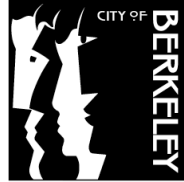


**REVISED AGENDA  
(REVISED TO ADD TELECONFERENCE LOCATION)**



**BERKELEY CITY COUNCIL MEETING**

**Tuesday, October 15, 2019  
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702  
TELECONFERENCE LOCATION – 2911 LORINA STREET, BERKELEY, CA 94705

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.*

*The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## **Preliminary Matters**

### **Roll Call:**

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

1. Adjourn in memory of Michael Diehl, Former City Commissioner and Local Activist

**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 by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, 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 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. Speaker cards are not required for this second round of public comment on non-agenda matters.*

## 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.” 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. Grant from The Center at Sierra Health Foundation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a \$50,000 grant from The Center at Sierra Health Foundation for expansion of Medication Assisted Treatment (MAT) services for individuals with Opioid Use Disorders at Berkeley Mental Health.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
  
- 2. Annual Commission Attendance and Meeting Frequency Report**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving a revised commission meeting frequency schedule and to accept the annual Commission Attendance and Meeting Frequency Report.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900



## Consent Calendar

- 3. Contract: Stryker for Purchase of Three Gurneys for the Fire Department Ambulances**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a sole source contract and any amendments with Stryker to finance the purchase of three additional gurneys and equip all seven ambulances with the powered cot fastener system (power load system) for Fire Department ambulances which will allow transport of the sick and injured, increasing the amount by \$39,714 for a total not to exceed amount of \$74,000.  
**Financial Implications:** See report  
Contact: David Brannigan, Fire, (510) 981-3473
- 4. Assembly Bill 626 – Microenterprise Home Kitchen Operations**  
**From: City Manager**  
**Recommendation:** Staff recommends that the Mayor and City Council consider authorizing the permitting of Microenterprise Home Kitchen Operations (MEHKOs) as provided in Assembly Bill 626 (AB-626) through a resolution or ordinance.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
- 5. Contract No. 7258F Amendment: Verint Systems Inc. for Customer Relationship Management (CRM) Software Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 7258F with Verint Systems, Inc. for CRM software licensing, maintenance, and support, increasing the amount by \$60,903 for a total contract amount not-to-exceed \$985,747 from March 23, 2007 through June 30, 2021.  
**Financial Implications:** Cost Allocation Fund - \$60,903  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 6. Contract: (D.L. Falk Construction) for Central Library Improvements Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the Central Library Improvements Project, Specification No. 19-11312-C; 2. Accepting the bid of D.L. Falk Construction as the lowest responsive and responsible bidder; 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, for an amount not to exceed \$3,056,900, which includes a contingency of \$277,900.  
**Financial Implications:** Library Tax Fund - \$3,056,900  
Contact: Elliot Warren, Library, (510) 981-6100

## Consent Calendar

**7. Contract: Redwood Engineering Construction for James Kenney Park, Picnic, and Play Area Renovation**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the James Kenney Park, Picnic, and Play Area Renovation project, Specification No. 18-11216-C; and 2. Rejecting the lowest bid from Bay Construction Company as non-responsive; and 3. Accepting the bid of the lowest responsive and responsible bidder, Redwood Engineering Construction; and 4. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Redwood Engineering Construction, for the James Kenney Park, Picnic, and Play Area Renovation project at 1720 Eighth Street, Berkeley, CA 94710, in an amount not to exceed \$1,191,342, which includes a contract amount of \$992,785 and a 20% contingency in the amount of \$198,557.

**Financial Implications:** Various Funds - \$1,191,342

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

**8. Contract: J.A. Gonsalves & Son Construction, Inc. for Bay Trail Extension to Berkeley Marina - Segment Three**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Berkeley Bay Trail Extension—Segment 3 project (Bid Specification No. 18-11177-C; Federal Project No. STPL-5057(042)); and 2. Accepting the bid of J.A. Gonsalves & Son Construction, Inc. as the lowest responsive and responsible bidder on the Project, and authorizing the City Manager to execute a contract with J.A. Gonsalves & Son Construction, Inc., and any amendments, extensions, or change orders until completion of the Project in accordance with the approved plans and specifications in an amount not to exceed \$505,684, which includes a contract amount of \$439,725 and a 15 percent contingency in the amount of \$65,959.

**Financial Implications:** Various Funds - \$505,684

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

**9. Grant Application: The Air District Vehicle Trip Reduction Grant Program – the Berkeley Marina Bicycle Electronic Locker Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application in the amount of \$71,510 to the Bay Area Air Quality Management District (“Air District”) Vehicle Trip Reduction Grant Program for the Berkeley Marina Bicycle Electronic Locker Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

**Financial Implications:** See report

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

## Consent Calendar

- 10. Mills Act Contract – 2524 Dwight Way**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing and directing the City Manager to enter into a Mills Act contract with NCR Properties LLC/Nathan D. George for the City Landmark property at 2524 Dwight Way.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
- 11. Mills Act Contract – 1730 Spruce Street**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing and directing the City Manager to enter into a Mills Act contract with Jeff Lipton for the City Landmark property at 1730 Spruce Street.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
- 12. Mills Act Contract – 2526 Hawthorne Terrace**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing and directing the City Manager to enter into a Mills Act contract with John Komoroske and Daniel McDonald for the City Landmark property at 2526 Hawthorne Terrace.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
- 13. Contracts: On-Call Construction and Project Management Services: Kitchell/CEM Inc. and Cooper Pugeda Management, Inc.**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call construction and project management services in support of the City's annual Facilities Capital Improvement Projects (CIP) program, each for a period of November 1, 2019 through June 30, 2022:  
1. Kitchell/CEM, Inc., for an amount not to exceed \$500,000.  
2. Cooper Pugeda Management, Inc., for an amount not to exceed \$500,000.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300

## Consent Calendar

### 14. **Renewal of the Elmwood Avenue BID for Calendar Year 2020**

#### **From: Elmwood Advisory Board**

**Recommendation:** Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the Annual Report and preliminary budget for proposed improvements in the District for calendar year 2020; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2020 and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for October 29, 2019

**Financial Implications:** See report

Contact: Kieron Slaughter, Commission Secretary, (510) 981-7530

### 15. **Renewal of the Solano Avenue BID for Calendar Year 2020**

#### **From: Solano Avenue BID Advisory Board**

**Recommendation:** Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2019 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2020; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2020; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for October 29, 2019.

**Financial Implications:** See report

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

### 16. **Resolution: Protect from deportation beneficiaries of DACA, TPS, and DED**

#### **From: Peace and Justice Commission**

**Recommendation:** Adopt a resolution in support of protections from deportation and a path to permanent residency for beneficiaries of DACA (Deferred Action for Childhood Arrivals), TPS (Temporary Protected Status), and DED (Deferred Enforced Departure).

**Financial Implications:** None

Contact: Bre Slimick, Commission Secretary, (510) 981-7000

## Council Consent Items

### 17. **Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

#### **From: Mayor Arreguin and Councilmember Davila**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin to the Berkeley Holiday Fund's annual campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

**Financial Implications:** Mayor's Discretionary Fund - \$500

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

## Council Consent Items

- 18. Grant Referral for Capoeira Arts Foundation**  
**From: Mayor Arreguin and Councilmembers Kesarwani and Davila**  
**Recommendation:** Refer a Grant of \$150,000 for the benefit of the Capoeira Arts Foundation (CAF) to the mid-year budget process to support their purchase of the Casa De Cultura-1901 San Pablo Ave-in partnership with BrasArte to create a permanent home for their organizations, their school, the United Capoeira Association (UCA) Berkeley, and for other Brazilian art forms.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 19. Health Impact Assessment Outreach Coordinator**  
**From: Mayor Arreguin, and Councilmembers Harrison and Droste**  
**Recommendation:** Refer to the Mid-Year Budget Process an amount of \$25,000 for Berkeley's contribution towards a budget of \$50,000 to support an Outreach Coordinator for the purpose of community education about the health impacts associated with the proposed closure of Alta Bates Hospital as indicated in the Health Impact Analysis completed by the Institute of Urban and Regional Development, University of California Berkeley in December 2018.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 20. Excused Absence for Mayor Jesse Arreguin and Councilmember Rigel Robinson**  
**From: Mayor Arreguin**  
**Recommendation:** Excuse Mayor Jesse Arreguin and Councilmember Rigel Robinson from the September 24, 2019 Council meeting due to attending official business of the City.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Council Consent Items

**21. Referral to City Manager to Authorize Additional Inclement Weather Shelter at Old City Hall from October 15, 2019 - April 30, 2020**

**From: Councilmembers Davila, Harrison, Bartlett, and Kesarwani**

**Recommendation:**

1. Authorize the City Manager to maintain open an as-needed inclement weather shelter from October 15, 2019 - April 30, 2020, to provide safe, indoor locations for our unhoused community during inclement weather, including cold temperatures below 45 degrees, rain, and add extreme heat and atmospheric pollution such as smoke.
2. Approving the allocation of \$140,000 in funding for this inclement weather shelter with funds from the budget appropriations for an expanded Emergency Shelter program or by State Homeless Emergency Aid Program (HEAP) funding.
3. Authorizing the City Manager to amend Contract No. 10577B with Dorothy Day House for the current operation of the as-needed inclement weather shelter, that will include this extension through April 30, 2020, and possible program expansion in order to increase the number of unhoused people served.

**Financial Implications:** See report

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

**22. National Association for the Advancement of Colored People (NAACP) Berkeley, Albany and Emeryville (B.A.E) Youth Council Fundraiser to send 15 youth members to the 111th Annual NAACP Youth Convention in Boston, Massachusetts in June 2020: Relinquishment of Council Office Budget Fund to the General Fund & Grant of Such Funds**

**From: Councilmembers Bartlett, Davila, and Harrison**

**Recommendation:** Adopt a resolution approving the expenditure of funds, including \$250 from Councilmember Bartlett, to Inter-City Services, Inc. 501(c)3 (organized by the National Association for the Advancement of Colored People (NAACP) Berkeley, Albany and Emeryville (B.A.E.) Youth Council). The funds should be relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Ben Bartlett and any other council members who would like to contribute.

**Financial Implications:** Councilmember's Discretionary Funds - \$250

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

**23. Relinquishment of Council Office Budget Fund to the General Fund and Grant of Such Funds for Savo Island Cooperative Homes' 40th Anniversary Celebration**

**From: Councilmember Bartlett**

**Recommendation:** Adopt a resolution approving the expenditure of funds, including \$250 from Councilmember Bartlett, to Savo Island Cooperative Homes' 40th Anniversary Celebration. The funds should be relinquished to the City's general fund for this purpose from the discretionary Council Office budget of Councilmember Ben Bartlett and any other Councilmembers who would like to contribute.

**Financial Implications:** Councilmember's Discretionary Funds - \$250

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

## Council Consent Items

- 24. Adopt an Ordinance Amending Berkeley Municipal Code Chapter 2.99 to Prohibit City Use of Face Recognition Technology** *(Reviewed by the Public Safety Committee)*

**From: Councilmembers Harrison and Davila**

**Recommendation:** Adopt first reading of an ordinance amending Berkeley Municipal Code Chapter 2.99 to prohibit the City from acquiring, retaining, requesting, accessing, or using: (1) any face recognition technology, or (2) any information obtained from face recognition technology.

**Financial Implications:** See report

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

- 25. Resolution in Support of the 2019 United Auto Workers General Motors Strike**  
**From: Councilmembers Harrison and Davila**

**Recommendation:** Adopt a resolution in support of the United Auto Workers General Motors strike for fair wages, affordable quality healthcare, and job security.

**Financial Implications:** None

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

- 26. Berkeley City Club Conservancy Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

**From: Councilmembers Hahn and Robinson**

**Recommendation:** Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$250 from Councilmember Hahn, to the Berkeley City Club Conservancy, a 501(c)(3) non-profit organization, to preserve the landmark Julia Morgan Berkeley City Club building and to celebrate its upcoming centennial in 2030, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn, and any other Councilmembers who would like to contribute.

**Financial Implications:** Councilmember's Discretionary Funds - \$250

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

- 27. Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley**  
**From: Councilmember Wengraf**

**Recommendation:** Adopt a Resolution declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley.

**Financial Implications:** None

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

## Council Consent Items

- 28. Budget Referral: RFP for a Freestanding Public Restroom Facility** *(Continued from September 24, 2019)*  
**From: Councilmember Robinson**  
**Recommendation:** Refer to the budget process to set aside up to \$100,000 to issue an RFP for a freestanding, 24/7 public restroom facility in the Telegraph Business Improvement District.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 29. Referral: Telegraph Shared Streets**  
**From: Councilmember Robinson, Mayor Arreguin, and Councilmember Harrison**  
**Recommendation:** Refer to the City Manager to develop and return to Council with a plan to implement the shared streets proposal outlined in the Telegraph Public Realm Plan, including identification of potential regional funding sources for the project.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 30. Ban Racial, Ethnic, Cultural, and Religious Discrimination on the Basis of Hairstyle or Headwear** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*  
**From: Councilmembers Robinson, Davila, Bartlett, and Hahn**  
**Recommendation:** Adopt first reading of an ordinance adopting a new Section of the Berkeley Municipal Code: Chapter 13.23 DISCRIMINATION ON THE BASIS OF HAIRSTYLE OR HEADWEAR IN EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS, prohibiting grooming or appearance policies which target natural or traditional hair, hairstyles, or headwear, and refer to the City Manager to consider the operational requirements of enforcement of the ordinance, including what effective and appropriate enforcement would entail or what amendments to the Chapter would be necessary to perform such enforcement.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 31. Adopt Resolution to Support Seamless Transit Principles**  
**From: Councilmember Droste, Mayor Arreguin, and Councilmembers Kesarwani and Robinson**  
**Recommendation:** Adopt a Resolution to support Seamless Transit Principles in order to pursue an integrated reliable regional transit system connecting the Bay Area.  
**Financial Implications:** Staff time  
Contact: Lori Droste, Councilmember, District 8, (510) 981-7180



## Action Calendar

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

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

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

### Action Calendar – Old Business

- 32. Authorization to Execute a Revised Programmatic Agreement with the California State Historic Preservation Officer (SHPO)** *(Continued from September 10, 2019)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a revised Programmatic Agreement (PA) with the California State Historic Preservation Officer (SHPO) to clarify which rehabilitation activities would not require SHPO's review.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
- 33. IKE Smart City Kiosk Locations, Phase One** *(Continued from September 24, 2019)*  
**From: City Manager**  
**Recommendation:** Approve the locations for the first phase of deployment of 15 IKE Smart City Kiosks in the Downtown, Telegraph and Lorin commercial districts pursuant to Ordinance No. 7,626-N.S. granting the Franchise Agreement with IKE Smart City, LLC.  
**Financial Implications:** See report  
Contact: Jordan Klein, Economic Development, (510) 981-7530
- 34. Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses** *(Continued from September 24, 2019)*  
**From: City Manager**  
**Recommendation:** Refer to the Planning Commission modifications to the Zoning Ordinance that are designed to streamline the zoning review process for new or expanding small businesses in Berkeley.  
**Financial Implications:** See report  
Contact: Jordan Klein, Economic Development, (510) 981-7530

## Action Calendar – Old Business

35. **Deaccession of Berkeley Big People** *(Continued from September 24, 2019)*  
**From: City Manager**  
Contact: Jordan Klein, Economic Development, (510) 981-7530
36. **Referral Response: Issue a Request for Information to Explore Grant Writing Services from Specialized Municipal Grant-Writing Firms, and Report Back to Council** *(Continued from September 24, 2019)*  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, 981-7300
37. **Pathways STAIR Center: First Year Data Evaluation and Results-Based Accountability Dashboard** *(Continued from September 24, 2019)*  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
38. **Referral Response: Lava Mae Mobile Shower and Hygiene Services** *(Continued from September 24, 2019)*  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
39. **Settlement Authority of City Manager for Workers' Compensation Claims**  
**From: City Manager** *(Continued from September 24, 2019)*  
**Recommendation:** Adopt a Resolution to establish and grant authority to the City Manager or his/her designee to settle workers' compensation claims up to \$75,000 per employee claim, and establish and grant authority to the Human Resources Director to settle workers' compensation claims up to \$50,000 per employee claim.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
40. **Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention** *(Continued from September 24, 2019)*  
**From: Mayor Arreguin and Councilmembers Harrison and Droste**  
**Recommendation:** Adopt second reading of Ordinance No. 7,668-N.S. repealing and reenacting BMC Chapter 13.104, Wage Theft Prevention to improve enforcement of the ordinance by requiring a signed acknowledgement of ordinance requirements and signed attestation at completion of the project.  
First Reading Vote: All Ayes.  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Action Calendar – Old Business

### 41. Referral: Develop a Bicycle Lane and Pedestrian Street Improvements Policy

*(Continued from September 24, 2019)*

**From: Councilmembers Robinson, Droste, Harrison, and Mayor Arreguin**

**Recommendation:** Refer to the City Manager to develop a comprehensive ordinance governing a Bicycle Lane and Pedestrian Street Improvements Policy that would:

1. Require simultaneous implementation of recommendations in the City's Bicycle and Pedestrian Plans when City streets are repaved, if one or more of the following conditions are met: (a) Bicycle Plan recommendations can be implemented using quick-build strategies that accommodate transit operations. (b) Pedestrian Plan recommendations can be implemented using quick-build strategies that accommodate transit operations. (c) The Bicycle Plan recommends studying protected bike lanes as part of a Complete Street Corridor Study in the Tier 1 Priority list. (d) Improvements are necessary to comply with the Americans with Disabilities Act.

2. Prioritize bikeways and Vision Zero high-fatality, high-collision streets under the five-year Paving Plan by requiring that 50 percent of the repaving budget go towards such streets until they meet a minimum surface standard established with input from the Public Works and Transportation Commissions.

3. Encourage the use of quick builds by expediting quick-build projects under \$1 million. (a) "Quick-build" is defined as projects that a) require non-permanent features such as bollards/paint/bus boarding islands, b) make up less than 25 percent of the total repaving cost for that street segment, and c) can be a component of a Complete Street Corridor Study that includes evaluation after installation.

4. Require staff to report progress back to Council every two years.

Furthermore, refer to the City Manager to draft a revised version of the City's Complete Streets Policy that would clarify that the presence of an existing or planned bikeway parallel to an arterial does not exempt projects along said arterial from bicycle and micromobility improvements under the Policy.

**Financial Implications:** Staff time

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

## Information Reports

### 42. FY 2019 Third Quarter Investment Report: Ended March 31, 2019

**From: City Manager**

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

### 43. Audit Update: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service

**From: City Manager**

Contact: Timothy Burroughs, Planning and Development, (510) 981-7400

### 44. Adoption of Homeless Commission's Fiscal Year 2020 Workplan

**From: Homeless Commission**

Contact: Peter Radu, Commission Secretary, (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.*

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

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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 <http://www.cityofberkeley.info>.

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

City Clerk Department  
2180 Milvia Street  
Tel: 510-981-6900  
TDD: 510-981-6903  
Fax: 510-981-6901  
Email: [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info)

Libraries:  
Main - 2090 Kittredge Street  
Claremont Branch – 2940 Benvenue  
West Branch – 1125 University  
North Branch – 1170 The Alameda  
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.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on October 3, 2019.***

Mark Numainville, City Clerk

## Communications

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

### **Item #16: Resolution: Protect from deportation beneficiaries of DACA, TPS and DED**

1. NorCal TPS Coalition

### **Item #20: Excused Absence for Mayor Jesse Arreguin and Councilmember Rigel Robinson**

2. Jessica Behrman

### **Item #24: Adopt an Ordinance Amending Berkeley Municipal Code Chapter 2.99 to Prohibit City Use of Face Recognition Technology**

3. 34 form letters in support of
4. Edward Piou
5. Shauna Haines

### **Traffic Circle Policy and Program Recommendations**

6. Karen Gillard

### **5G**

7. Vivian Warkentin (2)
8. Gar Smith (2)
9. Councilmember Wengraf
10. Ellie Marks
11. Cindy Rahav
12. Phoebe Sorgen (3)
13. Sandy Nixon

### **Encampments/Homelessness**

- 14. Jingjing Dai
- 15. Margy Wilkinson (3)
- 16. Bryan Bowman
- 17. Diana
- 18. Erwan Illian

### **City of Berkeley Sewer Service Fee**

- 19. Barbara Gilbert
- 20. Pam Speich

### **Housing**

- 21. East Bay Democratic Socialists of America
- 22. Samuel Kohn, on behalf of the Human Welfare Community Action Commission

### **Electrification Generates Huge Amounts of Greenhouse Gas**

- 23. David Lerman (2)

### **Berkeley Ranks 289 out of 300, Near the Bottom as a Safest City**

- 24. Steven Donaldson
- 25. Barbara Gilbert

### **BPD Automated License Plate Readers**

- 26. George Perezvelez, on behalf of the Police Review Commission

### **City of Berkeley Marina**

- 27. Erwan Illian

### **Toxicity and Environmental Remediation in West Berkeley**

- 28. Terry Taplin

### **Endless Construction Ruining Our Streets**

- 29. Barbara Gilbert

### **Motorized Scooters and Skateboards**

- 30. Summer Brenner
- 31. Sally Nelson

### **West Campus Pool**

- 32. Helga Recke

### **War on Triangle Park**

- 33. Carol Denney
- 34. Martin Nicolaus

### **Vaping**

- 35. Sabrina Fendrick, on behalf of Berkeley Patients Group

**Police Review Commission**

- 36. Judith White
- 37. M. Rivka Polantnick

**RV's and Councilmember Harrison**

- 38. Jessica Behrman

**North Berkeley Crime Spree**

- 39. Jessica Behrman

**Street Paving Priorities**

- 40. Bill Pottinger
- 41. Janet
- 42. Councilmember Wengraf

**Aquatic Park Pollution**

- 43. Igor Tregub, on behalf of the Sierra Club San Francisco Bay
- 44. Joan Wager

**Addressing Climate Change**

- 45. Robert Kenney, Vice-President of PG&E

**TOPA**

- 46. Avram Gur Arye (2)

**Residential Smoking Ban**

- 47. Thomas Lord
- 48. Maria T. Garcia de la Noceda

**Undergrounding Utilities**

- 49. Kathryn Kennedy

**Scofflaw Cyclists**

- 50. John Rice

**Unfunded Employee Pension and Healthcare Liabilities**

- 51. David Lerman (2)

**Cracked Sidewalk**

- 52. David Kupler
- 53. Tony Benado
- 54. City of Berkeley Customer Service (311)

**Mental Health Commission Concerns**

- 55. Margaret Fine

## **Supplemental Communications and Reports**

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

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





Office of the City Manager

CONSENT CALENDAR

October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Kelly Wallace, Interim Director, Health, Housing, & Community Services  
 Subject: Grant from The Center at Sierra Health Foundation

RECOMMENDATION

Adopt a Resolution accepting a \$50,000 grant from The Center at Sierra Health Foundation for expansion of Medication Assisted Treatment (MAT) services for individuals with Opioid Use Disorders at Berkeley Mental Health.

FISCAL IMPACTS OF RECOMMENDATION

Following the Department's submission of its FY 2020 budget, The Center at Sierra Health Foundation awarded the funding for this MAT Access Points Project in the amount of \$50,000. There are no immediate fiscal impacts because the grant covers the total cost of the expansion of services and does not require matching funds. The grant funds will be deposited and expensed from the One-Time Grant Fund. The grant will be appropriated in the First Amendment to the FY 2020 Annual Appropriations Ordinance and is subject to Council approval of this item on October 15, 2019.

This agreement has been entered into the citywide contract management system and assigned CMS No. X7CXG.

CURRENT SITUATION AND ITS EFFECTS

The Center at Sierra Health Foundation has awarded the City of Berkeley a \$50,000 grant to support Medication Assisted Treatment (MAT) start-up activities and enhancement efforts at the City of Berkeley Mental Health. MAT is the use of medications, in addition to counseling and other recovery services, to treat Opioid Use Disorder. The MAT Access Points Project is funded through the Department of Health Care Services California MAT Expansion Project and administered by The Center at Sierra Health Foundation. The goal is to increase the number of patients with Opioid Use Disorder who are treated with MAT. The grant funding will be used to pay for provider training and necessary supplies. This increased capacity will expand access to MAT for severely and persistently mentally ill adult patients at Berkeley Mental Health.

This initiative supports the City's Strategic Plan Priorities by advancing our goals to:

- Create affordable housing and support service for our most vulnerable community members

- Champion and demonstrate social and racial equity.

BACKGROUND

The United States is experiencing an epidemic of opioid use. In 2017, the US had more than 70,000 drug overdose deaths and around 68% of those deaths involved an opioid. Fortunately, there have been recent improvements in the medication treatments of Opioid Use Disorder. In addition to methadone and naltrexone, the Food & Drug Administration (FDA) has approved the use of buprenorphine and naloxone nasal spray. These two newer medications have been shown save lives. However, wide-spread use of these two newer medications has been limited by several factors including lack of provider training and expenses associated with their use.

In order to support treatment of individuals with Opioid Use Disorder at Berkeley Mental Health at this critical time, the Center at Sierra Health Foundation has awarded grant support in the amount of \$50,000 to develop Medication Assisted Treatment capacity.

ENVIRONMENTAL SUSTAINABILITY

There are no environmental sustainability effects.

RATIONALE FOR RECOMMENDATION

Providing Medication Assisted Treatment to individuals Opioid Use Disorder has been shown to save lives. The grant will assist Berkeley Mental Health providers in growing their capacity to provide these life-saving treatments.

ALTERNATIVE ACTIONS CONSIDERED

No alternatives were considered.

CONTACT PERSON

Jeffrey F. Johns, MD, Supervising Psychiatrist, HHCS, 510-981-7615

Attachments:

1: Resolution

2: Grant Award Letter from The Center at Sierra Health Foundation

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

GRANT FROM THE CENTER AT SIERRA HEALTH FOUNDATION FOR EXPANSION OF MEDICATION ASSISTED TREATMENT FOR INDIVIDUALS WITH OPIOID USE DISORDER AT BERKELEY MENTAL HEALTH

WHEREAS, individuals with Opioid Use Disorders have an increased mortality risk; and

WHEREAS, Medication Assisted Treatment for individuals with Opioid use Disorders has been proven to save lives; and

WHEREAS, The Center at the Sierra Health Foundation has awarded a \$50,000 Medication Assisted Treatment (MAT) Access Points Project grant to support the expansion of MAT at Berkeley Mental Health and these funds will be put into a revenue account code 336.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that City Manager or her designee is hereby authorized to submit a grant agreement to The Center at Sierra Health Foundation for fiscal year 2020 funding for the Mental Health Division to accept the grant; execute any resultant revenue agreements and amendments; and implement the projects and appropriation of funding in the amount of \$50,000 for related expenses. Budget Codes (Revenue): 336 (Expenditure): 336; CMS No. X7CXG. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.



