THE CITY MANAGER FROM WHERE YOU SIT TODAY, COULD YOU HELP US JUST HONE IN ON WHAT YOU SEE AS THE MAJOR PROBLEMS IN TERMS OF MANAGING WORKLOAD IN TERMS OF WHAT IS RECEIVED BY COUNCIL.

>> THANK YOU, COUNCILMEMBER KESARWANI.

THERE ARE A NUMBER OF THE THINGS THAT INFLUENCE HOW QUICKLY WE CAN IMPLEMENT TURN AROUND LEGISLATION AND PRODUCT.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

THERE ARE LOTS OF THINGS.

BUT I THINK HALL MARK TO WHAT WE DO HERE AT THE CITY IS THE MATH WE WANT TO BE THOUGHTFUL ABOUT THE WORK WE'RE DOING FOR YOU ALL AND FOR THE COMMUNITY.

SO THERE IS A BIG COMMUNITY PIECE THAT IS THERE FOR US AS WELL.

I THINK THAT DRIVES US LOTS OF WHAT WE DO AS IN TERMS OF STAFF AND HOW WE PROCESS INFORMATION AND GATHER INFORMATION.

STAFFING, WE ARE IN A STAFFING CRISIS.

WE'VE KNOWN THAT FOR QUITE SOME TIME.

WE'RE CHIPPING AWAY AT IT AND DOING WELL AT CHIPPING AWAY AT GETTING NEW HIRES ONBOARD.

ADDRESSING ISSUES WHERE WE HAVE DIFFICULT TO FILL POSITIONS.

WE'RE DOING A GREAT JOB IN THAT REGARD.

WHEN IT COMES TO THE NUMBER, THIS IS ABOUT VOLUME FOR US TRULY.

WE MAKE OUR OWN WORK TOO.

SO LET'S TALK ABOUT THAT A LITTLE BIT.

BECAUSE WE DEVELOP A STRATEGIC PLAN.

WHERE DEPARTMENTS PUT IN 30 OR 40 TYPES OF PROGRAMS THEY WANTED TO DO TO IMPROVE COMMUNITY SERVICE, AND TO WORK HARDER, WHETHER THAT IS ABOUT HOW WE DEVELOP ADMINISTRATIVE REGULATIONS, TO HIRE THE BEST EMPLOYEES, TO TRAINING, TO WHATEVER IT IS, WE HAD OUR OWN SET OF INITIATIVES COMING THROUGH THE STRATEGIC PLAN AS WELL.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

ON TOP OF THAT WE HAD REFERRALS.

SO WE AT ONE POINT WE HAD OVER 300 REFERRALS.

AND I WOULD PROBABLY REDUCE THAT TO ABOUT 250.

NOW WE'RE DOWN TO 80 TO 90 REFERRALS.

I THINK THE OTHER THING THAT KIND OF CHALLENGED US IS THAT THESE THINGS WOULD COME IN AT VARIOUS TIMES THROUGH THE YEAR AND IT WILL BE A START STOP FOR US.

WE WOULD START THE WORK ON A PROJECT.

AND THEN WE WOULD GET TWO OR THREE NEW PROJECTS THAT WOULD REQUIRE US TO STOP AND RESTART.

SO THAT CREATED BACK LOG FOR THOSE PRIOR AS WE START LIFTING UP NEW.

WE WERE UNABLE TO SHIFT AND BE AS FLEXIBILITY AS WE WOULD LIKE TO BE IN TERMS OF ADDRESSING AND IMPLEMENTING THAT POLICY.

WHOLE STAFFING HAS BEEN AN ISSUE FOR US, I THINK PRIORITIES KNOWING WHAT THEY ARE FOR THE CITY HAS BEEN SOMETHING I'VE BEEN CHALLENGED WITH IN TRYING TO ADDRESS WHAT ARE OUR TRUE PRIORITIES ACROSS-THE-BOARD AND HOW DO I GET TO WHAT IS MOST IMPORTANT TO THIS COUNCIL FIRST, SECOND AND THIRD SO I HAVE THAT IN MY QUEUE.