**THE CENTER**  
at Sierra Health Foundation

## **Medication Assisted Treatment Access Points Awards 2019-2020**

### **A & J Social Services, LLC DBA: Special Services Community Center**

**Fresno County**

**\$50,000.00**

To provide coordinated referral to MAT services in Fresno County for DUI program participants identified with polysubstance addiction or OUD.

### **Access Support Network**

**Monterey County**

**\$50,000.00**

To increase MAT services and capacity at the Access Support Network's Syringe Services Program in Monterey County through the assessment, on-site consultations, educational sessions, and comprehensive MAT referrals to Door To Hope specifically for people who inject drugs and/or are homeless.

### **Adventist Health Clear Lake Hospital, Inc**

**Lake County**

**\$150,000.00**

To expand and improve MAT services and provide new patient-centered services at the Main Clinic, Hospital, and Restoration House in rural Lake County through staff support and x-waiver training, outreach and client incentives.

### **Alameda Health System**

**Alameda County**

**\$100,000.00**

To improve MAT services through continuous provider trainings, and by utilizing Emergency Department buprenorphine protocols to identify and treat opioid withdrawal in the ED, identify patients with opioid use disorder, and facilitate ED-based or home inductions, and referral to longitudinal low barrier buprenorphine clinics in the hospital network at Alameda Hospital and San Leandro Hospital in Alameda County.

### **Alcohol Drug Care Services, Inc.**

**Humboldt County**

**\$50,000.00**

To effectively treat more OUD clients through the recruitment and hiring of a nurse to provide a comprehensive continuum of care for MAT patients seen at the residential treatment program in Humboldt County.

*The MAT Access Points Project is funded through the Department of Health Care Services' California MAT Expansion Project and is administered and managed by The Center at Sierra Health Foundation.*

**Alliance Medical Center, Inc.**

**Sonoma County**

**\$58,576.00**

To increase MAT services for low-income and un/underinsured clients and increase provider capacity through exam room renovations as well as the purchase of critical equipment in Sonoma County at the safety-net providers Healdsburg Medical Center and Healdsburg Wellness Center.

**AltaMed Health Services Corporation**

**Orange County**

**\$100,000.00**

To connect patients to MAT, behavioral health resources, and general support by reassigning Community Health Workers to be MAT navigators at two pilot clinics in Orange County.

**Ampla Health**

**Butte County, Sutter County, Yuba County**

**\$200,000.00**

To increase access to MAT services by hiring four certified OUD counselors to expand the pilot program at Oroville Clinic and build new MAT services at Chico Clinic, Lindhurst Clinic, and Yuba City Clinic and to increase the number of patients with substance-use disorders treated with medications, counseling, and whole-patient care at these Alpha Recovery Centers.

**Archway Recovery Services, Inc.**

**Solano County**

**\$49,969.09**

To include MAT services in the current addiction residential treatment and intensive outpatient program services provided in Solano County.

**BayMark Health Services**

**Alameda County, Contra Costa County**

**\$258,750.00**

To promote MAT accessibility and remove barriers for clients seeking or receiving opiate treatment by opening two new Narcotic Treatment Programs.

**Bayview Hunters Point Foundation for Community Improvement**

**San Francisco County**

**\$74,348.21**

To improve patient services and experiences through infrastructure and capital improvements at the narcotic treatment program in San Francisco County.

**Bear Valley Community Healthcare District**

**San Bernardino County**

**\$50,000.00**

To implement comprehensive MAT services at the Family Health Center Rural Clinic and serve as an entry point for the rural community looking to access care but currently referred outside of the service area in San Bernardino County.

*The MAT Access Points Project is funded through the Department of Health Care Services' California MAT Expansion Project and is administered and managed by The Center at Sierra Health Foundation.*

**Bicycle Health Provider Group Inc**  
**Los Angeles County, Modesto County, San Mateo County**  
**\$459,650.00**

To increase access to MAT services in Redwood City, Modesto, and Santa Monica through telemedicine to support access, retention, and long-term recovery for opioid use disorder clients.

**Bienestar Human Services**  
**Los Angeles County**  
**\$50,000.00**

To provide outpatient SUD and OUD treatment for injection drug users by establishing a new MAT access point and integrating culturally and language appropriate MAT services into the East LA Clinic and syringe exchange program.

**CARES**  
**Sacramento County**  
**\$100,000.00**

To enhance and grow MAT services at the FQHC by adding four providers at both the Arden Arcade Clinic and Midtown Clinic in Sacramento County, increasing patient incentives, and supporting comprehensive service delivery and care coordination through a MAT Coordinator.

**Catholic Council for the Spanish Speaking of the Diocese of Stockton**  
**San Joaquin County**  
**\$50,000.00**

To increase access to MAT services for DUI program participants in San Joaquin County through the assessment of polysubstance addiction and referral to outside MAT.

**Center Point, Inc.**  
**Marin County, Napa County, Sonoma County**  
**\$299,460.00**

To start-up MAT services at 6 access points for low-income clients in Marin, Sonoma, and Napa counties through MAT specific physician support and medication purchases.

**Chapa-De Indian Health Program, Inc.**  
**Nevada County, Placer County**  
**\$100,000.00**

To support and expand access to MAT services at Auburn and Grass Valley tribal clinic sites by supporting, recruiting and training MAT staff, and covering treatment costs for selected, uninsured patients in Nevada and Placer counties.

**City of Berkeley**  
**Alameda County**  
**\$50,000.00**

To implement MAT through the development of procedures, policies, trainings and support at the Berkeley Mental Health Adult Clinic to expand access to treatment for severely and persistently mentally ill patients in Alameda County.

*The MAT Access Points Project is funded through the Department of Health Care Services' California MAT Expansion Project and is administered and managed by The Center at Sierra Health Foundation.*

**CLARE|MATRX**

**Los Angeles County**

**\$50,000.00**

To enhance Medication Assisted Treatment services at three program sites in Ontario, Mid-City Los Angeles, and Santa Monica by creating dedicated rooms for Incidental Medical Services and purchasing medical equipment and supplies.

**Community Recovery Resources**

**Nevada County, Placer County**

**\$150,000.00**

To expand MAT services in Auburn, Grass Valley, and Lincoln through site improvements, equipment purchases, and the hiring of a practice manager focused on growth and sustainability in Placer and Nevada counties.

**Cornerstone Rehabilitation Center**

**Tulare County**

**\$50,000.00**

To improve MAT services at the narcotic treatment program in Tulare County by establishing telemedicine services and better care through the purchase of equipment, software, and hardware.

**County of San Luis Obispo**

**San Luis Obispo County**

**\$150,000.00**

To increase rural access to MAT by adding the County's Behavioral Health Department MAT services and roving x-waivered nurse and behavioral health staff at the Paso Robles Clinic, Morro Bay Public Health Building, and South County Site in San Luis Obispo County.

**County of Santa Barbara Department of Behavioral Wellness**

**Santa Barbara County**

**\$75,000.00**

To expand existing MAT services through community outreach, provider education, equipment purchases, and capital improvements in Santa Barbara County, particularly the South County Crisis Stabilization Unit.

**County of Siskiyou Health and Human Services Agency**

**Siskiyou County**

**\$50,000.00**

To provide immediate linkages to MAT services for underserved areas in Siskiyou County by training the current Mobile Unit Coordinator to become a certified Substance Use Disorder Counselor, enabling them to administer ASAM testing and case management services.

**El Centro Regional Medical Center**

**Imperial County**

**\$150,000.00**

To enhance MAT access, recruitment and retention by expanding the existing Buprenorphine MAT program in the Emergency Department to two additional outpatient clinics in Imperial County.

*The MAT Access Points Project is funded through the Department of Health Care Services' California MAT Expansion Project and is administered and managed by The Center at Sierra Health Foundation.*

**El Dorado Community Health Center**

**El Dorado County**

**\$384,512.00**

To enhance Complex Care Clinic's MAT program with quality improvements, the diversification of services, and to increase the patient population through capital improvements and supports in El Dorado County.

**Elica Health Centers**

**Sacramento County**

**\$100,000.00**

To enhance geographical access to MAT by establishing MAT services at the Midtown and Halyard Clinics in Sacramento and Yolo Counties through the training and support of prescribers and behavioral health staff at each site.

**Encompass Community Services**

**Santa Cruz County**

**\$399,531.00**

To fully establish and enhance Mindfulness-Based MAT services at three SUD residential and outpatient treatment sites and to initiate new MAT services at a fourth site in Santa Cruz County.

**Essential Access Health**

**Regional**

**\$48,957.00**

To better prepare the Title X provider network and partners to provide substance use disorder treatment through a four part evidence-based webinar series on addiction treatment and implementation.

**Evexia Health Services, LLC**

**Riverside County**

**\$77,423.33**

To expand MAT treatment capacity in Riverside County through capital improvements at the Narcotic Treatment Program in Hemet, and to start MAT services at a new Narcotic Treatment Program in Corona through capital improvements, staff hiring and training, and equipment purchases.

**Face To Face – Sonoma County AIDS Network**

**Sonoma County**

**\$49,967.50**

To increase utilization and adherence to MAT through a needs assessment of people who use drugs and patients with OUD to determine case management needs, staff training in SUD, and the establishment of a referral system at the syringe service program in Sonoma County.

**Family Health Centers of San Diego, Inc.**

**San Diego County**

**\$150,000.00**

To enhance MAT services for low-income and underserved clients at Hillcrest Center, and add MAT capacity at the Logan Heights and Downtown Centers in San Diego County by training new members of the Interdisciplinary Care Team, increasing care coordination across sites, and through support of provider time dedicated to team-based case consultation.

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**Golden Valley Health Centers**  
**Merced County, Stanislaus County**  
**\$189,433.75**

To start-up MAT services at 5 sites through electronic health record modifications and improvements, and the hiring of a Safety Navigator at each site in Stanislaus and Merced Counties.

**Harmony Health Medical Clinic and Family Resource Center**  
**Sutter County, Yuba County**  
**\$150,000.00**

To enhance MAT services at three clinics in Sutter and Yuba Counties by establishing referral relationships with partner hospitals, integrating a case manager, and increasing MAT prescribing, training and support.

**Health Service Alliance**  
**San Bernardino County**  
**\$100,000.00**

To integrate a quality MAT program by developing policies and procedures, obtaining equipment and supplies, obtaining buprenorphine waivers, and training existing physicians and behavioral health clinicians in MAT in two clinics in San Bernardino.

**Hill Country Community Clinic**  
**Shasta County**  
**\$223,763.00**

To expand access and enhance MAT services at three sites in Shasta County by strengthening and expanding the case management role to support comprehensive patient care.

**HIV Education and Prevention Project of Alameda County**  
**Alameda County, Contra Costa County**  
**\$93,192.00**

To enhance existing MAT efforts for people who inject drugs by increasing MAT education, recruitment, and community-based enrollment and retention at syringe access sites in Contra Costa and Alameda counties by hiring a MAT navigator to provide education and treatment adherence support.

**Humanistic Alternatives to Addiction Research and Treatment, Inc. (HAART)**  
**Alameda County**  
**\$75,000.00**

To increase MAT clients served in Alameda County through capital improvements to expand the patient waiting area and medication dispensing workspace.

**Humboldt Area Center for Harm Reduction**  
**Humboldt County**  
**\$49,780.00**

To increase access to MAT services for people who use drugs by strengthening the referral system for the Street Outreach Team in Humboldt County.

*The MAT Access Points Project is funded through the Department of Health Care Services' California MAT Expansion Project and is administered and managed by The Center at Sierra Health Foundation.*

**Humboldt Independent Practice Association**

**Humboldt County**

**\$49,999.62**

To implement a comprehensive MAT program for commercially-insured patients at the Priority Care Center through the development of a patient-centered, compassionate, and evidence-based program.

**Hurtt Family Health Clinic**

**Orange County**

**\$50,000.00**

To expand MAT services to SUD patients at the FQHC in Orange County by hiring a Care Navigator to coordinate all care, assist the comprehensive care team, and support the patient.

**Imperial Beach Community Clinic**

**San Diego County**

**\$100,000.00**

To increase the number of patients receiving MAT by moving non-clinical staff off site, renovating new clinic space, and hiring additional service providers at Imperial Beach Health Center and Nestor Community Health Center in San Diego County.

**John Muir Health Foundation**

**Contra Costa County**

**\$240,700.00**

To create a framework for strengthening MAT across inpatient and ambulatory care settings with a focus on patient identification, patient support, training clinicians (particularly those within the Family Medicine residency program) and getting them x-waivered, and continuity of care in 5 sites in Contra Costa County.

**Judahh Project**

**Sacramento County**

**\$48,500.00**

To provide SUD support, classes, and community outreach in schools through the hiring of substance use abuse counselors in Sacramento County.

**Kaiser Foundation Research Institute, A Division of Kaiser Foundation Hospitals**

**San Diego County**

**\$100,000.00**

To build MAT services at two Kaiser Permanente emergency departments in San Diego County, with provider and staff training, dedicated new space for patients to receive MAT, and follow-up by addiction treatment staff for those patients who received MAT in the ED.

**Kaweah Delta Hospital Foundation**

**Tulare County**

**\$198,743.51**

To enhance existing MAT services at three sites, and start new MAT services at a fourth site by offering on-site drug screening and inductions at outpatient clinics, and through new testing kits, safe storage for medications, and training for staff and additional prescribers in Tulare County.

*The MAT Access Points Project is funded through the Department of Health Care Services' California MAT Expansion Project and is administered and managed by The Center at Sierra Health Foundation.*

**Korean Community Services**

**Orange County**

**\$250,000.00**

To improve MAT services for clients at the FQHC by integrating three MAT counseling sites with two MAT primary care sites through the purchasing and integrating of an electronic health record system to produce a MAT workflow, additional site renovations, and staff support in Orange County.

**La Maestra Family Clinic, Inc.**

**San Diego County**

**\$75,000.00**

To improve site capacity to provide comprehensive, quality MAT services for low-income and un/underinsured clients through capital improvements in San Diego County.

**Laguna Treatment Hospital**

**Orange County**

**\$100,000.00**

To improve MAT services and treatment engagement and quality outcomes by renovating existing clinic space in Orange County.

**LifeLong Medical Care**

**Alameda County, Contra Costa County**

**\$250,000.00**

To augment current MAT services for low-income residents of the East Bay at 5 sites in Alameda and Contra Costa counties by increasing prescribing providers and offering ongoing support and training.

**Loving Home Hospice for Children**

**Los Angeles County**

**\$50,000.00**

To increase access to MAT and mental health counseling for drug-addicted children under 21 in Los Angeles County through staff training and updated policies and procedures.

**Marin County Health and Human Services Department**

**Marin County**

**\$184,486.67**

To better link behavioral health crisis and outpatient services with local MAT providers through the hiring and integration of a recovery coach that will facilitate system navigation for patients, as well as incorporate a contingency management program at four sites in Marin County.

**Marin General Hospital**

**Marin County**

**\$100,000.00**

To facilitate inpatient, emergency department, and outpatient program MAT expansion through the training of prescribers while also integrating a contingency management program across Marin County.

**Marin Treatment Center**

**Marin County**

**\$100,000.00**

To expand MAT services in Marin County Jail to include buprenorphine while also bringing on a fiscal manager to support the financial aspects of the growing MAT program for the organization.

*The MAT Access Points Project is funded through the Department of Health Care Services' California MAT Expansion Project and is administered and managed by The Center at Sierra Health Foundation.*

**Mariposa County Public Health**

**Mariposa County**

**\$50,000.00**

To enhance MAT services at the Mariposa County Jail through capital improvements and equipment allowing for the integration of telemedicine and increasing capacity to provide care in Mariposa County.

**Marshall Medical Center**

**El Dorado County**

**\$100,000.00**

To increase access to MAT in two centers and rural areas of El Dorado County by providing a substance use navigator, offering telemedicine consults, and increasing community outreach and education.

**Mathiesen Memorial Health Clinic**

**Tuolumne County**

**\$122,000.00**

To increase MAT services, particularly the behavioral health component, by bringing on care coordination staff and by expanding the existing tribal clinic space through capital improvements in rural Tuolumne County.

**Mentoring in Medicine & Science**

**Alameda County**

**\$50,000.00**

To increase access to MAT by hiring a Substance Use Navigator to provide education and successfully refer detoxification unit clients to MAT at a partner hospital.

**Mercy Foundation**

**Sacramento County**

**\$32,000.00**

To increase MAT services in the Emergency Department by helping physicians obtain x-waivers, educating nurses and other staff, providing education to patients, and making buprenorphine available to patients without insurance coverage in Sacramento County.

**Mercy Foundation North**

**Siskiyou County**

**\$40,810.00**

To increase MAT access in the Emergency Department in Siskiyou County through the x-waivering, hiring, training, and support of prescribers and staff.

**Mission City Community Network Inc.**

**Los Angeles County**

**\$100,000.00**

To improve current MAT services at two centers in Los Angeles County through clinic renovations to increase capacity and x-waiver training for additional providers.

*The MAT Access Points Project is funded through the Department of Health Care Services' California MAT Expansion Project and is administered and managed by The Center at Sierra Health Foundation.*

**Montage Health Foundation**

**Monterey County**

**\$50,000.00**

To ensure every Emergency Department patient receives a chemical dependency evaluation and access to MAT by hiring a Certified Drug and Alcohol Counselor to assist in assessments, referrals, and coordination of care in Monterey County.

**Mountain Health & Community Services, Inc.**

**San Diego County**

**\$50,000.00**

To improve MAT services at two family medicine centers by supporting providers to get x-waivers and integrating comprehensive whole patient care in rural San Diego County.

**NASEN, a Dave Purchase Project**

**Alameda County**

**\$35,734.00**

To expand access to low barrier medication assisted treatment for individuals experiencing homelessness in Oakland by providing direct referrals and warm handoffs to the Alameda County StreetHealth nurse care manager providing MAT.

**National Health Foundation**

**Los Angeles County**

**\$650,000.00**

To establish MAT services at 6 new sites and expand MAT services at 7 sites across Los Angeles County through community convening, and by supporting clinicians to become x-waivered, and hiring a dedicated NP to support comprehensive MAT care.

**Neighborhood Healthcare**

**San Diego County**

**\$50,000.00**

To increase utilization of MAT services by low-income and un/underinsured clients through a strategic community outreach and education program in San Diego County.

**Newstart Medical Group, Inc. (Doing Business As: Stallant Health)**

**Placer County**

**\$50,000.00**

To increase access and utilization of MAT services through community outreach and education, supporting staff to become x-waivered, remodeling existing clinic space to better serve MAT, and covering patient services for un/underinsured patients in Placer County.

**North Coast Substance Abuse Council, Inc.**

**Humboldt County**

**\$50,000.00**

To implement a MAT program at the residential treatment facility in Humboldt County by supporting a Medical Director to be a MAT prescriber.

*The MAT Access Points Project is funded through the Department of Health Care Services' California MAT Expansion Project and is administered and managed by The Center at Sierra Health Foundation.*

**North County Health Project Inc.**  
**Riverside County, San Diego County**  
**\$150,000.00**

To enhance MAT services for low-income, underserved, minority clients at three health center sites in San Diego and Riverside counties by hiring staff and enhancing the existing telepsychiatry program.

**Northeast Valley Health Corporation (NEVHC)**  
**Los Angeles County**  
**\$100,000.00**

To improve MAT services at two FQHC clinic sites serving individuals experiencing homelessness in Los Angeles County by supporting a roving SUD counselor and providing updated technology to improve services and capacity.

**Northeastern Rural Health Clinics**  
**Lassen County**  
**\$99,651.00**

To provide comprehensive OUD screening and MAT services via telemedicine appointments throughout rural Lassen County.

**Northern Inyo Healthcare District**  
**Inyo County**  
**\$16,000.00**

To increase access to MAT services through the renovation and added telemedicine capabilities in one of treatment rooms in the rural Inyo clinic.

**Northridge Hospital Foundation**  
**Los Angeles County**  
**\$67,500.00**

To expand MAT services in the Emergency Department, by growing the existing Pain Management Team to include a part-time NP to prescribe MAT, provide clinical oversight, provide patient education, and to provide a warm hand-off to drug treatment centers in Los Angeles County.

**OLE Health**  
**Napa County**  
**\$150,000.00**

To increase patients accessing MAT services at the FQHC by expanding services at Napa County Campus, Pear Tree Lane Health Center, and South Napa Campus by adding actively prescribing x-waivered prescribers, utilizing incentives, and increasing outreach for referrals.

**Omni Family Health**  
**Kern County**  
**\$225,000.00**

To start-up MAT services at three sites in Kern County by providing x-waivering and salary support for providers, and clinic renovations.

*The MAT Access Points Project is funded through the Department of Health Care Services' California MAT Expansion Project and is administered and managed by The Center at Sierra Health Foundation.*

**Orange County Health Care Agency (Correctional Health Services)**

**Orange County**

**\$123,348.80**

To improve continuity of MAT services for incarcerated individuals in two jail facilities in Orange County by providing ongoing training and education to staff, and by cohorting a larger patient population within identified housing units and building out staff workstations in order to allow staff to provide extended MAT services in dedicated areas.

**Pacific Rehabilitation & Pain**

**Monterey County**

**\$150,000.00**

To enhance current MAT services at two clinics in Monterey County through the hiring of two new MAT providers and a substance abuse and behavioral disorder psychiatrist/counselor.

**Pacific Solstice, LLC**

**Orange County**

**\$50,000.00**

To increase MAT utilization by low-income and uninsured clients by supporting staff as well as providing patient incentives at a mental health clinic in Orange County.

**Petaluma Health Center**

**Sonoma County**

**\$100,000.00**

To increase MAT access and services in Sonoma County by adding a x-waivered physician at two health centers.

**PMR IOP LLC**

**San Diego County**

**\$50,000.00**

To expand current MAT services through community outreach and awareness efforts by supporting a marketing administrator, and purchasing needed equipment and supplies for the narcotic treatment program in San Diego County.

**Reedley Community Hospital**

**Fresno County**

**\$205,000.00**

To increase MAT services at the hospital emergency department and two rural health clinics in Fresno County by offering telemedicine services, hiring additional providers, supporting providers to receive their x-waivers, and developing a formal referral process connecting patients to MAT services in the community.

**River City Medical Group, Inc.**

**Sacramento County**

**\$98,885.00**

To improve MAT services and continuity by supporting staff and x-waiver training at two transitional clinics in Sacramento County.

*The MAT Access Points Project is funded through the Department of Health Care Services' California MAT Expansion Project and is administered and managed by The Center at Sierra Health Foundation.*

**Riverside University Health Systems Medical Center**  
**Riverside County**  
**\$127,483.00**

To increase access to MAT services for patients entering the emergency department through a multidisciplinary patient evaluation, treatment induction, and linkages to MAT programs in the community in Riverside County.

**Roots Community Health Center**  
**Alameda County, Santa Clara County**  
**\$150,000.00**

To improve current MAT services for individuals experiencing homelessness or needing reentry services at three clinic sites in Alameda and Santa Clara counties by adding induction service capacity through staff training, procedures, and community outreach.

**Sacramento County Health Center**  
**Sacramento County**  
**\$126,473.00**

To increase comprehensive MAT services and care management for low-income clients at the FQHC in Sacramento County, by serving as a MAT referral hub for other community partners, through the training of staff, the establishment of a learning collaborative, and community outreach.

**Sacramento Recovery House, Inc.**  
**Sacramento County**  
**\$25,601.80**

To improve MAT services at two residential treatment facilities in Sacramento County through space renovations and equipment purchases that will allow for privacy and an improved environment for services.

**Saint Francis Foundation on behalf of Saint Francis Memorial Hospital**  
**San Francisco County**  
**\$76,495.70**

To improve MAT services in one hospital in San Francisco County, but potentially impacting the entire hospital system, by hiring staff, supporting provider x-waivering, and incorporating SUD/OD screening in the EMR system and into all patient intakes.

**Salud Para La Gente**  
**Santa Cruz County**  
**\$100,000.00**

To enhance MAT services at two rural clinic sites in Santa Cruz County by hiring a case manager, supporting staff salaries, purchasing needed equipment, and linking with the local hospital to provide referral care.

**San Diego Health Alliance, dba Fashion Valley Clinic**  
**Imperial County, San Diego County**  
**\$557,675.00**

To increase MAT access and retention by setting-up three new Office Based Opioid Treatment Centers in rural areas of San Diego and Imperial counties.

*The MAT Access Points Project is funded through the Department of Health Care Services' California MAT Expansion Project and is administered and managed by The Center at Sierra Health Foundation.*



**San Francisco Public Health Foundation**

**Regional**

**\$48,188.00**

To ensure MAT continuity of care for individuals returning from incarceration from 8 state prisons through prison inreach to educate and ensure warm hand-offs between the prison system and CHWs and community clinics providing MAT.

**Santa Barbara Neighborhood Clinics**

**Santa Barbara County**

**\$50,000.00**

To increase MAT services by opening a bridge clinic across from the hospital emergency department to provide walk-in availability for OUD treatment services in Santa Barbara County.

**Santa Rosa Community Health Centers**

**Sonoma County**

**\$350,000.00**

To increase MAT services at 7 sites in Sonoma County by ensuring that medical assistants are screening all patients with the Drug Abuse Screening Test and if appropriate linking them with services, while also including minor physical space renovations and supporting physician x-waivering to increase capacity.

**School Health Clinics of Santa Clara County**

**Santa Clara County**

**\$50,000.00**

To support a fully integrated MAT model at a school-based FQHC in Santa Clara County by building the behavioral health capacity to assist in the identification and treatment of low-income and underserved OUD patients.

**Scripps Mercy Hospital San Diego**

**San Diego County**

**\$50,000.00**

To improve MAT services in San Diego County by supporting providers to be x-waivered and training all staff in MAT services to reduce stigma and increase provider support for MAT.

**Serve The People, Inc.**

**Orange County**

**\$50,000.00**

To enhance existing MAT services and patient engagement through staff training on culturally appropriate best practices for MAT and SUD treatment, and increasing MAT access for low-income and urban clients through a whole person care management approach that will include a medical-legal partnership in Orange County.

**Share Our Selves Corporation (SOS)**

**Orange County**

**\$100,000.00**

To increase MAT services at two FQHC health centers in Orange County by hiring and supporting clinical staff and developing in-person and telemedicine MAT methodologies.

*The MAT Access Points Project is funded through the Department of Health Care Services' California MAT Expansion Project and is administered and managed by The Center at Sierra Health Foundation.*

**Siyon Clinical Research**

**Sonoma County**

**\$50,000.00**

To enhance MAT services for underserved clients by supporting providers to become x-waivered, providing ongoing education, and establishing and implementing telemedicine capabilities in rural Sonoma County.

**Solano County Health and Social Services – Public Health Division (Family Health Services)**

**Solano County**

**\$149,433.50**

To improve MAT services for low-income, uninsured and underserved clients to include integrated buprenorphine provided in a comprehensive, whole-person trauma-informed manner at three FQHC clinic sites in Solano County by supporting staff through continued education, and x-waivering support.

**Solano County Sheriff's Office**

**Solano County**

**\$40,000.00**

To ensure MAT continuity from individuals on MAT being released from Solano County Jail by supporting students and staff to develop a Naloxone education program and to assist individuals with community transitions and reentry.

**Southern Mono Health Care District**

**Mono County**

**\$125,000.00**

To start-up MAT services in rural Mono County at the hospital emergency department by supporting staff, x-waiver training, and capital improvements to provide improved patient care in the ED and linkages to ongoing MAT in affiliated rural health clinics.

**Sprenger Behavioral Medicine, Inc.**

**Sacramento County**

**\$49,824.00**

To improve current MAT services for injection drug users by hiring medical administrative support staff and also offering clients transportation vouchers to facilitate care continuity in Sacramento County.

**St. Joseph Hospital of Orange**

**Orange County**

**\$434,000.00**

To establish an outpatient MAT program at the hospital in Orange County by screening all clients that present at the emergency department and if applicable providing counseling and medical management through staff and medication support.

**St. Vincent de Paul Village (dba Father Joe's Villages)**

**San Diego County**

**\$67,645.00**

To improve MAT services for homeless or at-risk of homelessness clients in San Diego County through capital improvements to ensure capacity and a more welcoming environment.

*The MAT Access Points Project is funded through the Department of Health Care Services' California MAT Expansion Project and is administered and managed by The Center at Sierra Health Foundation.*

**Summit Institute LLC**

**Riverside County, San Bernardino County**

**\$861,426.00**

To start-up MAT services in 12 clinics in Riverside and San Bernardino counties by providing subject matter experts in development and implementation of MAT programs to provide support and coaching.

**Sun Street Centers**

**Monterey County, San Benito County**

**\$150,000.00**

To enhance MAT services in two and start-up services in one residential treatment facilities in Monterey and San Benito counties through the incorporation of policies and procedures for MAT, staff support and extensive staff training.

**Sutter Valley Hospitals**

**Placer County, Sacramento County, Yolo County**

**\$150,000.00**

To establish MAT services at three emergency departments in Sacramento, Placer, and Yolo counties through staff support, x-waiver and continuing training, and client referral to community-based outpatient treatment clinics to establish a treatment pathway.

**The Professional Wellness Academy**

**Los Angeles County, Ventura County**

**\$250,000.00**

To increase MAT counseling care at five sites in Los Angeles and Ventura by partnering with MAT physicians and providing focused collaborative care through the creation of full client treatment plans, ongoing education for providers, and transportation support for clients.

**The Regents of the University of California**

**Orange County**

**\$50,000.00**

To increase access to MAT services in Orange County by supporting provider x-waiver training and mentorship at the emergency department at UC Irvine.

**The Regents of the University of California, San Francisco**

**San Francisco County**

**\$149,999.92**

To improve MAT access and services for pregnant patients at various entry points in San Francisco County by supporting staff, a learning collaborative, and providing incentives for patients to support positive treatment in the context of ongoing prenatal care.

**The Regents of the University of California; University of California San Diego**

**San Diego County**

**\$145,403.35**

To increase access to MAT in the emergency department by supporting staff, incentivizing x-waivering, providing transportation vouchers to clients, and continuing education and outreach at detoxification facilities and needle exchanges in San Diego County.

*The MAT Access Points Project is funded through the Department of Health Care Services' California MAT Expansion Project and is administered and managed by The Center at Sierra Health Foundation.*

**Transitions Buprenorphine Treatment Clinic of Sacramento**

**Sacramento County**

**\$373,674.00**

To increase access to buprenorphine MAT services by providing continuous provider education, access to telemedicine care, and community outreach in Sacramento County.

**Tri-City Health Center**

**Alameda County**

**\$325,000.00**

To enhance current MAT services at 6 clinic sites in Alameda County through capital improvements, provider support, as well as program supplies and equipment to provide comprehensive care for the screening and treatment of patients.

**University of California, San Francisco at Zuckerberg San Francisco General Hospital & Trauma Center**

**San Francisco County**

**\$115,368.74**

To enhance existing MAT services at the emergency department by hiring and supporting a full-time substance use navigator to screen patients, assist providers to conduct assessments, provide medical treatment, and provide connection with community-based clinics in San Francisco County.

**Valley Health Associates**

**Monterey County**

**\$50,000.00**

To increase utilization of MAT services in Monterey County by hiring an outreach consultant to implement an education and marketing strategy for community members and providers.

**Vista Community Clinic**

**San Diego County**

**\$50,000.00**

To improve MAT adherence and stabilization by hiring a Behavioral Health Care Coordinator to ensure each referred client receives MAT as well as access to other support services in San Diego County.

**WellSpace Health**

**Amador County, Placer County, Sacramento County**

**\$372,533.30**

To enhance MAT activities at 8 FQHC clinic sites in Sacramento, Placer, and Amador counties by hiring and supporting an integrated care coordinator at each site to improve access, referrals, inductions, and follow-up.

**West County Health Centers**

**Sonoma County**

**\$200,000.00**

To improve MAT services in four health centers in Sonoma County by training providers in addiction and stigma reduction and supporting the integration of treatment services throughout primary care delivery.

*The MAT Access Points Project is funded through the Department of Health Care Services' California MAT Expansion Project and is administered and managed by The Center at Sierra Health Foundation.*

**Western Sierra Medical Clinic, Inc.**

**Nevada County, Placer County, Sierra County**

**\$300,000.00**

To improve MAT services at 6 clinic sites in Placer, Nevada, and Sierra counties by implementing the Virtual Scribe program to reduce EHR burdens and improve patient care, while also supporting an additional provider to become x-waivered.

**Workit Health**

**Contra Costa County, Kern County, Santa Clara County**

**\$150,000.00**

To enhance MAT services at one clinic site in Contra Costa County and start-up MAT services at two clinic sites in Santa Clara and Kern counties by expanding their telemedicine model and continuing to partner with hub organizations.

July 1, 2019

*The MAT Access Points Project is funded through the Department of Health Care Services' California MAT Expansion Project and is administered and managed by The Center at Sierra Health Foundation.*





Office of the City Manager

CONSENT CALENDAR  
October 15, 2019

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

RECOMMENDATION

Adopt a Resolution approving a revised commission meeting frequency schedule and to accept the annual Commission Attendance and Meeting Frequency Report.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Each of the City's 38 commissions that were active during the reporting period submitted an annual attendance report covering the period of September 1, 2018 through August 31, 2019. The reports provide meeting-level information on number and frequency of meetings, meeting cancellations, commissioners in attendance, length of meetings, number of speakers, and members of the public present. The reports also reflect the number of vacant positions on the commission as of August 31, 2019.

On December 11, 2018, Council changed the reporting period from November through October to September through August to allow City Clerk staff adequate time to receive the reports from commission secretaries and compile all the data in time to submit a report in a timely manner before the winter recess.

Commissions are divided into four categories (A, B, C, and D) depending on the permitted frequency of meetings. Based on the information provided in the 2019 annual attendance reports, the majority of commissions are meeting on a regular and frequent basis. The meeting activity for the reporting period September 2018 through August, 2019 has been broken down by category and is described below.

Category A

Contains eleven commissions and allows them to meet on their own schedule.

Of these eleven commissions, The Board of Library Trustees cancelled/rescheduled one meeting due to a conference scheduling conflict. The Design Review Committee

cancelled one meeting due to poor air quality. The Fair Campaign Practices Commission cancelled one meeting due to poor air quality, three for lack of available staff support, and two for lack of agenda items, The Open Government Commission cancelled one meeting for poor air quality, two for lack of available staff support, and two for lack of agenda items. The Joint Subcommittee on the Implementation of State Housing Laws cancelled one meeting due to lack of quorum, and one due to workflow timing. The Planning Commission cancelled three meetings due to work flow timing. The Zoning Adjustments Board cancelled one meeting due to a scheduling conflict with a City Council meeting and one for lack of agenda items.

### Category B

Contains twenty-one commissions and allows them to hold a maximum of ten meetings each per year. These twenty-one commissions held an average of ten meetings each during the reporting period.

Two newly established advisory commissions, the Measure O Bond Oversight Committee and the Homeless Services Panel of Experts, have been added to Category B.

The Cannabis Commission cancelled one meeting to compensate for adding a special meeting held earlier in the year. The Commission on Disability cancelled one meeting for lack of quorum, and one due to a staff resignation. The Civic Arts Commission cancelled one meeting due to a delay in the grant process. The Commission on Aging cancelled one meeting due to lack of quorum. The Community Health Commission cancelled two meetings for lack of timely agenda posting and one due to poor air quality. The Energy Commission cancelled one meeting due to lack of quorum. The Homeless Commission cancelled two meetings due to lack of quorum. The Sugar-Sweetened Beverage Product Panel of Experts cancelled one meeting for poor air quality, one for lack of quorum, and one to accommodate scheduling of a special meeting. The Transportation Commission cancelled one meeting due to poor air quality. The Youth Commission cancelled two meetings for lack of timely agenda posting and one for lack of quorum.

### Category C

Contains three commissions. These commissions may meet as necessary to fulfill their legal obligations. Of the commissions in this category, none cancelled due to lack of quorum.

### Category D

Currently contains one commission, and allows the commission to hold a maximum of six meetings per year. This commission did not cancel any meetings.

### BACKGROUND

On June 14, 2005, the City Council discussed the reduction of commission meetings as a cost-savings measure. Council adopted a proposal which created three categories of



commission meeting schedules, a process for requesting Council approval of any extra meetings, direction to commission secretaries to submit an information report whenever a commission cancels two consecutive meetings for lack of quorum, and an annual attendance report. Council adopted Resolution No. 63,949–N.S. on January 15, 2008, which updated the commission meeting frequency schedule to include a fourth category of meeting frequency. Most recently, on December 11, 2018, Council adopted Resolution No. 68,705–N.S. which set the 2019 commission meeting frequency schedule, and changed the reporting period from November through October to September through August.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

The annual commission attendance report informs the Council of commission activity and allows for comparison with the meeting frequency schedule. The annual attendance report documents increased demand on or under-utilization of commissions, and allows Council to make changes to the meeting frequency schedule accordingly.

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

- 1: Resolution
- 2: 2019 Annual Commission Attendance Reports
- 3: 2019 Approved Leaves of Absence by Commission Report

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

2020 COMMISSION MEETING FREQUENCY SCHEDULE

WHEREAS, on June 13, 2005, the City Council adopted a plan which created three categories of meeting schedules and a process for requesting Council or Agenda Committee approval of any extra meetings; and

WHEREAS, Council also directed commission secretaries to submit an information report whenever a commission cancels two consecutive meetings for lack of quorum and an annual attendance report; and

WHEREAS, on January 15, 2008, the City Council adopted a plan which created a fourth category of meeting frequency; and

WHEREAS, adopting a commission meeting schedule will provide commissions with direction to set their respective regular meeting schedules for subsequent years.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley directs that commission secretaries shall submit an information report to Council whenever a commission cancels two consecutive meetings for lack of quorum.

BE IT FURTHER RESOLVED that commissions may request that the Council approve extra meetings by placing a report on the City Council agenda for consideration.

BE IT FURTHER RESOLVED that commissions will meet according to the following categories:

Category A. These commissions will meet on their own schedule.

- Board of Library Trustees
- Design Review Committee
- Fair Campaign Practices Commission
- Housing Advisory Commission
- Joint Subcommittee on the Implementation of State Housing Laws
- Landmarks Preservation Commission
- Open Government Commission
- Personnel Board
- Planning Commission
- Police Review Commission
- Zoning Adjustments Board

Category B. These commissions will have a maximum of ten meetings per year.

- Cannabis Commission
- Civic Arts Commission
- Children, Youth, and Recreation Commission
- Commission on Aging
- Commission on Disability
- Commission on Labor
- Commission on the Status of Women
- Community Environmental Advisory Commission
- Community Health Commission
- Disaster and Fire Safety Commission
- Energy Commission
- Homeless Commission
- Homeless Services Panel of Experts
- Human Welfare and Community Action Commission
- Measure O Bond Oversight Committee
- Mental Health Commission
- Parks and Waterfront Commission
- Peace and Justice Commission
- Public Works Commission
- Sugar-Sweetened Beverage Product Panel of Experts
- Transportation Commission
- Youth Commission
- Zero Waste Commission

Category C. These commissions will meet as necessary to fulfill their legal requirements as determined by the board chair and/or staff.

- Elmwood Business Improvement District Advisory Board
- Loan Administration Board
- Solano Avenue Business Improvement District Advisory Board

Category D. These commissions will have a maximum of six meetings per year.

- Animal Care Commission

BE IT FURTHER RESOLVED that commission secretaries will submit a commission attendance and meeting frequency report for the period September 1st through August 31st to the City Clerk in September of each year.

BE IT FURTHER RESOLVED that a report presenting commission attendance and meeting frequency will be submitted to the City Council for review in October of each year.

BE IT FURTHER RESOLVED that the meeting frequency schedule contained herein shall remain in effect until superseded by Council Resolution.

**2019 Annual Commission Attendance Report**

Reporting Period: September 1, 2018 through August 31, 2019

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>4</u><br>(as of August 31, 2018) |
|---------------------------------------------------|

**Commission:** Animal Care Commission

**Commission Secretary:** Amelia Funghi

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 09/19/18               |                                      | 4 of 5                | 4              | 3               | 1.6 hrs        |
| 11/14/19               |                                      | 5 of 5                | 3              | 2               | 2 hrs          |
| 1/16/19                |                                      | 3 of 4                | 3              | 3               | 1.5 hrs        |
| 3/20/19                |                                      | 4 of 5                | 5              | 3               | 1.8 hrs        |
| 5/15/19                |                                      | 5 of 5                | 7              | 4               | 2.5 hrs        |
| 6/19/19                |                                      | 3 of 5                | 3              | 3               | 1.8 hrs        |
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# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    0    </u><br>(as of August 31, 2019) |
|-----------------------------------------------------------|

**Commission:**     Board of Library Trustees    

**Commission Secretary:**     Elliot Warren, Acting Director of Library Services    

| Scheduled Meeting Date        | Cancelled?<br>If Yes, Provide Reason                  | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|-------------------------------|-------------------------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/5/2018<br>Regular           | Yes – Conference Conflict – Rescheduled for 9/17/2018 |                       |                |                 |                |
| 9/17/2018<br>Special          |                                                       | 4 of 5                | 24             | 6               | 2 hr 15 min    |
| 10/3/2018<br>Regular          |                                                       | 4 of 5                | 8              | 0               | 58 min         |
| 11/14/2018<br>regular meeting |                                                       | 5 of 5                | 11             | 6               | 1 hr 34 min    |
| 11/17/2018<br>special meeting |                                                       | 3 of 5                | 0              | 0               | 15 min         |
| 12/12/2018<br>regular meeting |                                                       | 4 of 5                | 13             | 3               | 2 hrs 15 min   |
| 1/2/2019<br>regular meeting   |                                                       | 4 of 5                | 11             | 0               | 1 hr 18 min    |
| 2/6/2019<br>regular meeting   |                                                       | 5 of 5                | 5              | 1               | 55 min         |
| 2/13/2019<br>special workshop |                                                       | 4 of 5                | 0              | 0               | 4 hours        |
| 3/6/2019<br>regular meeting   |                                                       | 5 of 5                | 5              | 1               | 1 hr 48 min    |
| 4/3/2019<br>regular meeting   |                                                       | 4 of 5                | 15             | 9               | 2 hr 26 min    |
| 5/1/2019<br>regular meeting   |                                                       | 5 of 5                | 20             | 11              | 1 hr 13 min    |
| 5/24/2019<br>special meeting  |                                                       | 5 of 5                | 0              | 0               | 25 min         |
| 5/29/2019<br>special workshop |                                                       | 5 of 5                | 0              | 0               | 4 hours        |

# 2019 Annual Commission Attendance Report

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Reporting Period: September 1, 2018 through August 31, 2019

|                              |                                    |        |   |   |            |
|------------------------------|------------------------------------|--------|---|---|------------|
| 6/5/2019<br>regular meeting  |                                    | 4 of 5 | 2 | 0 | 53 min     |
| 7/3/2019<br>regular meeting  | Yes – rescheduled for<br>7/10/2019 |        |   |   |            |
| 7/10/2019<br>special meeting |                                    | 5 of 5 | 5 | 0 | 1 hr 4 min |

# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>2</u><br>(as of August 31, 2019) |
|---------------------------------------------------|

**Commission:** Cannabis Commission

**Commission Secretary:** Elizabeth Greene

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | <i>Yes – no quorum</i>               |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason                 | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|------------------------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/13/18                |                                                      | 6 of 8                | 13             | 4               | 1 hr 47 min    |
| 10/4/18                | Yes: To compensate for additional meeting on 3/15/18 |                       |                |                 |                |
| 11/8/19                |                                                      | 6 of 7                | 6              | 3               | 2 hr 3 min     |
| 1/10/19                |                                                      | 6 of 6                | 40             | 18              | 1 hr 50 min    |
| 2/7/19                 |                                                      | 4 of 5                | 4              | 7               | 1 hr 59 min    |
| 3/7/19                 |                                                      | 4 of 4                | 6              | 10              | 2 hrs 3 min    |
| 4/4/19                 |                                                      | 6 of 7                | 6              | 14              | 1 hr 59 min    |
| 5/2/19                 |                                                      | 7 of 8                | 6              | 13              | 1 hr 52 min    |
| 6/6/19                 |                                                      | 4 of 8                | 6              | 3               | 2 hrs 4 min    |
| 6/13/19                |                                                      | 5 of 7                | 9              | 5               | 1 hr           |
|                        |                                                      |                       |                |                 |                |
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# Page 18 of 46 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

Vacant seats: 2  
(as of August 31, 2018)

**Commission:** Commission on Aging

**Commission Secretary:** Richard Castrillon

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/19/18                | No                                   | 5                     | 2              | 1               | 2 hours        |
| 10/17/18               | No                                   | 7                     | 4              | 0               | 2 hours        |
| 11/21/18               | No                                   | 5                     | 1              | 0               | 2 hours        |
| 1/16/19                | No                                   | 5                     | 1              | 0               | 2 hours        |
| 2/20/19                | No                                   | 5                     | 1              | 0               | 2 hours        |
| 3/20/19                | No                                   | 7                     | 2              | 0               | 2 hours        |
| 4/17/19                | No                                   | 5                     | 3              | 0               | 2 hours        |
| 5/15/19                | No                                   | 7                     | 3              | 0               | 2 hours        |
| 6/19/19                | No                                   | 5                     | 2              | 0               | 2 hours        |
| 7/17/19                | Yes- no quorum                       |                       |                |                 |                |
| 7/31/19                | No                                   | 5                     | 0              | 0               | 2 hours        |
|                        |                                      |                       |                |                 |                |
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Page 11 of 16  
**2019 Annual Commission Attendance Report**

Reporting Period: September 1, 2018 through August 31, 2019

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    0    </u><br>(as of August 31, 2019) |
|-----------------------------------------------------------|

**Commission:**     Civic Arts    

**Commission Secretary:**     Jennifer Lovvorn    

**Example:**

| Scheduled Meeting Date | Cancelled? If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|-----------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                   | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                   |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled? If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|-----------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/26/18                |                                   | 6 of 8                | 4              | 2               | 1.92 hrs       |
| 10/24/18               |                                   | 7 of 8                | 2              | 1               | 1.88 hrs       |
| 11/28/18               |                                   | 6 of 8                | 2              | 0               | 1.6 hrs        |
| 1/23/19                |                                   | 8 of 9                | 3              | 0               | 1.98 hrs       |
| 2/27/19                |                                   | 9 of 9                | 6              | 1               | 1.93 hrs       |
| 3/27/19                |                                   | 9 of 9                | 4              | 1               | 1.7 hrs        |
| 4/24/19                |                                   | 5 of 9                | 5              | 1               | .75 hrs        |
| 5/22/19                | Yes – Grant Process Delay         | N/A                   | N/A            | N/A             | N/A            |
| 6/26/19                |                                   | 6 of 9                | 5              | 1               | 1.66 hrs       |
| 7/24/19                |                                   | 8 of 9                | 5              | 2               | 1.78 hrs       |
|                        |                                   |                       |                |                 |                |
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Page 13 of 16  
**2019 Annual Commission Attendance Report**

Reporting Period: September 1, 2018 through August 31, 2019

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>1</u><br>(as of August 31, 2019) |
|---------------------------------------------------|

**Commission:** Community Environmental Advisory Commission

**Commission Secretary:** Viviana Garcia

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 09/13/18               | No                                   | 7 of 7                | 1              | 0               | 1.6 hrs        |
| 10/11/18               | No                                   | 6 of 8                | 4              | 4               | 1.8 hrs        |
| 11/08/18               | No                                   | 6 of 8                | 2              | 2               | 1.8 hrs        |
| 12/13/18               | No                                   | 5 of 8                | 6              | 4               | 2 hrs          |
| 02/14/19               | No                                   | 9 of 9                | 7              | 3               | 2.7 hrs        |
| 03/14/19               | No                                   | 7 of 8                | 2              | 2               | 2.15 hrs       |
| 04/11/19               | No                                   | 7 of 8                | 5              | 1               | 2.4 hrs        |
| 05/09/19               | No                                   | 5 of 8                | 6              | 3               | 1.9 hrs        |
| 06/13/19               | No                                   | 8 of 8                | 2              | 3               | 2.5 hrs        |
| 07/11/19               | No                                   | 7 of 8                | 2              | 2               | 2.75 hrs       |
|                        |                                      |                       |                |                 |                |
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# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>4</u><br>(as of August 31, 2019) |
|---------------------------------------------------|

**Commission:** Community Health Commission

**Commission Secretary:** Roberto Terrones

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date       | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length         |
|------------------------------|--------------------------------------|-----------------------|----------------|-----------------|------------------------|
| 9/27/18                      | No                                   | 10/16                 | 6              | 3               | 2 hours and 20 minutes |
| 10/25/18                     | No                                   | 13/15                 | 2              | 2               | 2 hours and 24 minutes |
| 11/15/18                     | Yes – Poor Air Quality               | N/A                   | N/A            | N/A             | N/A                    |
| 12/6/18<br>(Special Meeting) | No                                   | 7/13                  | 4              | 1               | 2 hours and 20 minutes |
| 1/24/19                      | No                                   | 12/13                 | 2              | 0               | 2 hours and 25 minutes |
| 2/28/19                      | No                                   | 13/13                 | 4              | 2               | 2 hours and 23 minutes |
| 3/28/19                      | No                                   | 11/12                 | 0              | 0               | 2 hours and 15 minutes |
| 4/25/19                      | Yes – Agenda not posted in time      | N/A                   | N/A            | N/A             | N/A                    |
| 5/2/19 (Special Meeting)     | No                                   | 11/14                 | 3              | 1               | 2 hours and 17 minutes |
| 5/23/19                      | No                                   | 11/14                 | 2              | 0               | 2 hours and 19 minutes |
| 6/27/19                      | Yes – Agenda not posted in time      | N/A                   | N/A            | N/A             | N/A                    |

# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                 |           |              |          |          |                               |
|---------------------------------|-----------|--------------|----------|----------|-------------------------------|
| <i>7/9/19 (Special Meeting)</i> | <i>No</i> | <i>8/14</i>  | <i>0</i> | <i>0</i> | <i>2 hours and 20 minutes</i> |
| <i>7/25/19</i>                  | <i>No</i> | <i>10/14</i> | <i>2</i> | <i>2</i> | <i>2 hours and 26 minutes</i> |
|                                 |           |              |          |          |                               |
|                                 |           |              |          |          |                               |
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# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    2    </u><br>(as of August 31, 2019) |
|-----------------------------------------------------------|

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

**Commission Secretary:**     Shallon Allen    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
|                        |                                      |                       |                |                 |                |
| 9-26-18                | No                                   | 6 of 7                | 1              | 1               | 1hr 45min      |
| 10-24-18               | No                                   | 5 of 7                | 4              | 4               | 1hr 45min      |
| 11-28-18               | No                                   | 5 of 7                | 14             | 10              | 2 hours        |
| 1-23-19                | No                                   | 5 of 7                | 5              | 1               | 1 hour 39min   |
| 2-27-19                | No                                   | 5 of 7                | 0              | 0               | 1 hour 32min   |
| 3-20-19                | No                                   | 5 of 7                | 1              | 1               | 1 hour 46min   |
| 4-24-19                | No                                   | 6 of 7                | 1              | 1               | 1 hour 36min   |
| 5-22-19                | No                                   | 6 of 9                | 0              | 0               | 1 hour 27min   |
| 6-26-19                | No                                   | 6 of 9                | 0              | 0               | 1 hour 29min   |
| 8-28-19                | No                                   | 6 of 8                | 1              | 1               | 1 hour 41min   |
|                        |                                      |                       |                |                 |                |

# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                               |
|---------------------------------------------------------------|
| Vacant seats: <u>      2      </u><br>(as of August 31, 2019) |
|---------------------------------------------------------------|

**Commission:**       Children, Youth & Recreation Commission      

**Commission Secretary:**       Steph Chu      

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present       | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------------|----------------|-----------------|----------------|
| 9/24/18                | No                                   | 5 of 8                      | 0              | 0               | 35 Minutes     |
| 10/22/18               | No                                   | 5 of 8                      | 1              | 1               | 122 Minutes    |
| 11/26/18               | No                                   | 6 of 6                      | 0              | 0               | 121 Minutes    |
| 1/14/19                | No                                   | 6 of 6                      | 0              | 0               | 128 Minutes    |
| 1/28/19                | No                                   | 6 of 7                      | 0              | 0               | 174 Minutes    |
| 2/4/19                 | No                                   | 7 of 7                      | 0              | 0               | 186 Minutes    |
| 2/9/19                 | No                                   | 6 of 7                      | 0              | 0               | 256 Minutes    |
| 3/2/19                 | No                                   | 6 of 7                      | 0              | 0               | 212 Minutes    |
| 3/11/19                | No                                   | 6 of 7                      | 0              | 0               | 76 Minutes     |
| 4/22/19                | No                                   | 6 of 8                      | 0              | 0               | 72 Minutes     |
| 6/24/19                | No                                   | 3 of 5 (2 Leave of Absence) | 1              | 1               | 92 Minutes     |
|                        |                                      |                             |                |                 |                |
|                        |                                      |                             |                |                 |                |
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# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    0    </u><br>(as of August 31, 2018) |
|-----------------------------------------------------------|