SO WE'VE USED R.R.V. TO TRY AND GATHER THAT AS A PRIORITY BASE FOR US TO LAUNCH AND COMPLETE INITIATIVES AND WORK.

I THINK WE'VE DONE WELL WITH THAT.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

WE'VE NOT ALWAYS BEEN ABLE TO ADDRESS THE NUMBER-ONE PRIORITY BECAUSE BEEN, REMEMBER THE YEAR PRIOR WE WORKED ON NEW INITIATIVE SAID.

THOSE ARE EITHER UNDERWAY OR NOT STARTED. ESPECIALLY IF YOU ARE A DEPARTMENT WITH FIVE OR 10 REFERRALS THAT COME TO YOU.

SO IT'S NOT ONLY THE AMOUNT AND NUMBERS.

WE ALSO GET LOTS OF PROJECTS FROM STATE AGENCIES, OUR LOCAL PARTNERS, OUR COMMISSIONS, AND OF COURSER, WITH POLICY COMMITTEES WE'RE DOING WORK WITH THEM AS WELL.

OUR PLATES ARE EXTREMELY FULL GENERALLY.

BUT WHAT I THINK IS HELPFUL FOR US IS NOT GOING TO BE THE A CONVOLUTED OR COMPLEX PROCESS.

I AGREE.

I THINK WE DON'T WANT TO PUT IN SOME COMPLICATED OR YOU KNOW, PROCESS THAT IS GOING TO RENDER US PARALLELIZED IN TERMS OF INITIATIVES I'M NOT SAYING THESE ARE DOING THAT.

MY POINT IS WE DON'T WANT TO PUT TOO MUCH IN THERE.

WHAT IS HELPFUL FOR ME AS THE CITY MANAGER WHICH I SHARED BEFORE IS HAVING CORE PRIORITIES.

EVERYTHING CAN'T BE AN EMERGENCY OR AT THE SAME LEVEL OF PRIORITY AS -- THEY ALL CAN'T HAVE EQUAL PRIORITY FOR US.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

BECAUSE AND WE DON'T WANT TO SHIFT EVERY TIME THERE IS A NEW THING.

BUT WE'RE SHIFTING AND WE PUT SOMETHING ON THE BACK BURNER, WE START ANEW.

WHAT IS HELP IF ME, IF WE TRULY HAVE A PROCESS, WE CAN LEAN IN AND SAY, YOU GOT THESE 30 MAJOR INITIATIVES OR THINGS YOU ARE WORKING ON, THESE 20 WE WANT YOU TO PUT ON HOLD SO YOU CAN GET THEM DONE AND COME BACK TO THESE.

WE KNOW WHAT WE'RE PUTTING ON HOLD, WE KNOW WHAT IS STOPPED OR YIELDED.

RIGHT NOW WE TRY TO PECK AT ALL OF THEM AND NEVER GET ALL YOU HAVE THEM DONE.

IT WOULD BE GOOD TO KNOW IF WE HAVE A PROCESS TO ALLOW US TO COME TO YOU AND SAY, WE'VE GOT THIS SIX YOU HAVE GIVEN US TO WORK ON, WE NEED TO MOVE THESE FIVE TO THE BACK BURNER.

THAT IS HELPFUL SO EXPECTATIONS FOR THE COMMUNITY AND COUNCIL AND STAFF ARE CLEAR.

SO WHENEVER WE HAVE NEW THINGS THAT ARE GOING TO IMPACT OLD THINGS, WE NEED TO PUT SOMETHING ON HOLD.

AND I THINK A CLEAR PROCESS TO DO SO WOULD BE HELPFUL.

I THINK THE COMPLEXITY OF THE WORK THAT WE DO IS SOMETIMES NOT SEEN.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

THE WORK THAT COMES FROM NOT ONLY THE COUNCIL BUT OUR DEPARTMENTS AS WELL, OUR COMMISSIONS AND PARTNERS OUT THERE, STATE AGENCIES, THAT WORK IS COMPLICATED, DETAILED AND IT'S HARD.