**Commission:**     Design Review Committee    

**Commission Secretary:**     Anne Burns    

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason              | Commissioners<br>Present | Public<br>Present | Public<br>Speakers | Meeting<br>Length |
|------------------------|---------------------------------------------------|--------------------------|-------------------|--------------------|-------------------|
| September 20, 2018     | No                                                | 7 of 7                   | 19                | 6                  | 3:00              |
| October 18, 2018       | No                                                | 7 of 7                   | 9                 | 3                  | 2:00              |
| November 15, 2018      | Yes, Cancelled by City Manager due to air quality | -                        | -                 | -                  | -                 |
| December 20, 2018      | No                                                | 6 of 7                   | 18                | 5                  | 2:45              |
| January 17, 2019       | No                                                | 6 of 7                   | 9                 | 4                  | 2:45              |
| February 21, 2019      | No                                                | 6 of 7                   | 23                | 6                  | 4:00              |
| March 21, 2019         | No                                                | 4 of 6                   | 16                | 3                  | 2:00              |
| April 18, 2019         | No                                                | 6 of 7                   | 15                | 7                  | 3:00              |
| May 16, 2019           | No                                                | 6 of 7                   | 15                | 10                 | 4:00              |
| June 20, 2019          | No                                                | 5 of 7                   | 12                | 3                  | 2:20              |
| July 18, 2019          | No                                                | 7 of 7                   | 23                | 21                 | 4:45              |
| August 15, 2019        | No                                                | 6 of 7                   | 15                | 8                  | 3:45              |

# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    2    </u><br>(as of August 31, 2019) |
|-----------------------------------------------------------|

**Commission:**     Commission on Disability    

**Commission Secretary:**     Dominika Bednarska (as of 5/1/2019)    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason                  | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|-------------------------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/5/2018               |                                                       | 4 of 6                | 0              | 0               | 3 hrs          |
| 10/2/2018              | Yes-COD Secretary resigned                            |                       |                | 0               |                |
| 11/07/2018             |                                                       | 6 of 6                | 0              | 0               | 3 hrs          |
| 12/5/2018              |                                                       | 6 of 7                | 0              |                 | 3 hrs          |
| 01/09/2019             |                                                       | 4 of 6                | 0              | 0               | 3 hrs          |
| 02/06/2019             |                                                       | 6 of 6                | 0              | 0               | 3 hrs          |
| 3/06/2019              |                                                       | 5 of 7                | 2              | 0               | 3 hrs          |
| 4/03/2019              |                                                       | 6 of 7                | 0              | 0               | 3 hrs          |
| 5/01/2019              |                                                       | 6 of 7                | 4              | 4               | 3 hrs          |
| 06/05/2019             | Yes-cancelled in advance due to likely lack of quorum |                       |                |                 |                |
| 7/10/2019              |                                                       | 5 of 7                | 0              | 0               | 3 hrs          |
| 8/21/2019              |                                                       | 6 of 7                | 1              | 1               | 3 hrs          |
|                        |                                                       |                       |                |                 |                |
|                        |                                                       |                       |                |                 |                |
|                        |                                                       |                       |                |                 |                |
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# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    0    </u><br>(as of August 31, 2019) |
|-----------------------------------------------------------|

**Commission:**     Berkeley Energy Commission    

**Commission Secretary:**     Billi Romain    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/26/18                |                                      | 6                     | 3              | 2               | 2.5 hrs        |
| 10/24/18               | Yes – lack of quorum                 |                       |                |                 |                |
| 12/5/18                |                                      | 6                     | 4              | 2               | 2.5 hrs        |
| 1/23/19                |                                      | 6                     | 7              | 1               | 2.75 hrs       |
| 2/27/19                |                                      | 6                     | 1              | 1               | 2.75 hrs       |
| 3/27/19                |                                      | 9                     | 4              | 4               | 2.5 hrs        |
| 4/24/19                |                                      | 8                     | 49             | 18              | 2 hrs          |
| 5/22/19                |                                      | 9                     | 0              | 0               | 2.75 hrs       |
| 6/26/19                |                                      | 6                     | 3              | 3               | 1.75 hrs       |
| 7/24/19                |                                      | 6                     | 3              | 2               | 2 hrs          |
|                        |                                      |                       |                |                 |                |
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# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    1    </u><br>(as of August 31, 2019) |
|-----------------------------------------------------------|

**Commission:**     Fair Campaign Practices Commission    

**Commission Secretary:**     Emma Soichet    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date        | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|-------------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9-20-18                       |                                      | 7 of 9                | 1              | 1               | .25 hours      |
| 10-11-18<br>(special meeting) |                                      | 7 of 9                | 2              | 0               | .25 hours      |
| 10-18-18                      |                                      | 6 of 9                | 5              | 1               | 3 hours        |
| 10-25-18<br>(special)         |                                      | 8 of 9                | 0              | 0               | .25 hours      |
| 11-15-18                      | Yes – fires                          |                       |                |                 |                |
| 11-28-18                      |                                      | 6 of 9                | 1              | 0               | .25 hours      |
| 12-13-18                      | Yes – lack of staff                  |                       |                |                 |                |
| 1-17-19                       | Yes – lack of staff                  |                       |                |                 |                |
| 2-21-19                       | Yes – lack of staff                  |                       |                |                 |                |
| 3-21-19                       |                                      | 9 of 9                | 5              | 5               | 1.5 hours      |
| 4-18-19                       |                                      | 8 of 9                | 16             | 16              | 2 hours        |
| 5-16-19                       |                                      | 8 of 9                | 10             | 10              | 2 hours        |
| 6-20-19                       |                                      | 7 of 9                | 7              | 7               | 1.75 hours     |
| 7-18-19                       | Yes – lack of agenda items/summer    |                       |                |                 |                |
| 8-15-19                       | Yes – lack of agenda items/summer    |                       |                |                 |                |
|                               |                                      |                       |                |                 |                |
|                               |                                      |                       |                |                 |                |











# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

Vacant seats: 0  
(as of August 31, 2018)

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

**Commission Secretary:** Alene Pearson

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/20/18                | Yes - workflow timing                |                       |                |                 |                |
| 11/15/18               | Yes – no quorum                      |                       |                |                 |                |
| 1/17/19                |                                      | 6 out of 6            | 2              | 2               | 2 hrs          |
| 3/27/19                |                                      | 7 out of 7            | 2              | 2               | 2 hrs          |
| 5/22/19                |                                      | 6 out of 7            | 3              | 10              | 3 hrs          |
|                        |                                      |                       |                |                 |                |
|                        |                                      |                       |                |                 |                |
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# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    1    </u><br>(as of August 31, 2019) |
|-----------------------------------------------------------|

Commission:     Labor    

Commission Secretary:     Delfina Geiken    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length     |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|--------------------|
| 9/12/18                | No                                   | 8 of 9                | 1              | 1               | 1.5 hrs            |
| 11/14/18               | No                                   | 8 of 9                | 2              | 2               | 1 hr. & 55 minutes |
| 1/16/19                | No                                   | 6 of 8                | 2              | 2               | 1.75 hrs           |
| 2/20/19                | No                                   | 8 of 8                | 1              | 1               | 1.5 hrs            |
| 3/20/19                | No                                   | 7 of 8                | 1              | 1               | 1 hr. & 25 minutes |
| 5/15/19                | No                                   | 7 of 8                | 5              | 3               | 1.5 hours          |
| 7/17/19                | No                                   | 5 of 7                | 0              | 0               | .5 hours           |
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# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>2</u><br>(as of August 31, 2019) |
|---------------------------------------------------|

**Commission:** Landmarks Preservation Commission

**Commission Secretary:** Fatema Crane

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date                                        | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|---------------------------------------------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/6/18                                                        | No                                   | 7 of 8                | 12             | 6               | 2 hrs          |
| 10/4/18                                                       | No                                   | 7 of 9                | 15             | 4               | 2.75 hrs       |
| 11/1/18                                                       | No                                   | 9 of 9                | 8              | 6               | 1.75 hrs       |
| 12/6/18                                                       | No                                   | 7 of 8                | 12             | 7               | 2.25 hrs       |
| No January meeting date included in adopted LPC 2019 calendar | N/A                                  | N/A                   | N/A            | N/A             | N/A            |
| 2/7/19                                                        | No                                   | 7 of 9                | 30             | 10              | 3.5 hrs        |
| 3/7/19                                                        | No                                   | 8 of 9                | 7              | 1               | 2.75 hrs       |
| 4/4/19                                                        | No                                   | 8 of 8                | 6              | 4               | 2.25 hrs       |
| 5/2/19                                                        | No                                   | 6 of 8                | 8              | 1               | 2.75 hrs       |
| 6/6/19                                                        | No                                   | 8 of 8                | 50             | 23              | 3.75 hrs       |
| 7/2/19                                                        | No                                   | 7 of 8                | 8              | 5               | 2 hrs          |
| 8/1/19                                                        | No                                   | 8 of 8                | 30             | 9               | 3.75 hrs       |

# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

Vacant seats:     3      
(as of August 31, 2019)

**Commission:**     Loan Administration Board    

**Commission Secretary:**     Kieron Slaughter    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length    |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|-------------------|
| 11/29/2018             |                                      | 5 of 8                | 4              | 4               | 2 hours           |
| 1/23/2019              |                                      | 7 of 7                | 1              | 1               | 7 hours           |
| 3/18/19                |                                      | 6 of 7                | 1              | 1               | 1 hour            |
| 7/2/19                 |                                      | 4 of 6                | 4              | 1               | 1 hour 12 minutes |
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# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                               |
|---------------------------------------------------------------|
| Vacant seats: <u>      0      </u><br>(as of August 31, 2019) |
|---------------------------------------------------------------|

**Commission:**    **Measure O Bond Oversight Committee**

**Commission Secretary:**     Amy Davidson    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 4/29/19                | No                                   | 8 of 8                | 12             | 15              | 2:56 hrs       |
| 5/15/19                | No                                   | 7 of 8                | 5              | 5               | 2:01 hrs       |
| 6/12/19                | No                                   | 8 of 8                | 8              | 4               | 2:31 hrs       |
| 7/15/19                | No                                   | 9 of 9                | 10             | 9               | 1:52 hrs       |
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**2019 Annual Commission Attendance Report**

Reporting Period: September 1, 2018 through August 31, 2019

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>7</u><br>(as of August 31, 2019) |
|---------------------------------------------------|

**Commission:**     Mental Health Commission    

**Commission Secretary:**     Karen Klatt    

*Example:*

| Scheduled Meeting Date | Cancelled? If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|-----------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                   | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                   |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled? If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|-----------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/27/18                |                                   | 7 of 9                | 0              | 0               | 1.5 hrs        |
| 10/25/18               |                                   | 6 of 9                | 0              | 0               | 2.0 hrs        |
| 12/13/18               |                                   | 6 of 9                | 3              | 0               | 2.15 hrs       |
| 1/24/19                |                                   | 5 of 7                | 2              | 0               | 2.0 hrs        |
| 2/28/19                |                                   | 6 of 7                | 4              | 0               | 1.75 hrs       |
| 3/28/19                |                                   | 7 of 8                | 2              | 1               | 1.5 hrs        |
| 4/25/19                |                                   | 8 of 8                | 5              | 0               | 2:08 hrs       |
| 5/23/19                |                                   | 7 of 7                | 5              | 1               | 2:05 hrs       |
| 6/27/19                |                                   | 5 of 6                | 2              | 0               | 2.10 hrs       |
| 7/27/19                |                                   | 6 of 6                | 5              | 0               | 2 hrs          |
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# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>1</u><br>(as of August 31, 2019) |
|---------------------------------------------------|

**Commission:** Open Government Commission

**Commission Secretary:** Emma Soichet

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9-20-18                |                                      | 7 of 9                | 2              | 1               | .5 hours       |
| 10-18-18               |                                      | 6 of 9                | 1              | 1               | .5 hours       |
| 11-15-18               | Yes – fires                          |                       |                |                 |                |
| 1-17-19                | Yes – lack of staff                  |                       |                |                 |                |
| 2-21-19                | Yes – lack of staff                  |                       |                |                 |                |
| 3-21-19                |                                      | 9 of 9                | 5              | 5               | 1.25 hours     |
| 4-18-19                |                                      | 8 of 9                | 2              | 2               | .5 hours       |
| 5-16-19                |                                      | 8 of 9                | 10             | 2               | 1 hour         |
| 6-20-19                |                                      | 7 of 9                | 7              | 9               | .5 hours       |
| 7-18-19                | Yes – lack of agenda items/summer    |                       |                |                 |                |
| 8-15-19                | Yes – lack of agenda items/summer    |                       |                |                 |                |
|                        |                                      |                       |                |                 |                |
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# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    0    </u><br>(as of August 31, 2019) |
|-----------------------------------------------------------|

**Commission:**     Parks and Waterfront    

**Commission Secretary:**     Roger Miller    

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length  |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|-----------------|
| <i>9/12/2018</i>       | <i>No</i>                            | <i>8</i>              | <i>17</i>      | <i>13</i>       | <i>3 hrs</i>    |
| <i>10/10/2018</i>      | <i>No</i>                            | <i>7</i>              | <i>29</i>      | <i>15</i>       | <i>3 hrs</i>    |
| <i>11/14/2018</i>      | <i>No</i>                            | <i>8</i>              | <i>31</i>      | <i>29</i>       | <i>3 hrs</i>    |
| <i>1/9/2019</i>        | <i>No</i>                            | <i>6</i>              | <i>8</i>       | <i>1</i>        | <i>3 hrs</i>    |
| <i>2/13/2019</i>       | <i>No</i>                            | <i>9</i>              | <i>17</i>      | <i>13</i>       | <i>2.75 hrs</i> |
| <i>3/13/2019</i>       | <i>No</i>                            | <i>8</i>              | <i>8</i>       | <i>3</i>        | <i>2 hrs</i>    |
| <i>4/10/2019</i>       | <i>No</i>                            | <i>9</i>              | <i>44</i>      | <i>12</i>       | <i>3.5 hrs</i>  |
| <i>5/8/2019</i>        | <i>No</i>                            | <i>8</i>              | <i>7</i>       | <i>4</i>        | <i>2 hrs</i>    |
| <i>6/12/2019</i>       | <i>No</i>                            | <i>7</i>              | <i>11</i>      | <i>4</i>        | <i>2.5 hrs</i>  |
| <i>8/14/2019</i>       | <i>No</i>                            | <i>8</i>              | <i>6</i>       | <i>4</i>        | <i>2 hrs</i>    |
|                        |                                      |                       |                |                 |                 |



# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>1</u><br>(as of August 31, 2019) |
|---------------------------------------------------|

**Commission:** Peace and Justice Commission

**Commission Secretary:** Breanne Slimick

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | <i>Yes – no quorum</i>               |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 09/17/18               |                                      | 7 of 9                | 0              | 0               | 2hrs 37mins    |
| 10/22/18               |                                      | 9 of 10               | 1              | 1               | 2hrs 34mins    |
| 11/19/18               |                                      | 7 of 11               | 4              | 1               | 2hrs 18mins    |
| 01/07/19               |                                      | 10 of 11              | 3              | 1               | 2hrs 45 mins   |
| 02/04/19               |                                      | 13 of 13              | 5              | 3               | 2hrs 17mins    |
| 03/04/19               |                                      | 14 of 14              | 0              | 0               | 3hrs 3 mins    |
| 04/0819                |                                      | 14 of 14              | 4              | 1               | 1hr 58mins     |
| 05/13/19               |                                      | 10 of 14              | 2              | 1               | 2hrs 32mins    |
| 06/03/19               |                                      | 11 of 14              | 1              | 1               | 2 hrs 55mins   |
| 07/15/19               |                                      | 9 of 13               | 0              | 0               | 2 hrs 50 mins  |
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**2019 Annual Commission Attendance Report**

Reporting Period: September 1, 2018 through August 31, 2019

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>2</u><br>(as of August 31, 2019) |
|---------------------------------------------------|

**Commission:** Personnel Board

**Commission Secretary:** LaTanya Bellow

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/4/18                 | No                                   | 7 of 9                | None           | None            | 2.5 hrs        |
| 10/01/18               | No                                   | 8 of 9                | None           | None            | 1.15 hrs       |
| 10/29/18               | No                                   | 6 of 9                | 1              | 1               | 0.5 hrs        |
| 11/05/18               | No                                   | 8 of 9                | 1              | 1               | 1.08 hrs       |
| 12/3/18                | No                                   | 7 of 9                | 0              | 0               | 0.5 hrs        |
| 01/07/19               | No                                   | 7 of 9                | 4              | 4               | 1.0 hrs        |
| 02/04/19               | No                                   | 7 of 9                | 1              | 0               | 1.5 hrs        |
| 03/04/19               | No                                   | 7 of 9                | 1              | 1               | 1.4 hrs        |
| 04/01/19               | No                                   | 5 of 9                | 1              | 1               | 1.55 hrs       |
| 05/06/19               | No                                   | 5 of 9                | 0              | 0               | 1.5 hrs        |
| 06/03/19               | No                                   | 7 of 9                | 0              | 0               | 0.4 hrs        |
| 07/01/19               | No                                   | 7 of 9                | 1              | 1               | 0.6 hrs        |
|                        |                                      |                       |                |                 |                |
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# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    0    </u><br>(as of August 31, 2018) |
|-----------------------------------------------------------|

**Commission:**     Planning Commission    

**Commission Secretary:**     Alene Pearson    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 09/05/2018             |                                      | 9                     | 46             | 27              | 3.02 hrs       |
| 09/19/2018             | Yes- workflow timing                 | 8 of 9                | 21             | 12              | 3.10 hrs       |
| 10/03/2018             |                                      | 8 of 9                | 21             | 12              | 3.10 hrs       |
| 10/17/2018             | Yes- workflow timing                 |                       |                |                 |                |
| 11/07/2018             |                                      | 8 of 9                | 1              | 0               | 2.83 hrs       |
| 12/05/2018             |                                      | 8 of 9                | 8              | 4               | 1.58 hrs       |
| 12/19/2018             | Yes- workflow timing                 |                       |                |                 |                |
| 01/16/2019             |                                      | 8 of 8                | 10             | 8               | 2.7 hrs        |
| 02/06/2019             |                                      | 9 of 9                | 25             | 19              | 3.05 hrs       |
| 03/06/2019             |                                      | 9 of 9                | 48             | 40              | 3.43 hrs       |
| 04/03/2019             |                                      | 9 of 9                | 8              | 6               | 2.93 hrs       |
| 05/01/2019             |                                      | 9 of 9                | 5              | 3               | 2.62 hrs       |
| 06/05/2019             |                                      | 8 of 9                | 52             | 25              | 3.02 hrs       |
| 07/17/2019             |                                      |                       |                |                 |                |
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# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                            |
|------------------------------------------------------------|
| Vacant seats: <u>    0    </u><br>(as of August 31, 2019)* |
|------------------------------------------------------------|

**Commission:**     Police Review Commission    

**Commission Secretary:**     Katherine J. Lee    

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 09/12/18               |                                      | 7 of 9                | 7              | 4               | 3.2 hrs        |
| 09/26/18               |                                      | 7 of 9                | 14             | 8               | 2.9 hrs        |
| 10/10/18               |                                      | 7 of 9                | 5              | 2               | 2.9 hrs        |
| 10-17-18               |                                      | 6 of 9                | 7              | 0               | 3.1 hrs        |
| 10/24/18               |                                      | 8 of 9                | 7              | 5               | 2.9 hrs        |
| 11/14/18               |                                      | 7 of 9                | 7              | 3               | 2.9 hrs        |
| 12/12/18               |                                      | 6 of 9                | 3              | 2               | 3.2 hrs        |
| 01/09/19               |                                      | 8 of 9                | 2              | 2               | 2.9 hrs        |
| 01/23/19               |                                      | 7 of 9                | 8              | 5               | 2.9 hrs        |
| 02/13/19               |                                      | 8 of 9                | 9              | 4               | 2.7 hrs        |
| 02/27/19               |                                      | 6 of 9                | 9              | 2               | 2.9 hrs        |
| 03/13/19               |                                      | 8 of 9                | 9              | 3               | 2.6 hrs        |
| 03/27/19               |                                      | 6 of 9                | 2              | 2               | 3.9 hrs        |
| 04/10/19               |                                      | 5 of 9                | 7              | 5               | 1.1 hrs        |
| 04/24/19               |                                      | 5 of 8                | 20             | 9               | 3.3 hrs        |
| 05/08/19               |                                      | 8 of 8                | 5              | 4               | 1.8 hrs        |
| 05/22/19               |                                      | 7 of 8                | 9              | 9               | 2.8 hrs        |
| 06/12/19               |                                      | 7 of 8                | 8              | 5               | 2.8 hrs        |
| 06/26/19               |                                      | 8 of 8                | 8              | 5               | 2.8 hrs        |
| 07/10/19               |                                      | 9 of 9                | 6              | 3               | 2.8 hrs        |
| 07/24/19               |                                      | 8 of 9                | 7              | 3               | 2.4 hrs        |

\*as of 8-2-19 there are no vacancies

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**2019 Annual Commission Attendance Report**

Reporting Period: September 1, 2018 through August 31, 2019

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>0</u><br>(as of August 31, 2018) |
|---------------------------------------------------|

**Commission:** Public Works Commission

**Commission Secretary:** Nisha Patel

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9-6-18                 | no                                   | 6/8                   | 1              | 1               | 2.5 hrs        |
| 10-4-18                | no                                   | 5/7                   | 1              | 1               | 2 hrs          |
| 11-1-18                | no                                   | 7/8                   | 2              | 0               | 2.5 hrs        |
| 1-10-19                | no                                   | 6/8                   | 5              | 5               | 2.75 hrs       |
| 2-7-19                 | no                                   | 7/8                   | 1              | 0               | 3 hrs          |
| 3-7-19                 | no                                   | 9/9                   | 1              | 1               | 3 hrs          |
| 4-11-19                | no                                   | 7/9                   | 1              | 1               | 2.75 hrs       |
| 5-2-19                 | no                                   | 9/9                   | 3              | 3               | 3 hrs          |
| 6-6-19                 | no                                   | 9/9                   | 1              | 0               | 3 hrs          |
| 7-11-19                | no                                   | 8/9                   | 0              | 0               | 2.5 hrs        |
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# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    5    </u><br>(as of August 31, 2019) |
|-----------------------------------------------------------|

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

**Commission Secretary:**     Eleanor Hollander, OED    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length      |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|---------------------|
| 7/16/19                |                                      | 4 of 4                | 1              | 1               | 1 hr and 15 minutes |
| 5/21/19                |                                      | 4 of 4                | 1              | 0               | 1 hr 10 minutes     |
| 3/26/19                |                                      | 2 of 3                | 4              | 2               | 1 hr 32 minutes     |
| 1/8/19                 |                                      | 3 of 3                | 3              | 3               | 1 hr 35 minutes     |
| 11/13/18               |                                      | 3 of 3                | 2              | 1               | 1 hr 15 minutes     |
| 9/11/18                |                                      | 3 of 5                | 2              | 2               | 1 hr 20 minutes     |
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# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>2</u><br>(as of August 31, 2019) |
|---------------------------------------------------|

**Commission:** Sugar Sweetened Beverage Product Panel of Experts (SSBPPE)

**Commission Secretary:** Dechen Tsering

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason         | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|----------------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/20/19                |                                              | 4                     | 3              | 3               | 2.05 hrs       |
| 10/18/18               |                                              | 5                     | 5              | 4               | 2.15 hrs       |
| 11/15/18               | Yes. Hazardous air quality in Berkeley.      |                       |                |                 |                |
| 1/17/19                |                                              | 7                     | 0              | 1               | 3.32 hrs       |
| 2/21/19                |                                              | 8                     | 0              | 0               | 2.50 hrs       |
| 3/17/19                |                                              | 6                     | 0              | 0               | 3.50 hrs       |
| 3/21/19                |                                              | 7                     | 0              | 0               | 3.37 hrs       |
| 4/18/19                |                                              | 4                     | 2              | 2               | 2.10 hrs       |
| 5/16/19                | Yes. No quorum.                              |                       |                |                 |                |
| 6/20/19                |                                              | 7                     | 0              | 1               | 3.10 hrs       |
| 7/18/19                | Yes. Moved to 3/21/19 for a special meeting. |                       |                |                 |                |
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**2019 Annual Commission Attendance Report**

Reporting Period: September 1, 2018 through August 31, 2019

Vacant seats: 0  
(as of August 31, 2019)

**Commission:** Transportation Commission

**Commission Secretary:** Farid Javandel

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/20/2018              |                                      | 7 of 9                | 4              | 2               | 2.25 hours     |
| 10/18/2018             |                                      | 8 of 9                | 19             | 11              | 3 hours        |
| 11/15/18               | Poor air quality                     |                       |                |                 |                |
| 1/17/19                |                                      | 6 of 9                | 4              | 3               | 2.75 hours     |
| 2/21/2019              |                                      | 7 of 9                | 6              | 6               | 2.5 hours      |
| 3/21/2019              |                                      | 7 of 8                | 4              | 3               | 2 hours        |
| 4/18/19                |                                      | 8 of 9                | 4              | 1               | 2.5 hours      |
| 5/16/19                |                                      | 8 of 9                | 6              | 3               | 2.5 hours      |
| 6/20/19                |                                      | 7 of 9                | 22             | 5               | 3 hours        |
| 7/18/19                |                                      | 7 of 8                | 8              | 8               | 2.75 hours     |
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# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                   |
|---------------------------------------------------|
| Vacant seats: <u>5</u><br>(as of August 31, 2019) |
|---------------------------------------------------|

**Commission:**     Youth Commission    

**Commission Secretary:**     Ginsi Bryant and Brian Legaspi co-secretary    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason     | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|------------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/10/2018              |                                          | 4 of 6                |                |                 | 31min          |
| 10/9/2018              | Yes the agenda didn't get posted in time |                       |                |                 |                |
| 11/13/2018             |                                          | 4 of 7                |                |                 | 1hr            |
| 12/10/2018             |                                          | 6 of 7                |                |                 | 35min          |
| 1/14/2019              |                                          | 6 of 7                |                |                 | 43min          |
| 2/11/2019              | Yes no quorum                            |                       |                |                 |                |
| 3/11/2019              |                                          |                       |                |                 | 1hr 14min      |
| 4/8/2019               | Yes the agenda didn't get posted in time |                       |                |                 |                |
| 5/13/2019              |                                          | 13 of 14              | 3              | 1               | 1hr            |
| 6/3/2019               |                                          | 12 of 14              | 2              |                 | 1hr            |
| July                   | Break                                    |                       |                |                 |                |
| August                 | Break                                    |                       |                |                 |                |
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# 2019 Annual Commission Attendance Report

Page 44 of 46

Reporting Period: September 1, 2018 through August 31, 2019

Vacant seats:     2      
(as of August 31, 2019)

**Commission:**     Zero Waste Commission    

**Commission Secretary:**     Heidi Obermeit    

**Example:**

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 11/14/18               |                                      | 8 of 9                | 5              | 3               | 2.5 hrs        |
| 12/12/18               | Yes – no quorum                      |                       |                |                 |                |

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|--------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/24/18                |                                      | 7 of 9                | 10             | 6               | 2 hrs          |
| 10/22/18               |                                      | 6 of 8                | 5              | 2               | 2 hrs          |
| 11/26/18               |                                      | 7 of 8                | 8              | 3               | 2 hrs          |
| 1/28/19                |                                      | 7 of 9                | 5              | 2               | 2 hrs          |
| 2/25/19                |                                      | 7 of 7                | 7              | 5               | 2.25 hrs       |
| 3/25/19                |                                      | 3 of 6                | 5              | 5               | 2 hrs          |
| 4/22/19                |                                      | 6 of 8                | 5              | 4               | 2 hrs          |
| 5/28/19                |                                      | 6 of 8                | 2              | 2               | 2 hrs          |
| 6/24/19                |                                      | 7 of 8                | 7              | 4               | 2 hrs          |
| 7/22/19                |                                      | 4 of 7                | 9              | 3               | 2 hrs          |
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# 2019 Annual Commission Attendance Report

Reporting Period: September 1, 2018 through August 31, 2019

|                                                           |
|-----------------------------------------------------------|
| Vacant seats: <u>    0    </u><br>(as of August 31, 2018) |
|-----------------------------------------------------------|

**Commission:**     Zoning Adjustments Board    

**Commission Secretary:**     Greg Powell & Shannon Allen    

| Scheduled Meeting Date | Cancelled?<br>If Yes, Provide Reason                | Commissioners Present | Public Present | Public Speakers | Meeting Length |
|------------------------|-----------------------------------------------------|-----------------------|----------------|-----------------|----------------|
| 9/13/2018              | Yes, Conflict with City Council meeting at 2134 MLK |                       |                |                 |                |
| 9/27/18                |                                                     | 7 of 9                | 28             | 8               | 1 hr 49 min    |
| 10/11/18               |                                                     | 8 of 9                | 34             | 14              | 2 hrs 34 min   |
| 10/25/18               |                                                     | 8 of 9                | 45             | 32              | 4 hrs 32 min   |
| 11/8/18                |                                                     | 8 of 9                | 41             | 33              | 5 hrs 23 min   |
| 12/13/18               |                                                     | 9 of 9                | 40             | 26              | 3 hrs 22 min   |
| 1/10/19                |                                                     | 8 of 9                | 22             | 6               | 1 hr 19 min    |
| 1/24/19                |                                                     | 8 of 9                | 40             | 21              | 4 hrs 3 min    |
| 2/14/19                |                                                     | 8 of 9                | 6              | 0               | 32 min         |
| 2/28/19                |                                                     | 9 of 9                | 15             | 7               | 1 hr 49 min    |
| 3/14/19                |                                                     | 8 of 9                | 68             | 38              | 4 hr 48 min    |
| 3/28/19                |                                                     | 5 of 9                | 6              | 1               | 1 hr 21 min    |
| 4/11/19                | Yes, not enough agenda items                        |                       |                |                 |                |
| 4/25/19                |                                                     | 8 of 9                | 5              | 0               | 9 min          |
| 5/9/19                 |                                                     | 9 of 9                | 38             | 32              | 5 hr 7 min     |
| 5/23/19                |                                                     | 9 of 9                | 29             | 11              | 3 hr 37 min    |
| 6/13/19                |                                                     | 8 of 9                | 40             | 28              | 3 hr 38 min    |
| 6/27/19                |                                                     | 9 of 9                | 74             | 44              | 6 hr 26 min    |
| 7/11/19                |                                                     | 7 of 9                | 12             | 5               | 1 hr 28 min    |
| 7/25/19                |                                                     | 7 of 9                | 4              | 2               | 33 min         |
| 8/22/19                |                                                     | 9 of 9                | 17             | 8               | 1 hr 11 min    |

| <b>Approved Leaves of Absence Granted During the Period<br/>September 2018 - August 2019</b> |                                |
|----------------------------------------------------------------------------------------------|--------------------------------|
| <b>Commission</b>                                                                            | <b># Leaves<br/>of Absence</b> |
| Animal Care Commission                                                                       | 3                              |
| Board of Library Trustees                                                                    | 0                              |
| Cannabis Commission                                                                          | 12                             |
| Children, Youth, and Recreation Commission                                                   | 17                             |
| Civic Arts Commission                                                                        | 11                             |
| Commission on Aging                                                                          | 8                              |
| Commission on Disability                                                                     | 9                              |
| Commission on Labor                                                                          | 6                              |
| Commission on the Status of Women                                                            | 11                             |
| Community Environmental Advisory Commission                                                  | 9                              |
| Community Health Commission                                                                  | 27                             |
| Design Review Committee                                                                      | 2                              |
| Disaster and Fire Safety Commission                                                          | 6                              |
| Elmwood BID Advisory Board                                                                   | 1                              |
| Energy Commission                                                                            | 11                             |
| Fair Campaign Practices Commission                                                           | 11                             |
| Homeless Commission                                                                          | 6                              |
| Homeless Services Panel of Experts                                                           | 2                              |
| Housing Advisory Commission                                                                  | 16                             |
| Human Welfare and Community Action Commission                                                | 4                              |
| Joint Subcommittee on the Implementation of State Housing Laws                               | 2                              |
| Landmarks Preservation Commission                                                            | 11                             |
| Loan Administration Board                                                                    | 2                              |
| Measure O Bond Oversight Committee                                                           | 5                              |
| Mental Health Commission                                                                     | 0                              |
| Open Government Commission                                                                   | 11                             |
| Parks and Waterfront Commission                                                              | 5                              |
| Peace and Justice Commission                                                                 | 10                             |
| Personnel Board                                                                              | 12                             |
| Planning Commission                                                                          | 11                             |
| Police Review Commission                                                                     | 12                             |
| Public Works Commission                                                                      | 5                              |
| Solano BID                                                                                   | 3                              |
| Sugar-Sweetened BPPOE                                                                        | 7                              |
| Transportation Commission                                                                    | 14                             |
| Youth Commission                                                                             | 4                              |
| Zero Waste Commission                                                                        | 11                             |
| Zoning Adjustments Board                                                                     | 34                             |



Office of the City Manager

CONSENT CALENDAR

October 15, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Dave Brannigan, Fire Chief, Fire Department

Subject: Contract: Stryker for Purchase of Three Gurneys for the Fire Department Ambulances

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a sole source contract and any amendments with Stryker to finance the purchase of three additional gurneys and equip all seven ambulances with the powered cot fastener system (power load system) for Fire Department ambulances which will allow transport of the sick and injured, increasing the amount by \$39,714 for a total not to exceed amount of \$74,000.

FISCAL IMPACTS OF RECOMMENDATION

On June 25, 2019, the Council allocated \$34,286 in FY 2020 & FY 2021 to replace four gurneys as part of the FY 2020 & FY 2021 Biennial Budget Adoption. The Fire Department needs to replace a total of seven gurneys, leaving a need to purchase an additional three gurneys in FY 2020 and pay for them on a recurring basis. An additional recurring amount of \$39,714 is needed to fund the three additional gurneys and the powered cot fastener system for all seven ambulances which improves employee safety. The funds will be appropriated as part of the First Amendment to the FY 2020 Annual Appropriations Ordinance in November 2019.

The annual cost of financing all seven gurneys will be \$74,000. This amount will be included in future budgets and will be subject to Council approval of the annual budget and the Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

There were funds approved to finance the replacement of four gurneys in the FY2020 and FY2021 budgets. There are a total of seven gurneys that are in need of replacement. The Fire Department requires additional funds to replace all of the gurneys.

BACKGROUND

The Department's fleet of gurneys is reaching the end of their service life. In the past, the City has entered into gurney lease or finance agreements with Stryker.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

The replacement of gurneys is a normal operating cost associated with providing transport of sick and injured patients. The City needs to replace all seven gurneys at this time and equip them with the powered cot fastener system. All transport ambulances in Alameda County, with the exception of Berkeley, are equipped with the power load system. This purchase includes the powered cot fastener system which helps improve employee safety by supporting the cot throughout patient loading and unloading. The reduction in spinal load helps prevent cumulative trauma injuries which reveal themselves often in the later stages of a firefighter's career. Specific benefits of the power load system are; it eliminates the need to steer the cot into and out of the ambulance, it helps minimize patient drops by supporting the cot until the wheels are on the ground, and it meets dynamic crash test standards for maximized occupant safety during transport.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Dave Brannigan, Fire Chief, 981-5500

Stacie Clarke, Administrative & Fiscal Services Manager, 981-5507

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

CONTRACT: STRYKER FOR PURCHASE OF THREE GURNEYS FOR FIRE  
DEPARTMENT AMBULANCES

WHEREAS, the current fleet of gurneys are at the end of their life span; and

WHEREAS, replacement of gurneys is a normal operating cost associated with providing transport of sick and injured patients.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a sole source contract and any amendments to finance the purchase of three additional gurneys and the powered cot fastener system for all seven ambulances from Stryker in the amount of \$39,714 for a total not to exceed amount of \$74,000 for Fire Department ambulances.

BE IT FURTHER RESOLVED that the funds will be appropriated as part of the First Amendment to the FY 2020 Annual Appropriations Ordinance November 2019.







Office of the City Manager

CONSENT CALENDAR

October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Kelly Wallace, Director, HHCS  
 Subject: Assembly Bill 626 – Microenterprise Home Kitchen Operations

RECOMMENDATION

Staff recommends that the Mayor and City Council consider authorizing the permitting of Microenterprise Home Kitchen Operations (MEHKOs) as provided in Assembly Bill 626 (AB 626) through a resolution or ordinance.

FISCAL IMPACTS OF RECOMMENDATION

If MEHKOs are authorized in the City of Berkeley (City), the fiscal impacts are difficult to estimate. There is no basis for comparison with similar jurisdictions - this legislation is the first of its kind in the nation. The demand for permits and the subsequent popularity of these establishments are unknowns.

MEHKOs are limited by AB 626 to a maximum of 30 meals per day or 60 meals per week, with an annual gross sales cap of \$50,000.

Upon authorization, ongoing staff time from the Environmental Health Division (EHD) will be required to review standard operating procedures, issue permits, conduct initial and annual inspections, and investigate complaints and/or conduct foodborne illness investigations. EHD estimates approximately 0.5 FTE (\$88,627) to fulfill these additional tasks.

The Planning Department estimates 80 hours of staff time to revise the zoning ordinance, draft amendments, and write the staff report. Additionally, at least one Planning Commission meeting will be needed as well as a Public Hearing.

CURRENT SITUATION AND ITS EFFECTS

AB 626 went into effect on January 1, 2019. This bill amended the California Health and Safety Code to establish a “Microenterprise Home Kitchen Operation” (MEHKO) as a new type of retail food facility that will allow an individual to operate a restaurant in their private residence. However, a governing body of a jurisdiction such as the City of Berkeley must first authorize these types of operations via *Resolution or Ordinance* before they can be issued a permit to operate in that jurisdiction.

In a recent survey conducted by Yolo County Environmental Health of 41 Environmental Health jurisdictions throughout the state, only one (1) County has opted-in (Riverside) and reports indicate that 14 MEHKOs have been permitted since granting authorization in May 2019. San Mateo County expressed support for implementation of AB 626 in San Mateo County, and appointed a subcommittee to work with staff to assess and report concerns and to develop an appropriate form of ordinance or resolution. At least 3 jurisdictions have officially opted out (City of Long Beach, Yolo and Siskiyou), and the rest of the surveyed jurisdictions are either taking “no action”, or they are taking a “wait-and-see” approach depending on the disposition of a “clean-up” bill, AB 377, which is currently awaiting the Governor’s signature. Notable jurisdictions waiting for the outcome of AB 377 include Los Angeles County and Santa Clara County. A majority of the surveyed jurisdictions simply have not received overwhelming support from the public and/or the elected officials to move forward.

The changes proposed in AB 377 should not have a significant impact on the City of Berkeley’s decision on whether to authorize MEHKOs or not, except for a provision that would allow 3<sup>rd</sup> party food delivery services to deliver food individuals who have a physical and/or mental disability which would otherwise prevent those individuals from accessing foods sold by MEHKOs. Some of the other proposed changes include: a prohibition on the production of milk and milk products, including ice cream, and cheeses.

To date, very few inquiries have been received by the Environmental Health Division as to the status of the City’s efforts to authorize MEHKOs, which may suggest that the popularity may be less than originally anticipated.

### BACKGROUND

After several years of legislative lobbying, Assembly Members Garcia and Arambula co-sponsored AB-626. The bill was signed by the Governor in September 2018, and became effective on January 1, 2019. Before the passage of this legislation, the practice of preparing food for retail consumption from a kitchen other than a permitted commercial kitchen or permitted event was considered illegal.

### ENVIRONMENTAL SUSTAINABILITY

MEHKOs could increase access to locally produced food made right in one’s neighborhood; however, there are no incentives in AB-626 that it be healthy nor affordable.

### RATIONALE FOR RECOMMENDATION

Should the Mayor and City Council ultimately authorize MEHKOs some concerns to be considered in the enabling legislation include:

- Traffic and parking in congested locations and noise in otherwise ‘quiet’ neighborhoods could be exacerbated by an increased number of cars and patrons choosing to either dine-in or pick-up food from the MEHKO.

- Issues surrounding electrical wiring, natural gas, equipment/appliances, etc. - especially in older homes and apartment units, could pose safety concerns. There are no commercial ventilation requirements to remove grease-laden vapors to prevent build-up of greases on walls, ceilings, and inside residential-type stove hoods. This is a potential fire-hazard.
- The generation of fats, oils, and greases may negatively impact the sewer system.

Some critical food safety issues are mitigated by provisions in AB-626:

- Raw oysters may not be served
- Complex/critical hazard foods requiring a Hazard Analysis Critical Control Plan (HACCP) are prohibited (such as live molluscan shellfish tanks).
- Raw milk and raw milk products are prohibited.
- Same-day preparation and service are required. No cooling or reheating is allowed.
- The operator must pass an approved and accredited food safety certification exam and any individual involved in the preparation, storage, or service of food must have a current food handler card.

#### ALTERNATIVE ACTIONS CONSIDERED

Council could decide to not approve moving forward with MEHKOs in Berkeley and that activity would remain illegal.

#### CONTACT PERSON

Ronald Torres, Environmental Health Manager, HHCS, 510.981.5261

#### Attachments:

- 1: Assembly Bill 626
- 2: Assembly Bill 377

## Assembly Bill No. 626

### CHAPTER 470

An act to amend Sections 110460, 111955, 113789, and 114390 of, to add Section 113825 to, and to add Chapter 11.6 (commencing with Section 114367) to Part 7 of Division 104 of, the Health and Safety Code, relating to the California Retail Food Code.

[Approved by Governor September 18, 2018. Filed with  
Secretary of State September 18, 2018.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 626, Eduardo Garcia. California Retail Food Code: microenterprise home kitchen operations.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities for regulation by the State Department of Public Health, and requires local enforcement agencies to enforce these provisions. Existing law defines “food facility” as an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, as specified. Existing law exempts, among others, a private home, including a registered or permitted cottage food operation, from the definition of food facility. A violation of the California Retail Food Code is generally a misdemeanor.

This bill would, among other things, include a microenterprise home kitchen operation within the definition of a food facility, and would define a microenterprise home kitchen operation to mean a food facility that is operated by a resident in a private home where food is stored, handled, and prepared for, and may be served to, consumers, and that meets specified requirements, including, among others, that the operation has no more than one full-time equivalent food employee and has no more than \$50,000 in verifiable gross annual sales. The bill would specify that the governing body of a city or county, or city and county, shall have full discretion to authorize, by ordinance or resolution, the permitting of microenterprise home kitchen operations in accordance with the provisions of this bill, except as provided. The bill would require a microenterprise home kitchen operation to be considered a restricted food service facility for purposes of certain provisions of the code, except as otherwise provided, and would exempt a microenterprise home kitchen operation from various provisions applicable to food facilities, including, among others, provisions relating to handwashing, sinks, ventilation, and animals. The bill would require the applicant for a permit to operate a microenterprise home kitchen operation to submit to the local enforcement agency written standard operating procedures that include specified information, including all food types or

products that will be handled and the days and times that the home kitchen will potentially be utilized as a microenterprise home kitchen operation.

The bill would require an Internet food service intermediary, as defined, that lists or promotes a microenterprise home kitchen operation on its Internet Web site or mobile application to, among other things, be registered with the department, to clearly and conspicuously post on its Internet Web site or mobile application the requirements for the permitting of a microenterprise home kitchen operation, as specified, prior to the publication of the microenterprise home kitchen operation's offer of food for sale, and to submit the name and permit number of a microenterprise home kitchen operation to the local enforcement agency if it receives, through its Internet Web site or mobile application, 3 or more unrelated individual food safety or hygiene complaints in a calendar year from consumers who have made a purchase through its Internet Web site or mobile application. The bill would also make related findings and declarations.

By expanding the scope of a crime, this bill would impose a state-mandated local program.

This bill would incorporate additional changes to Section 113789 of the Health and Safety Code proposed by AB 2178 and AB 2524 to be operative only if this bill and AB 2178, this bill and AB 2524, or all 3 bills are enacted and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) California is the largest agricultural producer and exporter in the United States.

(2) California is home to the "farm-to-table" movement, which embraces the idea that restaurants and other food sellers should prioritize locally and sustainably produced foods.

(3) Many cities have embraced the idea of locally grown, produced, and prepared foods. Sacramento, for example, proclaimed itself the farm-to-fork capital of America.

(4) Accordingly, Californians have shown a preference for supporting local agriculture and local business and for finding sustainable solutions to food insecurity.

(5) The retail and commercial food market is an integral part of California's economy.

(6) Small-scale, home-cooking operations can create significant economic opportunities for Californians that need them most — often women, immigrants, and people of color.

(7) Under existing law, individuals can sell food through retail food facilities or cottage food operations, the latter of which being limited to a restricted list that primarily consists of nonperishable food items that can be prepared in the home. Both of these options make it difficult for the vast majority of home cooks to independently benefit from their labor, skills, and limited resources.

(8) Because the bar for entry to restaurant ownership is high, and the cost of renting a retail kitchen is so great, an informal economy of locally produced and prepared hot foods exists in the form of meal preparation services, food carts, and communally shared meals.

(9) However, due to a lack of appropriate regulations, many experienced cooks in California are unable to legally participate in the locally prepared food economy and to earn an income legally therein.

(10) As a result, and because they feel they have no other option, thousands of private chefs, home caterers, and many other food microentrepreneurs cook out of private homes or unlicensed food facilities, with little access to education for best practices or safety guidelines.

(11) Many of these cooks are unable to enter the traditional food economy based on disability, family responsibilities, or lack of opportunity.

(12) Under existing law, preparing and selling food from a home kitchen normally can be treated as a criminal act and may be punishable as a misdemeanor.

(13) Providing guidelines, training, and safety resources to home cooks would also increase public health safeguards in existing informal food economies.

(14) The exchange of home-cooked food can also improve access to healthy foods for communities, particularly in food deserts with severely limited options.

(15) The California Retail Food Code establishes health and sanitation standards for retail food facilities. That law exempts private homes from the definition of a food facility and includes cottage food operations in that exemption.

(16) Therefore, the Legislature should create a framework that authorizes the safe preparation and sale of meals prepared in home kitchens, providing adequate regulations and requirements for food handling and safety.

(b) It is the intent of the Legislature that this act authorize the use of home kitchens for small-scale, direct food sales by home cooks to consumers, providing appropriate flexibility in food types and appropriate health and sanitation standards.

SEC. 2. Section 110460 of the Health and Safety Code is amended to read:

110460. No person shall engage in the manufacture, packing, or holding of any processed food in this state unless the person has a valid registration from the department, except those engaged exclusively in the storing, handling, or processing of dried beans. The registration shall be valid for one calendar year from the date of issue, unless it is revoked. The registration shall not be transferable. This section shall not apply to a cottage food

operation that is registered or has a permit pursuant to Section 114365 or a microenterprise home kitchen, as defined in Section 113825.

SEC. 3. Section 111955 of the Health and Safety Code is amended to read:

111955. “Food processing establishment,” as used in this chapter, shall mean any room, building, or place or portion thereof, maintained, used, or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, canning, packing, slaughtering, or otherwise preparing or handling food except restaurants. “Food processing establishment” shall not include a cottage food operation that is registered or has a permit pursuant to Section 114365 or a microenterprise home kitchen, as defined in Section 113825.

SEC. 4. Section 113789 of the Health and Safety Code is amended to read:

113789. (a) “Food facility” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.

(2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(b) “Food facility” includes permanent and nonpermanent food facilities, including, but not limited to, the following:

(1) Public and private school cafeterias.

(2) Restricted food service facilities.

(3) Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).

(4) Commissaries.

(5) Mobile food facilities.

(6) Mobile support units.

(7) Temporary food facilities.

(8) Vending machines.

(9) Certified farmers’ markets, for purposes of permitting and enforcement pursuant to Section 114370.

(10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.

(11) Fishermen’s markets.

(12) Microenterprise home kitchen operations.

(c) “Food facility” does not include any of the following:

(1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.

(2) A private home when used for private, noncommercial purposes or when used as a cottage food operation that is registered or has a permit pursuant to Section 114365.

(3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.

(4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.

(5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code, or premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, and in the regulations adopted pursuant to those sections, that comply with Section 118375, regardless of whether there is a charge for the wine or beer tasting, if no other beverage, except for bottles of wine or beer and prepackaged nonpotentially hazardous beverages, is offered for sale or for onsite consumption and no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.

(6) An outlet or location, including, but not limited to, premises, operated by a producer, selling or offering for sale only whole produce grown by the producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.

(7) A commercial food processing establishment, as defined in Section 111955.

(8) A child day care facility, as defined in Section 1596.750.

(9) A community care facility, as defined in Section 1502.

(10) A residential care facility for the elderly, as defined in Section 1569.2.

(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.

(12) (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.

(B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.

(13) A community food producer, as defined in Section 113752.

SEC. 4.1. Section 113789 of the Health and Safety Code is amended to read:

113789. (a) "Food facility" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.

(2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.



(b) “Food facility” includes permanent and nonpermanent food facilities, including, but not limited to, the following:

- (1) Public and private school cafeterias.
- (2) Restricted food service facilities.
- (3) Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).
- (4) Commissaries.
- (5) Mobile food facilities.
- (6) Mobile support units.
- (7) Temporary food facilities.
- (8) Vending machines.
- (9) Certified farmers’ markets, for purposes of permitting and enforcement pursuant to Section 114370.
- (10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.
- (11) Fishermen’s markets.
- (12) Microenterprise home kitchen operations.

(c) “Food facility” does not include any of the following:

- (1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.
- (2) A private home when used for private, noncommercial purposes or when used as a cottage food operation that is registered or has a permit pursuant to Section 114365.
- (3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.
- (4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.
- (5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code, or premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, and in the regulations adopted pursuant to those sections, that comply with Section 118375, regardless of whether there is a charge for the wine or beer tasting, if no other beverage, except for bottles of wine or beer and prepackaged nonpotentially hazardous beverages, is offered for sale or for onsite consumption and no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.
- (6) An outlet or location, including, but not limited to, premises, operated by a producer, selling or offering for sale only whole produce grown by the producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.
- (7) A commercial food processing establishment, as defined in Section 111955.
- (8) A child day care facility, as defined in Section 1596.750.

(9) A community care facility, as defined in Section 1502.

(10) A residential care facility for the elderly, as defined in Section 1569.2.

(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.

(12) (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.

(B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.

(13) A community food producer, as defined in Section 113752.

(14) A limited service charitable feeding operation, as defined in Section 113819.

SEC. 4.2. Section 113789 of the Health and Safety Code is amended to read:

113789. (a) “Food facility” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.

(2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(b) “Food facility” includes permanent and nonpermanent food facilities, including, but not limited to, the following:

(1) Public and private school cafeterias.

(2) Restricted food service facilities.

(3) Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).

(4) Commissaries.

(5) Mobile food facilities.

(6) Mobile support units.

(7) Temporary food facilities.

(8) Vending machines.

(9) Certified farmers’ markets, for purposes of permitting and enforcement pursuant to Section 114370.

(10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.

(11) Fishermen’s markets.

(12) Microenterprise home kitchen operations.

(13) Catering operation.

(14) Host facility.

(c) “Food facility” does not include any of the following:

(1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.

(2) A private home when used for private, noncommercial purposes or when used as a cottage food operation that is registered or has a permit pursuant to Section 114365.

(3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.

(4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.

(5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code, or premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, and in the regulations adopted pursuant to those sections, that comply with Section 118375, regardless of whether there is a charge for the wine or beer tasting, if no other beverage, except for bottles of wine or beer and prepackaged nonpotentially hazardous beverages, is offered for sale or for onsite consumption and no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.

(6) An outlet or location, including, but not limited to, premises, operated by a producer, selling or offering for sale only whole produce grown by the producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.

(7) A commercial food processing establishment, as defined in Section 111955.

(8) A child day care facility, as defined in Section 1596.750.

(9) A community care facility, as defined in Section 1502.

(10) A residential care facility for the elderly, as defined in Section 1569.2.

(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.

(12) (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.

(B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.

(13) A community food producer, as defined in Section 113752.

SEC. 4.3. Section 113789 of the Health and Safety Code is amended to read:

113789. (a) "Food facility" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.

(2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(b) “Food facility” includes permanent and nonpermanent food facilities, including, but not limited to, the following:

(1) Public and private school cafeterias.

(2) Restricted food service facilities.

(3) Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).

(4) Commissaries.

(5) Mobile food facilities.

(6) Mobile support units.

(7) Temporary food facilities.

(8) Vending machines.

(9) Certified farmers’ markets, for purposes of permitting and enforcement pursuant to Section 114370.

(10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.

(11) Fishermen’s markets.

(12) Microenterprise home kitchen operations.

(13) Catering operation.

(14) Host facility.

(c) “Food facility” does not include any of the following:

(1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.

(2) A private home when used for private, noncommercial purposes or when used as a cottage food operation that is registered or has a permit pursuant to Section 114365.

(3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.

(4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.

(5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code, or premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, and in the regulations adopted pursuant to those sections, that comply with Section 118375, regardless of whether there is a charge for the wine or beer tasting, if no other beverage, except for bottles of wine or beer and prepackaged nonpotentially hazardous beverages, is offered for sale or for onsite consumption and no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.

(6) An outlet or location, including, but not limited to, premises, operated by a producer, selling or offering for sale only whole produce grown by the

producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.

(7) A commercial food processing establishment, as defined in Section 111955.

(8) A child day care facility, as defined in Section 1596.750.

(9) A community care facility, as defined in Section 1502.

(10) A residential care facility for the elderly, as defined in Section 1569.2.