SO AS WE'RE TRYING TO CHALLENGE OUR WAY THROUGH ALL OF THAT IT TAKES TIME.

TO ME THOSE ARE THE THINGS THAT KIND OF IMPACT THIS WORK. AND THE WORKLOAD FOR ME AS CITY MANAGER.

THANK YOU FOR GIVING ME A MOMENT TO SAY ALL OF THAT.

I APPRECIATE IT.

>> R. KESARWANI: THANK YOU, MADAM CITY MANAGER.

I APPRECIATE HEARING THAT.

I THINK IT'S NOT ALWAYS CLEAR TO ME AND PERHAPS NOT TO MY COLLEAGUES WHAT EXACTLY IS ON YOUR PLATE.

AND I DO KNOW SOME OF THE MY COLLEAGUES TALKED ABOUT EXAMPLES, THINKING ABOUT THE ACCESSORY DWELLING ORDINANCE THE OTHER NIGHT. WE DID ADD TWO REFERRAL SAID AND PART OF WHAT I UNDERSTOOD FROM THE PLANNING DIRECTOR WAS DOING THAT SURVEY YOU KNOW THAT'S ADDITIONAL STAFF TIME POTENTIALLY, MAYBE NOT SO MUCH IF WE USE PUBLICLY AVAILABLE DATA.

I WAS THINKING ABOUT STATE MANDATES AS IT RELATES TO THE HOUSING ELEMENT AND DEADLINES WE HAVE TO ATTEMPT TO LIVE UP TO.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

AND SO I THINK THAT'S AN EXAMPLE WHERE WE HAVE GIVEN MORE REFERRALS NOW TO THAT DEPARTMENT BUT THAT DOESN'T TAKE AWAY THE STATE MANDATES AND THINGS THAT ARE CURRENTLY IN PROCESS THAT HAVE TO BE COMPLETED.

SO I KNOW OUR AGENDAS IS GOING TO TAKE THIS BACK.

AND SOLVE IT ALL IN THE NEXT MEETING PROBABLY IN SHORT ORDER.

SO IN ANY CASE, I WANT TO THANK THOSE WHO THOUGHT ABOUT THIS AND YEAH, I DO, I JUST WANT TO SAY GENERALLY AM A LITTLE BIT CONCERNED ABOUT A LENGTHY BUREAUCRATIC PROCESS.

BUT I DO THINK WE HAVE TO GIVE OUR CITY STAFF CLEAR PRIORITIES THAT ARE ACHIEVABLE SO THAT MEANS THERE DOES HAVE TO BE SOME KIND OF LIMIT TO IT THAT WE DO HAVE THINK ABOUT.

AND I THINK THE BIGGEST CONCERN THAT I HAVE AS A MEMBER OF THIS BODY IS WHEN WE GET A LARGE NEW PROGRAM THAT THE CITY HAS NEVER DONE BEFORE THAT WOULD REQUIRE YOU KNOW NEW STAFF, NEW SIGNIFICANT BUDGET ON AN ONGOING BASIS.

THOSE ARE THE THINGS THAT YOU KNOW, I JUST WANT US TO BE AWARE OF THOSE COMMITMENTS WHEN WE MAKE THEM.

BECAUSE THOSE ARE THINGS WE HAVE TO PLAN FOR ON AN ONGOING BASIS.

SO THERE IS SOME WAY, YOU KNOW, IF WE'RE GOING TO TAKE THOSE THINGS ON, WE HAVE TO THINK ABOUT WHAT ARE WE NOT GOING TO DO. IN SOME CASES I THINK ABOUT DEPARTMENTS LIKE H.H.C.S.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

HOUSING HEALTH AND COMMUNITY SERVICES, A LOT OF WHAT THEY DO IS MANDATED.

THESE ARE REQUIRED PROGRAMS THAT WE'RE ADMINISTERING, WE RUN A PUBLIC HEALTH DEPARTMENT, WE HAVE A MENTAL HEALTH DIVISION, WE HAVE TO RUN THESE PROGRAMS.