(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.

(12) (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.

(B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.

(13) A community food producer, as defined in Section 113752.

(14) A limited service charitable feeding operation, as defined in Section 113819.

SEC. 5. Section 113825 is added to the Health and Safety Code, to read:

113825. (a) "Microenterprise home kitchen operation" means a food facility that is operated by a resident in a private home where food is stored, handled, and prepared for, and may be served to, consumers, and that meets all of the following requirements:

(1) The operation has no more than one full-time equivalent food employee, not including a family member or household member.

(2) Food is prepared, cooked, and served on the same day.

(3) Food is consumed onsite at the microenterprise home kitchen operation or offsite if the food is picked up by the consumer or delivered within a safe time period based on holding equipment capacity.

(4) Food preparation does not involve processes that require a HACCP plan, as specified in Section 114419, or the production, service, or sale of raw milk or raw milk products, as defined in Section 11380 of Title 17 of the California Code of Regulations.

(5) The service and sale of raw oysters is prohibited.

(6) Food preparation is limited to no more than 30 individual meals per day, or the approximate equivalent of meal components when sold separately, and no more than 60 individual meals, or the approximate equivalent of meal components when sold separately, per week. The local enforcement agency may decrease the limit of the number of individual meals prepared based on food preparation capacity of the operation, but shall not, in any case, increase the limit of the number of individual meals prepared.

(7) The operation has no more than fifty thousand dollars (\$50,000) in verifiable gross annual sales, as adjusted annually for inflation based on the California Consumer Price Index.

(8) The operation only sells food directly to consumers and not to any wholesaler or retailer. For purposes of this paragraph, the sale of food

prepared in a microenterprise home kitchen operation through the Internet Web site or mobile application of an Internet food service intermediary, as defined in Section 114367.6, is a direct sale to consumers. An operation that sells food through the Internet Web site or mobile application of an Internet food service intermediary shall consent to the disclosures specified in paragraphs (6) and (7) of subdivision (a) of Section 114367.6.

(b) “Microenterprise home kitchen operation” does not include either of the following:

- (1) A catering operation.
- (2) A cottage food operation, as defined in Section 113758.

(c) For purposes of this section, “resident of a private home” means an individual who resides in the private home when not elsewhere for labor or other special or temporary purpose.

SEC. 6. Chapter 11.6 (commencing with Section 114367) is added to Part 7 of Division 104 of the Health and Safety Code, to read:

#### CHAPTER 11.6. MICROENTERPRISE HOME KITCHEN OPERATION

114367. (a) Except as provided in subdivision (b), the governing body of a city or county, or city and county, shall have full discretion to authorize, by ordinance or resolution, the permitting of microenterprise home kitchen operations in accordance with this chapter.

(b) A permit issued by a county that has authorized the permitting of microenterprise home kitchen operations in accordance with this chapter shall be valid in any city within the county regardless of whether the city has separately enacted an ordinance or resolution to authorize or prohibit the permitting of microenterprise home kitchen operations within that city.

114367.1. (a) A microenterprise home kitchen operation, as defined in Section 113825, shall be considered a restricted food service facility for purposes of, and subject to all applicable requirements of, Chapter 1 (commencing with Section 113700) to Chapter 9 (commencing with Section 114265), inclusive, Chapter 12.6 (commencing with Section 114377), and Chapter 13 (commencing with Section 114380), except as otherwise provided in this chapter.

(b) A microenterprise home kitchen operation shall be exempt from all of the following provisions:

(1) Handwashing facilities requirements, as required in Section 113953, provided that a handwashing sink is supplied with warm water and located in the toilet room and supplied, as specified in Section 113953.2.

(2) Any provision in this part relating to sinks, warewashing machines, and manual or machine sanitation, including but not limited to, Sections 114099, 114099.2, 114099.4, 114099.6, 114099.7, 114101.1, 114101.2, 114103, 114107, 114123, 114125, 114163, and 114279, provided that the sink in a microenterprise home kitchen operation has hot and cold water and is fully operable.

(3) Prohibition on the presence of persons unnecessary to the food facility operation in the food preparation, food storage, or warewashing areas, as specified in Section 113945.1.

(4) No smoking sign posting requirements, as specified in Section 113978.

(5) Limitations on employee consumption of food, drink, or tobacco outside of designated areas, as specified in Sections 113977 and 114256.

(6) Limitations on consumer access to the food facility through food preparation areas, as specified in Section 113984.1.

(7) Display guard, cover, and container requirements, as specified in Section 114060, provided that any food on display that is not protected from the direct line of a consumer's mouth by an effective means is not served or sold to any subsequent consumer.

(8) Limitations on outdoor display and sale of foods, as specified in Section 114069.

(9) Requirements to provide clean drinking cups and tableware for second portions and beverage refills, as specified in Section 114075.

(10) Requirements pertaining to the characteristics and certification of utensils and equipment, as specified in Sections 114130, 114130.1, and 114139, provided that utensils and equipment are designed to retain their characteristic qualities under normal use conditions.

(11) Requirements pertaining to the characteristics, construction, and multiuse of food-contact and nonfood-contact surfaces, as specified in Sections 114130.1, 114130.3, and 114130.4, provided that food contact surfaces are smooth, easily cleanable, and in good repair.

(12) Requirements pertaining to the characteristics, construction, and disassembly of clean in place (CIP) equipment, as specified in Section 114130.5.

(13) Limitations on the use of wood as a food contact surface and in connection with other equipment, as specified in Section 114132.

(14) Any provision in this part relating to ventilation, including, but not limited to, Article 2 (commencing with Section 114149) of Chapter 6, provided that gases, odors, steam, heat, grease, vapors, and smoke are able to escape from the kitchen.

(15) Requirements that cold or hot holding equipment used for potentially hazardous food be equipped with integral or permanently affixed temperature measuring device or product mimicking sensors, as specified in subdivision (c) of Section 114157.

(16) Requirements pertaining to the installation of fixed, floor-mounted, and table-mounted equipment, as specified in Section 114169.

(17) Dedicated laundry facility requirements, as specified in Section 114185.5, provided that linens used in connection with the microenterprise home kitchen operation shall be laundered separately from the household and other laundry.

(18) Requirements pertaining to water, plumbing, drainage, and waste, as specified in Sections 114193, 114193.1, and 114245.7.

(19) Any requirement that a microenterprise home kitchen operation have more than one toilet facility or that access to the toilet facility not



require passage through the food preparation, food storage, or utensil washing areas, including, but not limited to, the requirements specified in Sections 114250 and 114276.

(20) Light intensity, light source, and lightbulb requirements, as specified in Sections 114252 and 114252.1, provided that food preparation areas are well lighted by natural or artificial light whenever food is being prepared.

(21) Requirements to provide and use lockers, storage facilities, and designated dressing areas, and that food facility premises be free of litter and items that are unnecessary to the operation, as specified in Sections 114256.1 and 114257.1, provided that personal effects and clothing not ordinarily found in a home kitchen are placed or stored away from food preparation areas and dressing takes place outside of the kitchen.

(22) Limitations on the presence and handling of animals, such as domestic, service, or patrol animals, as specified in Sections 114259.4 and 114259.5, provided that all animals, other than service animals, are kept outside of the kitchen and dining areas during food service and preparation.

(23) Requirements pertaining to floor, wall, and ceiling surfaces, as specified in Sections 114268, 114269, and 114271, provided that the floor, wall, and ceiling surfaces of the kitchen, storage, and toilet areas are smooth, of durable construction, and easily cleanable with no limitations on the use of wood, tile, and other nonfiber floor surfaces ordinarily used in residential settings.

(24) Any local evaluation or grading system for food facilities, as authorized by Section 113709.

(25) All prohibitions and limitations on the use of a kitchen in a private home as a food facility, including, but not limited to, prohibitions and limitations specified in Section 114285, provided that food is not prepared in designated sleeping quarters. Open kitchens adjacent to living and sleeping areas, kitchens in efficiency, studio, and loft-style residences, and kitchens without doors at all points of ingress and egress may be used in microenterprise home kitchen operations.

(26) Planning and permitting provisions of Sections 114380, 114381, and 114381.2.

(c) A microenterprise home kitchen operation may operate an open-air barbecue or outdoor wood-burning oven, pursuant to the requirements of Section 114143.

(d) The operator of a microenterprise home kitchen operation shall successfully pass an approved and accredited food safety certification examination, as specified in Section 113947.1.

(e) Any individual, other than the operator, who is involved in the preparation, storage, or service of food in a microenterprise home kitchen operation shall be subject to the food handler card requirements specified in Section 113948.

114367.2. (a) A microenterprise home kitchen operation shall not be open for business unless it has obtained a permit issued from the local enforcement agency.



(b) The department shall post on its Internet Web site the requirements for the permitting of a microenterprise home kitchen operation, pursuant to this chapter and any ordinance, resolution, or rules adopted by any city or county, or city and county, that has authorized the permitting of microenterprise home kitchen operations, which shall be written at a high school level.

(c) The applicant shall submit to the local enforcement agency written standard operating procedures that include all of the following information:

(1) All food types or products that will be handled.

(2) The proposed procedures and methods of food preparation and handling.

(3) Procedures, methods, and schedules for cleaning utensils, equipment, and for the disposal of refuse.

(4) How food will be maintained at the required holding temperatures, as specified in Section 113996, pending pickup by consumer or during delivery.

(5) Days and times that the home kitchen will potentially be utilized as a microenterprise home kitchen operation.

(d) (1) The local enforcement agency shall issue a permit after an initial inspection has determined that the proposed microenterprise home kitchen operation and its method of operation comply with the requirements of this chapter.

(2) A local enforcement agency shall not require a microenterprise home kitchen operation to comply with food safety requirements that are different from, or in addition to, the requirements of this chapter.

(e) For purposes of permitting, the permitted area includes the home kitchen, onsite consumer eating area, food storage, utensils and equipment, toilet room, janitorial or cleaning facilities, and refuse storage area. Food operations shall not be conducted outside of the permitted areas.

(f) A local enforcement agency may require a microenterprise home kitchen operation to renew its permit annually.

(g) A permit, once issued, is nontransferable. A permit shall be valid only for the person and location specified by that permit, and, unless suspended or revoked for cause, for the time period indicated.

(h) The permit, or an accurate copy thereof, shall be retained by the operator onsite and displayed at all times the microenterprise home kitchen operation is in operation.

(i) A local enforcement agency may collect a fee for the issuance of a permit pursuant to this chapter in an amount that does not exceed the reasonable administrative costs by the local enforcement agency in issuing the permit.

(j) Notwithstanding any other law, if there are multiple local agencies involved in the issuance of any type of permit, license, or other authorization to a microenterprise home kitchen operation, the governing body of the city or county, or city and county, shall designate one lead local agency that shall be vested with the sole authority to accept all applications for, to collect all fees for, and to issue, any permit, license, or other authorization required

for a microenterprise home kitchen operation to operate in the city or county, or city and county. A local agency other than the lead local agency shall not accept any applications for, collect any fees for, nor issue, any permits for the same purpose.

114367.3. (a) Notwithstanding any other law, after the initial inspection for purposes of determining compliance with this chapter, a microenterprise home kitchen operation shall not be subject to routine inspections, except that a representative of a local enforcement agency may access, for inspection purposes, the permitted area of a microenterprise home kitchen operation after the occurrence of either of the following:

(1) The representative has provided the microenterprise home kitchen operation with reasonable advance notice.

(2) The representative has a valid reason, such as a consumer complaint, to suspect that adulterated or otherwise unsafe food has been produced or served by the microenterprise home kitchen operation, or that the microenterprise home kitchen operation has otherwise been in violation of this part.

(b) Notwithstanding any other law, a microenterprise home kitchen operation shall not be subject to more than one inspection each year by the local enforcement agency, except in cases in which the local enforcement agency has valid reason, such as a consumer complaint, to suspect that adulterated or otherwise unsafe food has been produced or served by the microenterprise home kitchen operation, or that the microenterprise home kitchen operation has otherwise been in violation of this part.

(c) The local enforcement agency shall document the reason for the inspection, keep that documentation on file with the microenterprise home kitchen operation's permit, and provide the reason in writing to the operator of the microenterprise home kitchen operation.

(d) Access provided under this section is limited to the permitted area of the microenterprise home kitchen operation, during the posted operating hours of the microenterprise home kitchen operation, and solely for the purpose of enforcing or administering this part.

(e) A local enforcement agency may seek recovery from a microenterprise home kitchen operation of an amount that does not exceed the local enforcement agency's reasonable costs of inspecting the microenterprise home kitchen operation for compliance with this part if the microenterprise home kitchen operation is found to be in violation of this part.

114367.4. (a) (1) A city, county, or city and county shall not prohibit the operation of, require a permit to operate, require a rezone of the property for, or levy any fees on, or impose any other restriction on, a microenterprise home kitchen operation in any residential dwelling for zoning purposes. A microenterprise home kitchen operation shall be a permitted use of residential property in any residential dwelling for zoning purposes if the microenterprise home kitchen operation complies with both of the following criteria:

(A) Abstain from posting signage or other outdoor displays advertising the microenterprise home kitchen operation.

(B) Be in compliance with applicable local noise ordinances.

(2) This subdivision does not supersede or otherwise limit the investigative and enforcement authority of the city, county, or city and county with respect to violations of its nuisance ordinances.

(b) The use of a residence for the purposes of a microenterprise home kitchen operation shall not constitute a change of occupancy for purposes of the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code), or for purposes of local building and fire codes.

(c) A microenterprise home kitchen operation shall be considered a residence for the purposes of the State Uniform Building Standards Code and local building and fire codes.

114367.5. (a) A person delivering food on behalf of a microenterprise home kitchen operation with a permit issued pursuant to Section 114367.2 shall be an employee of the operation or a family member or household member of the permit holder, and, if the person drives a motor vehicle in the delivery of the food, the person shall have a valid driver's license.

(b) The microenterprise home kitchen operation shall keep on file a copy of the valid driver's license of a person delivering food on behalf of the operation.

114367.6. (a) An Internet food service intermediary that lists or promotes a microenterprise home kitchen operation on its Internet Web site or mobile application shall meet all of the following requirements:

(1) Be registered with the department.

(2) Prior to the listing or publication of a microenterprise home kitchen operation's offer of food for sale, clearly and conspicuously post on its Internet Web site or mobile application the requirements for the permitting of a microenterprise home kitchen specified in this chapter, which shall be written at the high school level and be provided by the department.

(3) Clearly and conspicuously post on its Internet Web site or mobile application the fees associated with using its platform in a manner that allows both the consumer and the microenterprise home kitchen operation to see and understand the amount being charged for the services provided by the Internet food service intermediary. The Internet food service intermediary shall notify microenterprise home kitchen operations of any changes to these fees exceeding a 2-percent increase in writing and no later than one month before the changes take effect.

(4) Clearly and conspicuously post on its Internet Web site or mobile application whether or not it has liability insurance that would cover any incidence arising from the sale or consumption of food listed or promoted on its Internet Web site or mobile application.

(5) Provide a dedicated field on its platform for a microenterprise home kitchen operation to post the permit number, and shall provide notice to the microenterprise home kitchen operation of the requirement that the permit number be updated annually.

(6) Clearly and conspicuously post on its Internet Web site or mobile application how a consumer can contact the Internet food service

intermediary through its Internet Web site or mobile application if the consumer has a food safety or hygiene complaint and a link to the department's Internet Web site that contains information for how to file a complaint with the local enforcement agency.

(7) Submit the name and permit number of a microenterprise home kitchen operation to the local enforcement agency if it receives, through its Internet Web site or mobile application, three or more unrelated individual food safety or hygiene complaints in a calendar year from consumers that have made a purchase through its Internet Web site or mobile application. The Internet food service intermediary shall submit this information to the local enforcement agency within two weeks of the third complaint received.

(8) If it is notified by the local enforcement agency of significant food safety related complaints from a verified consumer that has made a purchase through its Internet Web site or mobile application, submit to the local enforcement agency the name and permit number of microenterprise home kitchen operation where the food was purchased, and a list of consumers who purchased food on the same day from that microenterprise home kitchen operation through its Internet Web site or mobile application.

(9) Prior to the listing or publication of a microenterprise home kitchen operation's offer of food for sale, obtain consent from the microenterprise home kitchen operation to make the disclosures to government entities required pursuant to this section.

(b) For purposes of this chapter, an "Internet food service intermediary" means an entity that provides a platform on its Internet Web site or mobile application through which a microenterprise home kitchen operation may choose to offer food for sale and from which the Internet food service intermediary derives revenues, including, but not limited to, revenues from advertising and fees for services offered to a microenterprise home kitchen operation. Services offered by an Internet food service intermediary to a microenterprise home kitchen operation may include, but are not limited to, allowing a microenterprise home kitchen operation to advertise its food for sale and providing a means for potential consumers to arrange payment for the food, whether the consumer pays directly to the microenterprise home kitchen operation or to the Internet food service intermediary. Merely publishing an advertisement for the microenterprise home kitchen operation or food cooked therein does not make the publisher an Internet food service intermediary.

SEC. 7. Section 114390 of the Health and Safety Code is amended to read:

114390. (a) Enforcement officers shall enforce this part and all regulations adopted pursuant to this part.

(b) (1) For purposes of enforcement, any authorized enforcement officer may, during the facility's hours of operation and other reasonable times, enter, inspect, issue citations to, and secure any sample, photographs, or other evidence from a food facility, cottage food operation, or any facility suspected of being a food facility or cottage food operation, or a vehicle transporting food to or from a retail food facility, when the vehicle is

stationary at an agricultural inspection station, a border crossing, or at any food facility under the jurisdiction of the enforcement agency, or upon the request of an incident commander.

(2) If a food facility is operating under an HACCP plan, the enforcement officer may, for the purpose of determining compliance with the plan, secure as evidence any documents, or copies of documents, relating to the facility's adherence to the HACCP plan. Inspection may, for the purpose of determining compliance with this part, include any record, file, paper, process, HACCP plan, invoice, or receipt bearing on whether food, equipment, or utensils are in violation of this part.

(3) The enforcement officer may, for the purpose of determining compliance with the gross annual sales requirements for operating a microenterprise home kitchen operation or a cottage food operation, require those operations to provide copies of documents related to determining gross annual sales.

(c) Notwithstanding subdivision (a), an employee may refuse entry to an enforcement officer who is unable to present official identification showing the enforcement officer's picture and enforcement agency name. In the absence of the identification card, a business card showing the enforcement agency's name plus a picture identification card such as a driver's license shall meet this requirement.

(d) It is a violation of this part for any person to refuse to permit entry or inspection, the taking of samples or other evidence, access to copy any record as authorized by this part, to conceal any samples or evidence, withhold evidence concerning them, or interfere with the performance of the duties of an enforcement officer, including making verbal or physical threats or sexual or discriminatory harassment.

(e) A written report of the inspection shall be made, and a copy shall be supplied or mailed to the owner, manager, or operator of the food facility.

SEC. 8. (a) Section 4.1 of this bill incorporates amendments to Section 113789 of the Health and Safety Code proposed by both this bill and Assembly Bill 2178. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 113789 of the Health and Safety Code, (3) Assembly Bill 2524 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 2178, in which case Sections 4, 4.2, and 4.3 of this bill shall not become operative.

(b) Section 4.2 of this bill incorporates amendments to Section 113789 of the Health and Safety Code proposed by both this bill and Assembly Bill 2524. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 113789 of the Health and Safety Code, (3) Assembly Bill 2178 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 2524, in which case Sections 4, 4.1, and 4.3 of this bill shall not become operative.

(c) Section 4.3 of this bill incorporates amendments to Section 113789 of the Health and Safety Code proposed by this bill, Assembly Bill 2178,

and Assembly Bill 2524. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2019, (2) all three bills amend Section 113789 of the Health and Safety Code, and (3) this bill is enacted after Assembly Bill 2178 and Assembly Bill 2524, in which case Sections 4, 4.1, and 4.2 of this bill shall not become operative.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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**Assembly Bill No. 377**

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Passed the Assembly September 9, 2019

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*Chief Clerk of the Assembly*

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Passed the Senate September 5, 2019

\_\_\_\_\_  
*Secretary of the Senate*

\_\_\_\_\_

This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

AB 377

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## CHAPTER \_\_\_\_\_

An act to amend Sections 113825, 114367.1, 114367.2, 114367.5, and 114367.6 of, and to repeal and add Sections 114367 and 114367.3 of, the Health and Safety Code, relating to retail food facilities, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

AB 377, Eduardo Garcia. Microenterprise home kitchen operations.

(1) The California Retail Food Code (code) authorizes the governing body of a city, county, or city and county, by ordinance or resolution, to permit microenterprise home kitchen operations if certain conditions are met. The code requires a microenterprise home kitchen operation, as a restricted food service facility, to meet specified food safety standards. A violation of the code is generally a misdemeanor.

This bill would prohibit a microenterprise home kitchen operation from producing, manufacturing, processing, freezing, or packaging milk or milk products, including, but not limited to, cheese and ice cream. The bill would modify the conditions for a city, county, or city and county to permit microenterprise home kitchen operations within its jurisdiction. The bill would modify the inspections and food safety standards applicable to microenterprise home kitchen operations. The bill would prohibit an internet food service intermediary or a microenterprise home kitchen operation from using the word "catering" or any variation of that word in a listing or advertisement of a microenterprise home kitchen operation's offer of food for sale. The bill would require a microenterprise home kitchen operation to include specific information, including its permit number, in its advertising. The bill would prohibit a third-party delivery service from delivering food produced by a microenterprise home kitchen operation, except to an individual who has a physical or mental condition that is a disability which limits the individual's ability to access the food without the assistance of a third-party delivery service. By



expanding the scope of a crime for a violation of the code, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 113825 of the Health and Safety Code is amended to read:

113825. (a) “Microenterprise home kitchen operation” means a food facility that is operated by a resident in a private home where food is stored, handled, and prepared for, and may be served to, consumers, and that meets all of the following requirements:

(1) The operation has no more than one full-time equivalent food employee, not including a family member or household member.

(2) Food is prepared, cooked, and served on the same day.

(3) Food is consumed onsite at the microenterprise home kitchen operation or offsite if the food is picked up by the consumer or delivered within a safe time period based on holding equipment capacity.

(4) Food preparation does not involve processes that require a HACCP plan, as specified in Section 114419, or the production, service, or sale of raw milk or raw milk products, as defined in Section 11380 of Title 17 of the California Code of Regulations.

(5) The service and sale of raw oysters is prohibited.

(6) The production, manufacturing, processing, freezing, or packaging of milk or milk products, including, but not limited to, cheese, ice cream, yogurt, sour cream, and butter, is prohibited.

(7) Food preparation is limited to no more than 30 individual meals per day, or the approximate equivalent of meal components when sold separately, and no more than 60 individual meals, or the approximate equivalent of meal components when sold separately, per week. The local enforcement agency may decrease

the limit of the number of individual meals prepared based on food preparation capacity of the operation, but shall not, in any case, increase the limit of the number of individual meals prepared.

(8) The operation has no more than fifty thousand dollars (\$50,000) in verifiable gross annual sales, as adjusted annually for inflation based on the California Consumer Price Index.

(9) The operation only sells food directly to consumers and not to any wholesaler or retailer. For purposes of this paragraph, the sale of food prepared in a microenterprise home kitchen operation through the internet website or mobile application of an Internet food service intermediary, as defined in Section 114367.6, is a direct sale to consumers. An operation that sells food through the internet website or mobile application of an Internet food service intermediary shall consent to the disclosures specified in paragraphs (6) and (7) of subdivision (a) of Section 114367.6.

(b) “Microenterprise home kitchen operation” does not include either of the following:

(1) A catering operation.

(2) A cottage food operation, as defined in Section 113758.

(c) For purposes of this section, “resident of a private home” means an individual who resides in the private home when not elsewhere for labor or other special or temporary purpose.

SEC. 2. Section 114367 of the Health and Safety Code is repealed.

SEC. 3. Section 114367 is added to the Health and Safety Code, to read:

114367. The governing body of a city, county, or city and county that is designated as the enforcement agency, as defined in Section 113773, may authorize, by ordinance or resolution, within its jurisdiction the permitting of microenterprise home kitchen operations in accordance with this chapter. If a governing body of a city, county, or city and county authorizes the permitting of microenterprise home kitchen operations, the authorization shall apply to all areas within its jurisdiction, including being applicable to all cities within a county that authorizes microenterprise home kitchen operations, regardless of whether each city located within the jurisdiction of the county separately authorizes them.

SEC. 4. Section 114367.1 of the Health and Safety Code is amended to read:

114367.1. (a) A microenterprise home kitchen operation, as defined in Section 113825, shall be considered a restricted food service facility for purposes of, and subject to all applicable requirements of, Chapter 1 (commencing with Section 113700) to Chapter 9 (commencing with Section 114265), inclusive, and Chapter 13 (commencing with Section 114380), except as otherwise provided in this chapter.

(b) A microenterprise home kitchen operation shall be exempt from all of the following provisions:

(1) Handwashing facilities requirements, as required in Section 113953, provided that a handwashing sink is supplied with warm water and located in the toilet room and supplied, as specified in Section 113953.2.

(2) Any provision in this part relating to sinks, warewashing machines, and manual or machine sanitation, including, but not limited to, Sections 114099, 114099.2, 114099.4, 114101.1, 114101.2, 114103, 114107, 114123, 114125, 114163, and 114279, provided that all of the following conditions are met:

(A) Utensils and equipment are able to be properly cleaned and sanitized.

(B) The sink in a microenterprise home kitchen operation has hot and cold water and is fully operable.

(C) If a dishwasher is used, it shall be operated in accordance with the manufacturer's specifications.

(3) Prohibition on the presence of persons unnecessary to the food facility operation in the food preparation, food storage, or warewashing areas, as specified in Section 113945.1, provided that the permitholder takes steps to avoid any potential contamination to food, clean equipment, utensils, and unwrapped single-service and single-use articles and prevents a person suffering from symptoms associated with acute gastrointestinal illness or person known to be infected with a communicable disease that is transmissible through food to enter the food preparation area while food is being prepared as part of a microenterprise home kitchen operation.

(4) No smoking sign posting requirements, as specified in Section 113978.

(5) Limitations on employee consumption of food, drink, or tobacco outside of designated areas, as specified in Sections 113977 and 114256, provided that the permitholder takes steps to avoid

any potential contamination to food, clean equipment, utensils, and unwrapped single-service and single-use articles and prevents a person suffering from symptoms associated with acute gastrointestinal illness or person known to be infected with a communicable disease that is transmissible through food to enter the food preparation area while food is being prepared as part of a microenterprise home kitchen operation.

(6) Limitations on consumer access to the food facility through food preparation areas, as specified in Section 113984.1, provided that the permit holder takes steps to avoid any potential contamination to food, clean equipment, utensils, and unwrapped single-service and single-use articles and prevents a person suffering from symptoms associated with acute gastrointestinal illness or person known to be infected with a communicable disease that is transmissible through food to enter the food preparation area while food is being prepared as part of a microenterprise home kitchen operation.