AND SO, YOU KNOW, WE HAVE TO FIGURE OUT WHAT DOES IT MEAN WHEN WE GIVE THAT DEPARTMENT A WHOLE NEW PROGRAM TO LIFT UP AND HOW IS THAT GOING TO HAPPEN WITH A STAFFING SITUATION WE'RE IN.

AND YOU KNOW, I THINK IT MAY BE A NEW NORMAL BECAUSE I'M HEARING A LOT ABOUT GOVERNMENT AGENCIES THAT HAVE HIGH VACANCY AND YOU KNOW, IT'S A CHALLENGE BECAUSE ALL OF THESE ENTITIES ARE RECRUITING AND IT'S A CHALLENGING LABOR SITUATION RIGHT NOW.

SO IN ANY CASE, I WILL LEAVE IT AT THAT AND THANK EVERYONE FOR THE THEIR CONTRIBUTIONS TO THIS ITEM.

THANK YOU.

>> MAYOR J. ARREGUIN: COUNCILMEMBER HARRISON, THEN WRAP IT UP.

>> K HARRISON: MADAM CITY MANAGER, THAT WAS HELPFUL.

I THINK WE INSTITUTE THE R. R.V. TO DO WHAT YOU ARE TALKING ABOUT.

I WOULD LOVE FOR YOU TO DISCUSS WITH THE AGENDA COMMITTEE WHY THAT DOESN'T FUNCTION THAT WAY.

I THOUGHT THAT'S WHY WE HAD IT.

THERE IS SOMETHING MISSING WE NEED TO DEAL WITH.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

I WANTED TO MAKE SURE ALL OF US RECOGNIZE THERE IS SOMETHING NOT QUITE RIGHT ABOUT THE R.R.V. AND IT'S NOT GETTING THE CITY MANAGER WHAT SHE NEEDS.

HOWEVER WE CAN GET THAT RESOLVED WOULD BE GREAT.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU VERY MUCH.

I THINK THIS WAS A GOOD DISCUSSION.

I APPRECIATE WE HAD THIS FORUM TO HEAR EVERYONE'S INPUT.

SO WE'LL TAKE ALL THIS FEEDBACK BACK TO THE COMMITTEE.

AND TRY TO IDENTIFY THE AREAS WHERE THERE IS CONSENSUS.

FIRST AND FOREMOST, I HEARD CONSENSUS THAT STAFF INPUT INTO THE PROCESS OF DRAFTING LEGISLATION IS IMPORTANT EARLIER IN THE PROCESS.

I THINK EVERYONE IS IN AGREEMENT ON THAT.

THAT WE NEED TO DEVELOP SOME CLEAR CRITERION FOR DETERMINING WHAT IS A MAJOR ITEM.

I THINK- AND THE CITY MANAGER ACTUALLY PROVIDED SOME SUGGESTED LANGUAGE FOR DEFINITION CANNOT BE OPERATIONALIZED OVER TIME, NOT IMPLEMENTABLE WITH EXISTING RESOURCES.

ADDITIONAL AND NEW FTE NEEDED.

ADDITIONAL COSTS.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

SOME METRIC BY WHICH THIS CAN'T BE ABSORBED BY EXISTING RESOURCES WE NEED TO DEDICATE NEW RESOURCES AND THAT IS NOT A PROBLEM.

AND I HAVE TO SAY THAT, YOU KNOW, WE'RE BERKELEY. YOU KNOW, WE'RE ALWAYS AT THE CUTTING EDGE.

YES WE HAVE TO PROVIDE BASELINE SERVICES BUT WE ALSO ARE REALLY AT THE FOREFRONT OF INNOVATIVE PUBLIC POLICY.

AND RESPONDING TO A LARGE MACRO ISSUES.

THAT ARE FACING THIS COUNTRY AND THIS REGION.

AND THAT WE'RE RESPONDING TO AND PROGRESS WE'RE MAKING IN BERKELEY TO ADDRESS THE HOUSING CRISIS, HOMELESSNESS, PUBLIC SAFETY.