(7) Display guard, cover, and container requirements, as specified in Section 114060, provided that any food on display that is not protected from the direct line of a consumer's mouth by an effective means is not served or sold to any subsequent consumer.

(8) Requirements to provide clean drinking cups and tableware for second portions and beverage refills, as specified in Section 114075.

(9) Requirements pertaining to the characteristics and certification of utensils and equipment, as specified in Sections 114130 and 114139, provided that utensils and equipment are designed to retain their characteristic qualities under normal use conditions.

(10) Requirements pertaining to the characteristics, construction, and multiuse of food-contact and nonfood-contact surfaces, as specified in Sections 114130.3 and 114130.4, provided that food contact surfaces are smooth, easily cleanable, and in good repair.

(11) Requirements pertaining to the characteristics, construction, and disassembly of clean in place (CIP) equipment, as specified in Section 114130.5.

(12) Limitations on the use of wood as a food contact surface and in connection with other equipment, as specified in Section

114132, provided that hard maple or equivalent wood is approved for use in direct contact with food during preparation.

(13) Any provision in this part relating to ventilation, including, but not limited to, Article 2 (commencing with Section 114149) of Chapter 6, provided that gases, odors, steam, heat, grease, vapors, and smoke are able to escape from the kitchen.

(14) Requirements that cold or hot holding equipment used for potentially hazardous food be equipped with integral or permanently affixed temperature measuring device or product mimicking sensors, as specified in subdivision (c) of Section 114157.

(15) Requirements pertaining to the installation of fixed, floor-mounted, and table-mounted equipment, as specified in Section 114169.

(16) Dedicated laundry facility requirements, as specified in Section 114185.5, provided that linens used in connection with the microenterprise home kitchen operation shall be laundered separately from the household and other laundry.

(17) Requirements pertaining to water, plumbing, drainage, and waste, as specified in Sections 114193, 114193.1, and 114245.7.

(18) Any requirement that a microenterprise home kitchen operation have more than one toilet facility or that access to the toilet facility not require passage through the food preparation, food storage, or utensil washing areas, including, but not limited to, the requirements specified in Sections 114250 and 114276.

(19) Light intensity, light source, and lightbulb requirements, as specified in Sections 114252 and 114252.1, provided that food preparation areas are well lighted by natural or artificial light whenever food is being prepared.

(20) Requirements to provide and use lockers, storage facilities, and designated dressing areas, and that food facility premises be free of litter and items that are unnecessary to the operation, as specified in Sections 114256.1 and 114257.1, provided that personal effects and clothing not ordinarily found in a home kitchen are placed or stored away from food preparation areas and dressing takes place outside of the kitchen.

(21) Limitations on the presence and handling of animals, such as domestic, service, or patrol animals, as specified in Sections 114259.4 and 114259.5, provided that all animals are kept outside of the kitchen during food service and preparation.

(22) Requirements pertaining to floor, wall, and ceiling surfaces, as specified in Sections 114268, 114269, and 114271, provided that the floor, wall, and ceiling surfaces of the kitchen, storage, and toilet areas are smooth, of durable construction, and easily cleanable with no limitations on the use of wood, tile, and other nonfiber floor surfaces ordinarily used in residential settings.

(23) Any local evaluation or grading system for food facilities, as authorized by Section 113709.

(24) All prohibitions and limitations on the use of a kitchen in a private home as a food facility, including, but not limited to, prohibitions and limitations specified in Section 114285, provided that food is not prepared in designated sleeping quarters. Open kitchens adjacent to living and sleeping areas, kitchens in efficiency, studio, and loft-style residences, and kitchens without doors at all points of ingress and egress may be used in microenterprise home kitchen operations.

(25) Planning and permitting provisions of Sections 114380 and 114381.2.

(c) A microenterprise home kitchen operation may operate an open-air barbecue or outdoor wood-burning oven, pursuant to the requirements of Section 114143.

(d) The operator of a microenterprise home kitchen operation shall successfully pass an approved and accredited food safety certification examination, as specified in Section 113947.1.

(e) Any individual, other than the operator, who is involved in the preparation, storage, or service of food in a microenterprise home kitchen operation shall be subject to the food handler card requirements specified in Section 113948.

(f) A microenterprise home kitchen operation shall only offer for sale or sell food that was prepared during a food demonstration or preparation event to a consumer who was present at that food demonstration or preparation event.

SEC. 5. Section 114367.2 of the Health and Safety Code is amended to read:

114367.2. (a) A microenterprise home kitchen operation shall not be open for business unless it has obtained a permit issued from the enforcement agency.

(b) The department shall post on its internet website the requirements for the permitting of a microenterprise home kitchen operation, pursuant to this chapter and any ordinance, resolution,

or rules adopted by any city, county, or city and county, that has authorized the permitting of microenterprise home kitchen operations, which shall be written at a high school level.

(c) The applicant shall submit to the enforcement agency written standard operating procedures that include all of the following information:

- (1) All food types or products that will be handled.
- (2) The proposed procedures and methods of food preparation and handling.
- (3) Procedures, methods, and schedules for cleaning utensils, equipment, and for the disposal of refuse.
- (4) How food will be maintained at the required holding temperatures, as specified in Section 113996, pending pickup by consumer or during delivery.
- (5) Days and times that the home kitchen may potentially be utilized as a microenterprise home kitchen operation. The stated days and times are not binding on the permit holder and shall be used for information purposes only.

(d) (1) The enforcement agency shall issue a permit after an initial inspection has determined that the proposed microenterprise home kitchen operation and its method of operation comply with the requirements of this chapter.

(2) An enforcement agency shall not require a microenterprise home kitchen operation to comply with food safety requirements that are different from, or in addition to, the requirements of this chapter.

(e) For purposes of permitting, the permitted area includes the home kitchen, onsite consumer eating area, food storage, utensils and equipment, toilet room, janitorial or cleaning facilities, and refuse storage area. Food operations shall not be conducted outside of the permitted areas.

(f) An enforcement agency may require a microenterprise home kitchen operation to renew its permit annually.

(g) A permit, once issued, is nontransferable. A permit shall be valid only for the person and location specified by that permit, and, unless suspended or revoked for cause, for the time period indicated.

(h) The permit, or an accurate copy thereof, shall be retained by the operator onsite and displayed at all times the microenterprise home kitchen operation is in operation.

(i) An enforcement agency may collect a fee for the issuance of a permit pursuant to this chapter in an amount that does not exceed the reasonable administrative costs by the enforcement agency in issuing the permit.

SEC. 6. Section 114367.3 of the Health and Safety Code is repealed.

SEC. 7. Section 114367.3 is added to the Health and Safety Code, to read:

114367.3. (a) Notwithstanding any other law, a microenterprise home kitchen operation shall only be subject to the three following types of inspections by the enforcement agency:

(1) A routine inspection for the purpose of allowing the enforcement agency to observe the permitholder engage in the usual activities of a microenterprise home kitchen operation, including, but not limited to, active food preparation. The enforcement agency shall provide notice to a permitholder before a routine inspection and shall conduct the routine inspection at a mutually agreeable date and time. A microenterprise home kitchen operation shall not be subject to more than one routine inspection within 12 months. This paragraph shall not be deemed to require the enforcement agency to conduct a routine inspection.

(2) An investigation inspection for the purpose of allowing the enforcement agency to perform an inspection when the enforcement agency has just cause that adulterated or otherwise unsafe food has been produced or served by the microenterprise home kitchen operation or that the permitholder has otherwise violated this part. One or more consumer complaints may constitute just cause for an investigation inspection. The enforcement agency shall provide notice to a permitholder before an investigation inspection and shall conduct the investigation inspection at a mutually agreeable date and time.

(3) An emergency inspection for the purpose of allowing the enforcement agency to perform a limited inspection when the enforcement agency has just cause that the microenterprise home kitchen operation poses a serious hazard or immediate threat to public health. To the extent that notice of an emergency inspection is reasonable under the circumstances, the enforcement agency shall provide notice to a permitholder before an emergency inspection. The scope of emergency inspection shall be limited in duration and scope to address the facts giving just cause that the



microenterprise home kitchen operation poses a serious hazard or immediate threat to public health.

(b) The enforcement agency shall only inspect the permitted area of the microenterprise home kitchen operation for the purpose of enforcing or administering this part.

(c) The enforcement agency may seek recovery from a microenterprise home kitchen operation of an amount that does not exceed the enforcement agency's reasonable costs of inspecting the microenterprise home kitchen operation for compliance with this part if the microenterprise home kitchen operation is found to be in violation of this part.

SEC. 8. Section 114367.5 of the Health and Safety Code is amended to read:

114367.5. (a) A person delivering food on behalf of a microenterprise home kitchen operation with a permit issued pursuant to Section 114367.2 shall be an employee of the microenterprise home kitchen operation or a family member or household member of the permitholder.

(b) (1) Except as provided in paragraph (2), food produced in a microenterprise home kitchen operation shall not be delivered by a third-party delivery service.

(2) (A) Food produced in a microenterprise home kitchen operation may be delivered by a third-party delivery service to an individual who has a physical or mental condition that is a disability which limits the individual's ability to access the food without the assistance of a third-party delivery service.

(B) A microenterprise home kitchen operation or an internet food service intermediary that offers or facilitates food delivery pursuant to subparagraph (A) shall do all of the following:

(i) Record and maintain a record of the number and dates of food deliveries made pursuant to subparagraph (A). A microenterprise home kitchen operation shall make the record available to an enforcement agency pursuant to any inspection authorized pursuant to Section 114367.3. An internet food service intermediary shall make the record available to an enforcement agency upon request.

(ii) Clearly and conspicuously post on its internet website or mobile application alongside any mention of third-party delivery options a notice that a third-party delivery service is prohibited from delivering food except to an individual who has a physical

or mental condition that is a disability which limits the individual's ability to access the food without the assistance of a third-party delivery service.

(C) Food delivery by a third-party delivery service pursuant to subparagraph (A) does not apply to dine-in meals sold for consumption on the premises of a microenterprise home kitchen or to cooking classes or demonstrations.

SEC. 9. Section 114367.6 of the Health and Safety Code is amended to read:

114367.6. (a) An internet food service intermediary that lists or promotes a microenterprise home kitchen operation on its internet website or mobile application shall meet all of the following requirements:

(1) Be registered with the department. A registration, once issued, is nontransferable. A registration shall be valid only for the person and type of business specified by that registration, and unless suspended or revoked for cause by the department.

(2) Prior to the listing or publication of a microenterprise home kitchen operation's offer of food for sale, clearly and conspicuously post on its internet website or mobile application the requirements for the permitting of a microenterprise home kitchen specified in this chapter, which shall be written at the high school level and be provided by the department.

(3) Clearly and conspicuously post on its internet website or mobile application the fees associated with using its platform and fees associated with third-party delivery service pursuant to paragraph (2) of subdivision (b) of Section 114367.5 in a manner that allows both the consumer and the microenterprise home kitchen operation to see and understand the amount being charged for the services provided by the internet food service intermediary. The internet food service intermediary shall notify the microenterprise home kitchen operation of any changes to these fees exceeding a 2-percent increase in writing and no later than one month before the changes take effect.

(4) Clearly and conspicuously post on its internet website or mobile application whether or not it has liability insurance that would cover any incidence arising from the sale or consumption of food listed or promoted on its internet website or mobile application.

(5) Provide a dedicated field on its platform for a microenterprise home kitchen operation to post the permit number and the name of the enforcement agency that issued the permit.

(6) Clearly and conspicuously post on its internet website or mobile application how a consumer can contact the internet food service intermediary through its internet website or mobile application if the consumer has a food safety or hygiene complaint and a link to the department's internet website that contains information for how to file a complaint with the enforcement agency.

(7) Submit the name and permit number of a microenterprise home kitchen operation to the enforcement agency that issued the permit to the microenterprise home kitchen operation if the internet food service intermediary receives, through its internet website or mobile application, three or more unrelated individual food safety or hygiene complaints in a calendar year from consumers that have made a purchase through its internet website or mobile application. The internet food service intermediary shall submit this information to the enforcement agency within two weeks of the third complaint received.

(8) If it is notified by the enforcement agency of significant food safety related complaints from a verified consumer that has made a purchase through its internet website or mobile application, submit to the enforcement agency the name and permit number of the microenterprise home kitchen operation where the food was purchased, and a list of consumers who purchased food on the same day from that microenterprise home kitchen operation through its internet website or mobile application.

(9) Prior to the listing or publication of a microenterprise home kitchen operation's offer of food for sale, obtain consent from the microenterprise home kitchen operation to make the disclosures to government entities required pursuant to this section.

(10) Shall not permit the use of the word "catering" or any variation of that word in a listing or publication of a microenterprise home kitchen operation's offer of food for sale.

(11) Shall not use, or knowingly facilitate the use of, a third-party delivery service for food produced by the microenterprise home kitchen operation, except as authorized pursuant to paragraph (2) of subdivision (b) of Section 114367.5.

(b) For purposes of this chapter, an “internet food service intermediary” means an entity that provides a platform on its internet website or mobile application through which a microenterprise home kitchen operation may choose to offer food for sale and from which the internet food service intermediary derives revenues, including, but not limited to, revenues from advertising and fees for services offered to a microenterprise home kitchen operation. Services offered by an internet food service intermediary to a microenterprise home kitchen operation may include, but are not limited to, allowing a microenterprise home kitchen operation to advertise its food for sale and providing a means for potential consumers to arrange payment for the food, whether the consumer pays directly to the microenterprise home kitchen operation or to the internet food service intermediary. Merely publishing an advertisement for the microenterprise home kitchen operation or food cooked therein does not make the publisher an internet food service intermediary.

(c) (1) A microenterprise home kitchen operation that advertises to the public, including, but not limited to, advertising by website, internet, social media platform, newspaper, newsletter, or other public announcement, shall include all of the following within the advertisement:

(A) Name of the enforcement agency that issued the permit.

(B) Permit number.

(C) Statement that the food prepared is “Made in a Home Kitchen” in a clear and conspicuous font and location within a written advertisement and an audible and comprehensible manner in a verbal advertisement.

(2) A microenterprise home kitchen operation shall not use the word “catering” or any variation of that word in an advertisement relating to the microenterprise home kitchen operation’s offer of food for sale.

SEC. 10. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

To ensure a uniform implementation of the health and food safety responsibilities of microenterprise home kitchen operations throughout the state, it is necessary that this act take effect immediately.

Approved \_\_\_\_\_, 2019

\_\_\_\_\_  
*Governor*



Office of the City Manager

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Savita Chaudhary, Director, Information Technology  
Subject: Contract No. 7258F Amendment: Verint Systems Inc. for Customer Relationship Management (CRM) Software Maintenance

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 7258F with Verint Systems, Inc. for CRM software licensing, maintenance, and support, increasing the amount by \$60,903 for a total contract amount not-to-exceed \$985,747 from March 23, 2007 through June 30, 2021.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the additional support and software maintenance is available in the Department of Information Technology’s Fiscal Year (FY) 2020 and 2021 Cost Allocation Fund. Spending for this amendment in future fiscal years is subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

|                  |                                                                                                                    |
|------------------|--------------------------------------------------------------------------------------------------------------------|
|                  | FY 2020: Software Maintenance                                                                                      |
| \$ 30,003        | Budget Code: 680-35-364-000-0000-000-472-613130<br>(Cost Allocation, Information Technology, Software Maintenance) |
|                  | FY 2021: Software Maintenance                                                                                      |
| \$ 30,900        | Budget Code: 680-35-364-000-0000-000-472-613130<br>(Cost Allocation, Information Technology, Software Maintenance) |
| <b>\$ 60,903</b> | <b>Total FY 2020 and 2021 Software Maintenance</b>                                                                 |

CURRENT SITUATION AND ITS EFFECTS

The City currently uses Verint’s CRM software, Lagan, to support 311 Customer Service in the routing, monitoring, and reporting on over 100,000 requests for service per year. Lagan also tracks routine inquiries and non-routine cases for a wide range of City services, including refuse pickup, parking tickets, Public Records Act requests, and billing inquiries.

Lagan’s knowledgebase provides answers to routine questions by community members, and staff use Lagan to route non-routine requests (known as “cases”) to line of business experts in Public Works, Finance, Health, Housing, and Community Services, Human

Resources, and other City Departments. After a unique identifier is assigned to a case, community members can call 311 for updates.

Staff will release an RFP for a replacement CRM software in Fiscal Year 2020. This timeline aligns with the launch of the City's new work order and zero waste billing systems.

### BACKGROUND

In 2006, City Council prioritized and funded a Customer Service Improvement (CSI) initiative in response to community feedback. The CSI initiative included the implementation of a 311 Call Center and a CRM system.

In March 2007, after completing the competitive bidding process through Specification No. 06-10103-C, the City selected and contracted with Lagan Technologies, Inc. to purchase their CRM software. In February 2008, the City of Berkeley piloted the 311 Customer Service Call Center and begin using the Lagan's CRM system to assist community members. In December 2009, June 2012, May 2013, April 2016 and April 2017 the contract was amended to provide software maintenance and City-wide training through June 2019.

In 2010, the 311 Customer Service Call Center was assigned to the Department of Information Technology, and KANA Software acquired Lagan Technologies. In February 2014, Verint Systems, Inc. acquired KANA Software.

In 2015, the City of Berkeley approved a version upgrade from Lagan 7 to Lagan 14. The immense multi-version upgrade to V14.R2 was completed in December 2018. Added functionality includes ability to reclassify cases greatly improving allocation and reporting of online service center cases and cases assigned to other service departments. Lagan V14.R2 system allows for addition of notes and photos to closed cases without reopening them, and backdating case creation and closure dates. The dating features and reassignment of cases enhances input of Public Records Act (PRA) cases and aid in reporting accuracy of PRA closure dates. Other productivity features includes emailing community member directly from the Lagan software and generating notification of case completion.

Lagan also changed their knowledge database product from Lagan to Kana Systems. Features and functionality include role base authoring and approvals with embedded workflow. An expanded taxonomy allows for greater article search capability, build out of FAQ's and enhanced indexing web based knowledge.

### ENVIRONMENTAL SUSTAINABILITY

CRM has helped significantly reduce the number of paper-based tracking and reporting systems. The CRM interactions (routine inquires and non-routine cases) are processed by 311 Customer Service and other City Staff. On an annual basis, staff use Lagan to log the following work activities: approximately 50,000 city services cases, 25,000 service inquiries, 75,000 follow up notes and 15,000 knowledge queries.



RATIONALE FOR RECOMMENDATION

Verint Systems Inc. is the only vendor that provides authorized maintenance for its software system. Renewing the existing agreement ensures continued technical support and software updates to the CRM system.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered operating the software without a maintenance agreement; however Verint retains exclusive rights to their software. Maintenance and support is available only from them. Due to the complexity and scale of the software and the limited ability of our staff to conduct maintenance and apply patches, it is staff's recommendation to renew the maintenance contract for two years while we look for a CRM replacement.

CONTACT PERSON

Savita Chaudhary, Director, Department of Information Technology, 981-6541

Attachments:

1: Resolution

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

CONTRACT NO. 7258E AMENDMENT: VERINT SYSTEMS INC. FOR CUSTOMER  
RELATIONSHIP MANAGEMENT (CRM) SOFTWARE MAINTENANCE

WHEREAS, City Council established and funded the Customer Service Improvement Initiative as a priority in Fiscal Year 2006 to address the City's overall customer service needs; and

WHEREAS, in 2007 Lagan Technologies, a Community Relationship Management (CRM) software system was selected through competitive proposal with Specification No. 06-10103-C, and in 2008 the City of Berkeley piloted the 311 Customer Service Call Center with Lagan's CRM solution; and

WHEREAS, in 2010 KANA Software, Inc. acquired Lagan Technologies and in 2014, Verint Systems, Inc. acquired KANA Software, Inc.; and

WHEREAS, Verint Systems, Inc. provides a comprehensive technical CRM platform, reasonably priced software maintenance, and responsive support services; and

WHEREAS, funding is allocated in the Fiscal Year 2020 and Fiscal Year 2021 Department of Information Technology's Cost Allocation Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council authorizes the City Manager to amend Contract No. 7258F with Verint Systems Inc. for software licensing, maintenance and support increasing the amount by \$60,903 for a total contract value not-to-exceed \$985,747 from March 23, 2007 through June 30, 2021.



Office of the City Manager

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Elliot Warren, Acting Director of Library Services  
 Subject: Contract: (D.L. Falk Construction) for Central Library Improvements Project

RECOMMENDATION

Adopt a Resolution:

1. Approving plans and specifications for the Central Library Improvements Project, Specification No. 19-11312-C;
2. Accepting the bid of D.L. Falk Construction as the lowest responsive and responsible bidder;
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, for an amount not to exceed \$3,056,900.00, which includes a contingency of \$277,900.00.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY 2020 budget in the Library Tax Fund (101-22-241-263-0000-000-463-662110-). No other funding is required, and no other projects will be delayed due to this expenditure.

|                                   |                       |
|-----------------------------------|-----------------------|
| Low bid by D.L. Falk Construction | \$2,779,000.00        |
| 10% contingency                   | \$277,900.00          |
| <b>Total NTE construction</b>     | <b>\$3,056,900.00</b> |

| Project                              | Cost           | Fund             | Budget Code                                       |
|--------------------------------------|----------------|------------------|---------------------------------------------------|
| Central Library Improvements Project | \$3,056,900.00 | Library Tax Fund | 101-22-241-263-0000-000-463-662110-<br><br>LB1424 |

This contract has been assigned CMS No. HKKEH

The provided services will support the Strategic Plan goals of creating a resilient, safe, connected, and prepared city and providing state-of-the-art, well-maintained facilities

### CURRENT SITUATION AND ITS EFFECTS

The Project's construction documents were completed and advertised for bids on Monday, July 1, 2019. Bids were opened on July 30, 2019. The City received six bids, ranging from \$2,779,000.00 to \$3,711,000.00, including alternative flooring options. D.L. Falk Construction was the lowest responsive and responsible bidder and their references were provided and checked out satisfactorily. Based on the results, staff recommends that a construction contract for the Central Library Improvements project be awarded to D.L. Falk Construction.

The Board of the Library Trustees of the City of Berkeley took action to approve by Resolution R19-039 at a regular board meeting held on September 4, 2019 to award a construction contract and any amendments with D.L. Falk Construction for the Central Library Improvements Project.

The contract is subject to the Community Workforce Agreement approved by the Berkeley City Council on January 18, 2011. As a result, the successful bidder and all subcontractors will be required to sign an agreement to be bound before being eligible for award of contract.

The Central Library of the Berkeley Public Library, located at 2090 Kittredge Street requires significant maintenance work and upgrades to meet current public service demands. The Central Library Improvements Project focuses on work around the first and second floor, including interior construction of a dedicated teen area on the first floor; the addition of gender-neutral restrooms on the second floor; upgraded shelving, lighting, and flooring; installation of a flexible quiet study/public programming area; and furniture/fixture upgrades. In addition, there will be accessibility and other improvements to the existing second floor restrooms.

In fiscal year 2019, the Central Library welcomed up to 414,000 visits by library patrons, with thousands of them attending library programs and events, in addition to their borrowing approximately 750,000 physical items. The Central Library is amongst the busiest of public facilities in the City of Berkeley.

In 2002 the Central Library underwent a renovation that enlarged its footprint with a new wing; expanded public service areas on two floors; provided for dedicated service areas for children's services and art and music materials; added a Community Meeting Room, and enabled other service elements such as the Friends of the Library bookstore, self-service holds, and improved display of newly purchased materials.

From 2011 through 2013, the Library renovated or rebuilt each of its four branches and has since dedicated significant efforts to align the Central Library's design with community needs identified via a thorough community and staff input process, staff outreach task teams, the participation of dozens of teen volunteers, and many community meetings.

Noll & Tam Architects, selected via RFP (Specification No. 14-10812), is providing programmatic, architectural and design services for the Central Library Area Improvements project (BOLT, Resolution No.: R14-014, February 12, 2014).

## BACKGROUND

Since 2008, the Library has explored physical improvements to the Central Library consistent with service priorities identified in the Library's 2008-2011 Strategic Plan, including "*Providing a welcoming, safe, comfortable environment. Berkeley residents enjoy libraries with welcoming, safe, functional and comfortable environments.*" Outreach research consistently noted the lack of a dedicated space for teens as a hurdle for the Library to broaden services and deepen contacts with and services for teens. This service deficiency was further highlighted in a 2009 report from the space consultancy firm, Page & Morris, LLC which cited a lack of seating in the teen area and the need for acoustical barriers to enable teens to engage with each other when using the Central Library.

In December, 2014, Noll & Tam presented to the Board of Library Trustees (BOLT) the [Central Library Improvements Report](#) that incorporated input from a wide variety of sources in a set of proposed updates to the Central Library. Per that report, "Proposed improvements have been refined and improved through discussions with the Library, special meetings open to all library staff, and workshops open to the public, held on site at the Central Branch. Participation by all parties was enthusiastic and imaginative, and the recommendations presented in this final draft of the report have benefited from this wide variety of input." Three teen advisory groups were convened—in 2014, 2015, and 2016—who, in collaboration with Library staff, provided input for the design of a teen space relevant to the needs and interests of their age group.

In addition to BOLT's allocation of \$2,750,000.00 of public funds in the FY 2020 budget, the Berkeley Public Library Foundation has committed \$630,000 for the project. The Foundation has engaged in an array of public fund-raising campaigns (the 2015, 2016, and 2017 Authors Dinners as well as other, smaller campaigns) to raise both funds for and awareness of the project. It has also requested and been granted monies by granting organizations for specific design elements.

## ENVIRONMENTAL SUSTAINABILITY

There are no anticipated negative environmental effects of this action.

## RATIONALE FOR RECOMMENDATION

Contracted services are required for this project as the City does not have the in-house expertise to complete this specialized work.

## ALTERNATIVE ACTIONS CONSIDERED

None.

## CONTACT PERSON

Elliot Warren, Acting Director of Library Services, (510) 981-6109  
Elmar Kapfer, Supervising Civil Engineer, (510) 981-6435

Attachments:

- 1: Resolution
- 2: Abstract of Bids

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

CONTRACT: D.L. FALK CONSTRUCTION FOR THE BERKELEY PUBLIC LIBRARY  
CENTRAL LIBRARY IMPROVEMENTS PROJECT

WHEREAS, the project consists of renovations to the first and second floors of the Berkeley Public Library's Central Library, located at 2090 Kittredge Street; and

WHEREAS, The City has neither the labor nor the equipment necessary to undertake this renovations project; and

WHEREAS, an invitation for bids (Plans and Specifications No. 19-11312-C) was duly advertised, and D.L. Falk Construction was determined to be the lowest responsive and responsible bidder; and

WHEREAS, funds are available in the biennial FY 2020/2021 budget in the Library Tax Fund; and

WHEREAS, the Berkeley Public Library Foundation has engaged in a fundraising campaign and pledged \$630,000 for the project; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Plans and Specification No. 19-11312-C for the Central Library Improvements Project are approved, and D.L. Falk Construction is determined to be the lowest responsive and responsible bidder.