AND MODELING BEST PRACTICES THAT OTHER CITIES CAN FOLLOW IN THE STATE.

AND THAT DOES MEAN WE HAVE TO THINK OUTSIDE THE BOX AND DO NEW THINGS.

AND TAKE ON NEW LEVELS OF RESPONSIBILITY AND ADAPT AND EVOLVE IN THE WAY WE SERVE THE COMMUNITY.

THERE IS ONLY SO MUCH STAFF AND BUDGET.

HAVING A CLEAR PROCESS AND WAY TO PRIORITIZE, AND MAKING SURE WE HAVE FLEXIBILITY TO BE RESPONSIVE TO WHAT IS HAPPENING IN THE COMMUNITY AND WHAT THE COMMUNITY WANTS.

THAT'S WHAT THE PEOPLE OF BERKELEY WANT FROM US.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

GOING BACK TO A FEW OTHER THINGS.

WE NEED TO DEAL WITH THE BACKLOG.

I THINK AS WE GO BACK TO THE AGENDA COMMITTEE, DEFINITELY LOVE TO HEAR MORE FROM THE CITY MANAGER, CITY CLERK AND OTHER STAFF ABOUT YOUR THOUGHTS TOXIC THIS INPUT INTO CONSIDERATION.

WE'LL TRYING TO SUMMARIZE THE FEEDBACK AND NOTES TO THE COMMITTEE THAT WILL BE IN THE PACKET.

SO I THINK THERE IS AREAS OF AGREEMENT.

LOOKING AT USING A TEMPLATE WITH MORE REQUIRING MORE SPECIFIC INFORMATION ABOUT WHAT SHOULD BE IN AN ITEM TO MAKE SURE WE HAVE THE RELEVANT INFORMATION AND MAKE A DECISION THAT WE SHOULD TRY TO ALIGN IT WITH THE BUDGET PROCESS.

WE NEED TO FIGURE OUT THE TIMING OF THAT.

IS IT ONE TIME LINE, IS IT A ROLLING TIMELINE, WHAT IS THE TIMELINE FOR WHERE THE INPUTS ARE COMING IN AND OUTPUTS ARE COMING OUT.

AND REALLY SORT OF HELPING STRENGTHEN THE ROLE OF THE POLICY COMMITTEE TO REVIEW ITEMS IS ONE THING I HEARD AS WELL AND MAKING SURE WE HAVE CITY ATTORNEY REVIEW AND WE'RE ABLE TO HAVE THINGS OUT OF THE PROCESS IN ORDER FOR US TO BUDGET FOR THEM AND IMPLEMENT THEM.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

SO I THINK WE HAVE SOME COMMONALITY FROM THE FEEDBACK WE'VE
GOTTEN AND WE'LL TRY TO CONSOLIDATE THIS INPUT AND COME BACK
WITH A FRAMEWORK FOR THE COUNCIL TO CONSIDER.

WE DO NEED TO MOVE ON.

WE'RE PAST DUE FOR OUR 6:00 MEETING.

UNLESS IT IS CRITICAL, I WOULD LIKE TO WRAP UP THE DISCUSSION.

THANK YOU FOR YOUR COMMENTS.

I MAKE A MOTION TO ADJOURN THE 4:00 P.M. MEETING.

>> SECOND.

>> MAYOR J. ARREGUIN: IF WE CAN PLEASE CALL THE ROLL.

[ROLL CALL]

>> R. KESARWANI: YES.

>> T. TAPLIN: YES.

>> B. BARTLETT: YES.

>> K HARRISON: YES.


>> S. HAHN: YES.

>> S. WENGRAF: YES.

>> R. ROBINSON: YES.

>> M. HUMBERT: YES.

>> MAYOR J. ARREGUIN: YES.




No Material
Available for
this Item

There is no material for this item.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

City of Berkeley City Council Agenda Index Webpage:
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>




No Material
Available for
this Item

There is no material for this item.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

City of Berkeley City Council Agenda Index Webpage:
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>



No Material
Available for
this Item

There is no material for this item.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

City of Berkeley City Council Agenda Index Webpage:
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>