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions or change orders, until completion of the project in accordance with the approved plans and specifications with D.L. Falk Construction for the Central Library Improvements Project., in an amount not to exceed \$3,056,900. A record signature copy of the agreement and any amendments will be on file in the Office of the City Clerk.



City of Berkeley  
Abstract of Bids Worksheet

Finance Department  
General Service Division

For: Central Library

Specification#: 19-11312-C

Engineer's Estimate:

Bid Date:

|    | Bidders                   | Base Bid     | <del>Engineer's Estimate</del> |                            |                        |                        | Bid Bond | Addenda |
|----|---------------------------|--------------|--------------------------------|----------------------------|------------------------|------------------------|----------|---------|
|    |                           |              | <del>Nuc Free</del>            | <del>Work Force Comp</del> | <del>Opp. States</del> | <del>Living Wage</del> |          |         |
| 1  | Roden Builders, Inc.      | 3,630,000.00 | / 60,000.00                    |                            |                        |                        | ✓        | ✓       |
| 2  | EF Brett and Company, Inc | 2,927,000.00 | / 48,000.00                    |                            |                        |                        | ✓        | ✓       |
| 3  | DL FALK Construction, Inc | 2,734,000.00 | / 45,000.00                    |                            |                        |                        | ✓        | ✓       |
| 4  | W. A. Thomas Co. Inc.     | 3,656,000.00 | / 55,000.00                    |                            |                        |                        | ✓        | ✓       |
| 5  | Alten Construction, Inc   | 3,396,000.00 | / 52,000.00                    |                            |                        |                        | ✓        | ✓       |
| 6  | Mar Con Builders, Inc     | 3,257,583.00 | / 52,818.00                    |                            |                        |                        | ✓        | ✓       |
| 7  |                           |              |                                |                            |                        |                        |          |         |
| 8  |                           |              |                                |                            |                        |                        |          |         |
| 9  |                           |              |                                |                            |                        |                        |          |         |
| 10 |                           |              |                                |                            |                        |                        |          |         |

Bid Recorder: [Signature] 7/30/19

Bid Opener: [Signature] 7/30/19

Project Manager: [Signature] 7/30/19







Office of the City Manager

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
Subject: Contract: Redwood Engineering Construction for James Kenney Park, Picnic, and Play Area Renovation

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the James Kenney Park, Picnic, and Play Area Renovation project, Specification No. 18-11216-C; and
2. Rejecting the lowest bid from Bay Construction Company as non-responsive; and
3. Accepting the bid of the lowest responsive and responsible bidder, Redwood Engineering Construction; and
4. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Redwood Engineering Construction, for the James Kenney Park, Picnic, and Play Area Renovation project at 1720 Eighth Street, Berkeley, CA 94710, in an amount not to exceed \$1,191,342, which includes a contract amount of \$992,785 and a 20% contingency in the amount of \$198,557.

FISCAL IMPACTS OF RECOMMENDATION

Funding from Measure WW Parks Bond Fund (Fund 345), and the Parks Tax Fund (Fund 138) will be included in the first annual appropriation ordinance of FY20. No other funding is required, and no other projects will be delayed due to this expenditure.

|                                                     |             |
|-----------------------------------------------------|-------------|
| Redwood Engineering Construction (lowest bid) ..... | \$992,785   |
| 20% Contingency .....                               | \$198,557   |
| <hr/>                                               |             |
| Total construction cost .....                       | \$1,191,342 |

|                                                                   |             |
|-------------------------------------------------------------------|-------------|
| Measure WW Parks Bond Fund                                        |             |
| (345-52-545-000-0000-000-461-663110-PRWPK15002) .....             | \$1,060,274 |
| Parks Tax Fund (138-52-545-000-0000-000-461-663110-PRWPK15002)... | \$131,068   |
| <hr/>                                                             |             |
| Total construction cost .....                                     | \$1,191,342 |

CURRENT SITUATION AND ITS EFFECTS

The existing playgrounds and picnic area at James Kenney Park at 1720 Eighth Street, Berkeley, CA 94710 are in need of renovations. The project includes the renovation of

the picnic and playground area, replacement of the play equipment, and improvements to other site amenities in conformance with current ADA standards.

### BACKGROUND

The project was advertised for bids on Monday, July 22, 2019, and bids were opened on August 20, 2019. The City received two bids, from a low base bid of \$983,000 to a high base bid of \$992,785.

On August 22, 2019, the City received a bid protest from the apparent second lowest bidder, Redwood Engineering Construction, alleging two issues from the apparent low bidder, Bay Construction Company. A copy of the bid protest was sent to Bay Construction Company to provide them an opportunity to respond to the protest issues. Bay Construction Company's response was then forwarded to Redwood Engineering Construction for their opportunity to respond to ensure that all parties had an opportunity to present all facts and arguments in support of their positions.

City staff, including staff from the City Attorney's office, carefully reviewed and investigated the protest and responses. The first issue was regarding one of the subcontractors listed for Bay Construction Company. The subcontractor stated that they "cannot agree" to the City's Community Workforce Agreement (CWA), and in their response stated that they would request an exemption to the CWA. CWA requirements were described in Document 001113 (Notice Inviting Bids), Document 00737 (Supplementary Conditions), Appendix A of the contract documents, a topic at the Pre-Bid Meeting, and included in Addendum No. 1. Upon review of the documents, Article 3.5.1 of the CWA indicates that if the Contractor or Subcontractor refuses to execute the Agreement, then they shall not be awarded a Construction Contract. In short, the requirement to comply with the CWA was straightforward and unambiguous.

Subsequently, the subcontractor indicated they would agree to comply with the CWA. However, while case law provides the City with discretion to waive inconsequential defects in a bid, the City cannot do so when the defect provides a bidder an advantage or benefit not provided to other bidders. (See Ghilotti Construction v. City of Richmond (1996) 45 CalApp.4th 897,904 ("... a bid which substantially conforms to a call for bids may, though it is not strictly responsive, be accepted if the variance cannot have affected the amount of the bid or given a bidder an advantage or benefit not allowed other bidders or, in other words, if the variance is inconsequential".)) Here, the bid documents expressly provided that the contractor and all subcontractors would be required to comply with the CWA. By including a sub-bid that explicitly stated it would not agree to comply with the CWA, Bay Construction preserved to itself the ability to withdraw its bid due to the inclusion of a non-CWA compliant subcontractor. The fact that the subcontractor subsequently agreed to comply with the CWA does not alter the fact that at the time that Bay Construction submitted its bid, the City was precluded from contracting with Bay Construction. Thus Bay Construction had options: withdraw its bid or request the City to waive the defect since its subcontractor ultimately decided they would comply with the CWA. This situation gives rise to an unfair advantage over other bidders and thus cannot be waived.

Furthermore, in Taylor Bus. Service v. San Diego Board of Education (1987) 195 Cal.App.3d 1331; Pacific Bell v. California (1991) 225 Cal.App 3d 107; Domar Electric v. City of Los Angeles (1995) 41 Cal.App.4th 810; and M & B Construction v. Yuba County (1999) 68 Cal.App.4th 1353; the responsiveness of the bids were determined at the time of bid opening. Were this not the case, bidders in the foregoing cases – as Bay Construction is seeking to do here – could have taken steps to remedy their non-responsiveness. But such is not the law and the courts in those cases found the respective bids non-responsive. Likewise, Bay Construction’s bid at bid opening included a non-CWA compliant subcontractor and therefore City staff concluded that the bid should be deemed non-responsive.

As a result, Redwood Engineering construction became the lowest responsive and responsible bidder. References for Redwood Engineering Construction were provided and checked out satisfactorily. Staff recommends that a contract for this project be awarded to Redwood Engineering Construction.

The Living Wage Ordinance does not apply to this project since construction contracts are, pursuant to City policy, subject to State prevailing wage laws. The contractor will need to submit a Certification of Compliance for the Equal Benefits Ordinance. The contract will be subject to the Community Workforce Agreement.

#### ENVIRONMENTAL SUSTAINABILITY

The construction contract includes requirements to comply with the City’s Environmentally Preferable Purchasing Policy. The project is a renovation of a developed urban site and therefore will not negatively affect natural habitat. In addition, the City of Berkeley will work with the contractor to salvage useable components from the existing play structures and recover sand to be used at other sites.

#### RATIONALE FOR RECOMMENDATION

The playgrounds and picnic area at James Kenney Park are overdue for renovation, and safety and accessibility improvements. The City does not have the in-house labor or equipment resources to complete this park renovation project. This work supports the City of Berkeley’s strategic plan goal #1: to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

#### ALTERNATIVE ACTIONS CONSIDERED

None

#### CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700  
Evelyn Chan, Supervising Civil Engineer, Parks Recreation & Waterfront, 981-6430  
Taylor Lancelot, Associate Civil Engineer, Parks Recreation & Waterfront, 981-6421

#### Attachments:

- 1: Resolution
- 2: Bid Results

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

CONTRACT: REDWOOD ENGINEERING CONSTRUCTION FOR JAMES KENNEY  
PARK, PICNIC, AND PLAY AREA RENOVATION

WHEREAS, the playgrounds and picnic area at James Kenney Park are in need of renovation; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this project; and

WHEREAS, an invitation for bids was duly advertised on July 22, 2019, bids were opened on August 20, 2019, and the City received two bids from a low of \$983,000 to a high of \$992,785; and

WHEREAS, upon receipt of a bid protest, review of the submitted bids, and careful consideration, the bid from the apparent low bidder, Bay Construction Company, was deemed non-responsive; and

WHEREAS, Redwood Engineering Construction was determined to be the lowest responsive and responsible bidder, and references for Redwood Engineering Construction were provided and checked out satisfactorily; and

WHEREAS, funding is available in the FY 2020 budget the Measure WW Fund (Fund 345) and Parks Tax Fund (Fund 138).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specification No. 18-11216-C for the James Kenney Park, Picnic, and Play Area Renovation project are approved.

BE IT FURTHER RESOLVED that the bid from Bay Construction Company, is deemed non-responsive and is rejected; and that the construction contract is awarded to Redwood Engineering Construction as the lowest responsive and responsible bidder for a total contract amount of \$992,785.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders until completion of the project in accordance with the approved plans and specifications with Redwood Engineering Construction for the James Kenney Park Picnic and Play Area Renovation project in an amount not to exceed \$1,191,342, which includes a contract amount of \$992,785 and a 20% contingency in the amount of \$198,557 for unforeseen circumstances. A record signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.

ATTACHMENT 2 - BID RESULTS



City of Berkeley  
Abstract of Bids Worksheet

Finance Department  
General Service Division

For: JAMES KENNEDY PARK, PICNIC, AND PLAY AREA RENOVATION

Specification#: 18-11216-C

Engineer's Estimate:

Bid Date: 8/20/2019

|    | Bidders                    | Base Bid   | Nuc Free | Work Force Comp | Opp. States | Living Wage | EBO | Bid Bond | Addenda |
|----|----------------------------|------------|----------|-----------------|-------------|-------------|-----|----------|---------|
| 1  | Bay Construction Co        | 983,000.00 |          |                 |             |             |     | ✓        | ✓       |
| 2  | REDWOOD ENGINEERING CONST. | 992,485.00 |          |                 |             |             |     | ✓        | ✓       |
| 3  |                            |            |          |                 |             |             |     |          |         |
| 4  |                            |            |          |                 |             |             |     |          |         |
| 5  |                            |            |          |                 |             |             |     |          |         |
| 6  |                            |            |          |                 |             |             |     |          |         |
| 7  |                            |            |          |                 |             |             |     |          |         |
| 8  |                            |            |          |                 |             |             |     |          |         |
| 9  |                            |            |          |                 |             |             |     |          |         |
| 10 |                            |            |          |                 |             |             |     |          |         |

Bid Recorder: FILIPPO DE LUCA *[Signature]* 8/20/2019  
 Bid Opener: SHERI DEGNAN *[Signature]* 8/20/2019  
 Project Manager: Taylor Lincebt *[Signature]* 8/20/2019

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7320 TDD: 510.981.6903 Fax: 510.981.7390  
 E-mail: finance@ci.berkeley.ca.us





Office of the City Manager

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
Subject: Contract: J.A. Gonsalves & Son Construction, Inc. for Bay Trail Extension to Berkeley Marina - Segment Three

RECOMMENDATION  
Adopt a Resolution:

1. Approving the plans and specifications for the Berkeley Bay Trail Extension— Segment 3 project (Bid Specification No. 18-11177-C; Federal Project No. STPL-5057(042)); and
2. Accepting the bid of J.A. Gonsalves & Son Construction, Inc. as the lowest responsive and responsible bidder on the Project, and authorizing the City Manager to execute a contract with J.A. Gonsalves & Son Construction, Inc., and any amendments, extensions, or change orders until completion of the Project in accordance with the approved plans and specifications in an amount not to exceed \$505,684, which includes a contract amount of \$439,725 and a 15 percent contingency in the amount of \$65,959.

FISCAL IMPACTS OF RECOMMENDATION

Construction, including contingency, is funded by a Surface Transportation Program (STP) grant administered by the Federal Highway Administration and the State, and Marina Enterprise Fund, as shown below:

|                                                              |            |
|--------------------------------------------------------------|------------|
| Contractor (lowest bid) .....                                | \$439,725  |
| 15% Contingency                                              | \$65,959   |
| <hr/>                                                        |            |
| Total construction cost                                      | \$505,684  |
| <br>                                                         |            |
| STP Fund (339-52-545-000-0000-000-461-665110- PRWPP15001)    | \$ 380,717 |
| Marina Fund (608-52-545-000-0000-000-461-665110- PRWPP15001) | \$ 124,967 |
| Total:                                                       | \$ 505,684 |

Funding is available in these two funding sources, and will be included in the first amendment to the FY20 annual appropriations ordinance.

### CURRENT SITUATION AND ITS EFFECTS

On August 6, 2019, the Bay Trail Extension to Berkeley Marina – Segment Three Project was advertised for competitive bids. On September 5, 2019, eight (8) bids were received (See Attachment 1: Bid Abstract Summary). Staff reviewed the bid results and the Contractor's references, and has determined that the bid J.A. Gonsalves & Son Construction, Inc. is the lowest responsive and responsible bidder.

The Living Wage Ordinance does not apply to this Project as Department of Public Works construction contracts are, pursuant to City policy, subject to State prevailing wage laws. J.A. Gonsalves & Son Construction, Inc. has submitted a Certification of Compliance with the Equal Benefits Ordinance. The Community Workforce Agreement does not apply because this Project is federally funded and such an agreement is precluded by federal regulations.

Construction is expected to begin in December, 2019 and be completed by April, 2019.

### BACKGROUND

The Bay Trail Extension to the Berkeley Marina is a spur of the San Francisco Bay Trail that will provide bicycle and pedestrian access from the main spine of the Bay Trail at the corner of University Avenue and West Frontage Road into the Marina along the south side of University Avenue. When fully built, the project will continue to Cal Sailing and Cal Adventures, through Shorebird Park to the former Hs. Lordship's Restaurant, and from there it will run along the water's edge at Seawall Drive and end at the Berkeley Yacht Club.

The first phase of the project, completed in 2014, constructed a Class 1 multi-use trail, and a pedestrian bridge over the Strawberry culvert, south of University Avenue, and ends at the new restroom building at the South Cove parking lot. The current project will extend the Class 1 multi-use trail to the entrance of the Adventure Playground.

On April 29, 2014, the Council authorized the City Manager to submit a grant application to the Metropolitan Transportation Commission for a Surface Transportation Program (STP) grant in the amount of \$500,000; accept the grant if awarded; and execute the resultant agreements (Res. No. 66,546-N.S.).

On December 15, 2015, Council adopted the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Plan (MMRP) for The Bay Trail Extension – Segment 3 Project (Res. No. 67,309-N.S.)

On January 24, 2018, the Metropolitan Transportation Commission allocated \$483,925 in STP funds for the project (Caltrans Project No. STPL-5057(042)).

### ENVIRONMENTAL SUSTAINABILITY

The City approved the Project CEQA documents on December 15, 2015. The construction contract includes requirements to comply with the City's Environmentally



Preferable Purchasing Policy. The project is a renovation of a developed urban site and therefore will not negatively affect natural habitat.

RATIONALE FOR RECOMMENDATION

This new non-motorized multi-purpose trail is an extension of the regional San Francisco Bay Trail. It provides a dedicated bicycle and pedestrian trail from the main spine of the Bay Trail at West Frontage Road to the Berkeley Marina.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700  
Nelson Lam, Supervising Civil Engineer, PRW, 981-6395

Attachments:

- 1: Resolution
- 2: Bid Abstract Summary

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

CONTRACT: J.A. GONSALVES & SON CONSTRUCTION, INC. FOR BAY TRAIL EXTENSION TO BERKELEY MARINA – SEGMENT THREE PROJECT (SPECIFICATION NO. 18-11177-C; FEDERAL PROJECT NO. STPL-5057(042))

WHEREAS, the Bay Trail Extension to Berkeley Marina Segment 1 and 2 project was completed in 2014; and

WHEREAS, on April 29, 2014, the Council authorized the City Manager to submit a grant application to the Metropolitan Transportation Commission for a Surface Transportation Program (STP) grant in the amount of \$500,000; accept the grant if awarded; and execute the resultant agreements (Res. No. 66,546-N.S.)

WHEREAS, on December 15, 2015, Council adopted the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Plan (MMRP) for The Bay Trail Extension – Segment 3 Project (Res. No. 67,309-N.S.); and

WHEREAS, on January 24, 2018, the Metropolitan Transportation Commission allocated \$483,925 in STP funds for the project (Caltrans Project No. STPL-5057(042)); and

WHEREAS, on August 6, 2019, the Berkeley Bay Trail Extension—Phase One Project was advertised for competitive bids. On September 5, 2019, eight (8) bids were received; and

WHEREAS, the bid from J.A. Gonsalves & Son Construction, Inc. was the lowest responsive, responsible bid of \$439,725; and

WHEREAS, funding is available in the STP Fund (Fund 339) and the Marina Enterprise Fund (Fund 608).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the plans and Specification No. 18-11177-C for the Bay Trail Extension to Berkeley Marina – Segment 3 Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders until completion of the Project in accordance with the approved plans and specifications with J.A. Gonsalves & Son Construction, Inc. for the Bay Trail Extension to Berkeley Marina – Segment 3 Project, in an amount not to exceed \$505,684, which includes a 15% construction contingency of \$65,959 for unforeseen circumstances. A record signature copy of said agreement and any amendments to be on file in the Office of the City Clerk.

Attachment 2 – Bid Abstract



City of Berkeley  
Abstract of Bids Worksheet

Finance Department  
General Service Division

For: Bay Trail Extension to Berkeley Marina

Specification#: 18-11177-C

Engineer's Estimate: \$425,000

Bid Date: 9/5/19

|    | Bidders                      | Base Bid   | Nuc Free | Work Force Comp | Opp. States | Living Wage | EBO | Bid Bond | Addendum |
|----|------------------------------|------------|----------|-----------------|-------------|-------------|-----|----------|----------|
| 1  | KEREX ENGINEERING INC.       | 635,345.00 | ✓        |                 | ✓           |             | ✓   |          | ✓        |
| 2  | ERA CONSTRUCTION INC.        | 609,071.00 | ✓        |                 | ✓           |             | ✓   | ✓        |          |
| 3  | J. A. GONSALVES AND SON      | 439,725.00 | ✓        |                 | ✓           |             | ✓   | ✓        | ✓        |
| 4  | SPADETO ENGINEERING INC      | 697,408.25 | ✓        |                 | ✓           |             | ✓   | ✓        | ✓        |
| 5  | TERRAMARK GENERAL ENGS. CON. | 677,300.00 | ✓        |                 | ✓           |             | ✓   | ✓        | ✓        |
| 6  | REDGWICK CONSTRUCTION CO     | 632,315.00 | ✓        |                 | ✓           |             | ✓   | ✓        | ✓        |
| 7  | GORDON N. BALL INC.          | 651,135.00 | ✓        |                 | ✓           |             | ✓   | ✓        | ✓        |
| 8  | GRADE TECH INC.              | 474,728.00 | ✓        |                 | ✓           |             | ✓   | ✓        | ✓        |
| 9  |                              |            |          |                 |             |             |     |          |          |
| 10 |                              |            |          |                 |             |             |     |          |          |

Bid Recorder: FILIPPO DE LUCA Filippo De Luca 9/5/2019

Bid Opener: S.D. 9/5/19

Project Manager: [Signature] 9/15/19

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E-mail: finance@ci.berkeley.ca.us





Office of the City Manager

CONSENT CALENDAR

October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
 Subject: Grant Application: The Air District Vehicle Trip Reduction Grant Program  
 – the Berkeley Marina Bicycle Electronic Locker Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to submit a grant application in the amount of \$71,510 to the Bay Area Air Quality Management District (“Air District”) Vehicle Trip Reduction Grant Program for the Berkeley Marina Bicycle Electronic Locker Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

FISCAL IMPACTS OF RECOMMENDATION

The Air District’s Vehicle Trip Reduction Grant program requires a minimum of 10% local matching funds, and the application is more competitive with more local match. City staff developed a project with a total cost of \$93,900, including site preparation and installation of the electronic bicycle lockers. Based on technical limitations of the grant program (e.g., the grant only pays \$2,500 per locker and current pricing is \$3,500 per locker), the grant request is for \$71,510; and the local match of Marina Funds (608) is \$22,390 (or 24% local match). If awarded in the Fall of 2019, the grant funds will be appropriated as part of the First Amendment to the FY 2020 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

On August 29, 2019, the Air District announced the availability of grant funding for the Vehicle Trip Reduction Grant program. City staff identified a competitive project to install twenty (20) new electronic bicycle lockers at the Berkeley Marina to meet the growing needs of commuters accessing the small-scale commuter ferry service at the public dock at the Berkeley Marina, as well as visitors to the charter fishing boats, and other recreational users. Grant awards are anticipated in the Spring of 2020 and project completion is anticipated in the summer of 2021.

BACKGROUND

In 2018, to meet the growing needs for additional bicycle parking at the Berkeley Marina, staff installed two additional bicycle racks at the public dock (K Dock). Feedback from the public indicates that more secure bicycle parking is needed.

Electronic bicycle lockers have become popular throughout the Bay Area and would be a welcome addition to the Berkeley Marina.

ENVIRONMENTAL SUSTAINABILITY

This work is part of the City’s overall effort to improve the infrastructure at the Berkeley Waterfront and help the City’s goal of reducing total vehicle miles traveled (VMT), which is central goal of the City’s Climate Action Plan. The Climate Action Plan also identifies public transit as a more sustainable form of transportation (Chapter 3), and sets a goal of expanding under-used modes of transportation, such as ferry service at the Berkeley Marina that would connect to San Francisco and other locations.

RATIONALE FOR RECOMMENDATION

The City’s Climate Action Plan seeks to reduce vehicle miles traveled and encourage public transit and under-used modes of transportation such as ferry service. This project can help the City address these goals. In addition, this work supports the City of Berkeley’s strategic plan goal #1: Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

CONTACT PERSON

Scott Ferris, Director, Parks, Recreation & Waterfront Department, 981-6700  
Roger Miller, Senior Management Analyst, 981-6704

Attachments:

1: Resolution

RESOLUTION NO. -N.S

GRANT APPLICATION: THE AIR DISTRICT VEHICLE TRIP REDUCTION GRANT PROGRAM – THE BERKELEY MARINA BICYCLE ELECTRONIC LOCKER PROJECT IN THE AMOUNT OF \$71,510

WHEREAS, on August 29, 2019, the Air District announced the availability of grant funding for the Vehicle Trip Reduction Grant program; and

WHEREAS, City staff identified a competitive project to install twenty (20) new electronic bicycle lockers at the Berkeley Marina to meet the growing needs of commuters accessing the small-scale commuter ferry service at the public dock at the Berkeley Marina, as well as visitors to the charter fishing boats, and other recreational users; and

WHEREAS, the Air District's Vehicle Trip Reduction Grant program requires a minimum of 10% local matching funds, and the application is more competitive with more local match. City staff developed a project with a total cost of \$93,900, including site preparation and installation of the electronic bicycle lockers. Based on technical limitations of the grant program (e.g., the grant only pays \$2,500 per locker and current pricing is \$3,500 per locker), the grant request is for \$71,510; and the local match of Marina Funds (608) is \$22,390 (or 24% local match); and

WHEREAS, grant awards are anticipated in the Spring of 2020 and project completion is anticipated in the summer of 2021.

WHEREAS, there are sufficient funds in the amount of \$22,390 in the Marina Fund (608) for the local match requirement, and if awarded in the Fall of 2019, the grant funds will be appropriated as part of the First Amendment to the FY 2020 Annual Appropriations Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to: submit a grant application in the amount of \$71,510 to the Bay Area Air Quality Management District's Vehicle Trip Reduction Grant Program; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant. A record signature copy of said agreements and any amendments to be on file in the Office of the City Clerk.







Office of the City Manager

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Timothy Burroughs, Director, Planning and Development Department  
 Subject: Mills Act Contract – 2524 Dwight Way

### RECOMMENDATION

Adopt a Resolution authorizing and directing the City Manager to enter into a Mills Act contract with NCR Properties LLC/Nathan D. George for the City Landmark property at 2524 Dwight Way.

### FISCAL IMPACTS OF RECOMMENDATION

The Mills Act allows owners of historic properties to voluntarily enter into individual contracts with the City in order to obtain property tax reductions in exchange for maintaining and restoring their historic property.

The property tax savings are offered to create an incentive for owners to maintain their historic properties, to designate historic properties that are currently not protected, and to purchase and upgrade already dilapidated historic properties.

Approving the Mills Act contract for the City Landmark property at 2524 Dwight Way would reduce the property tax bills for the owners by an estimated total of \$4,700 in year one, approximately 30% (\$1,410) of which would be diverted from Berkeley's tax revenue (final amounts are determined by Alameda County after contract execution). This will be an annual impact to the City's tax revenue, as the contract runs for ten years (in comparable annual amounts) and automatically renews annually thereafter unless notice of nonrenewal is given. In turn, the work plan commits the owners to spending the anticipated tax savings on restoring the landmarked property. The Mills Act also specifies procedures for cancellation of the contract for a breach of conditions.

Council approval will allow property tax reduction for this property to begin in the 2020-2021 fiscal year.

### CURRENT SITUATION AND ITS EFFECTS

On February 24, 1998, the Berkeley City Council passed Resolution No. 59,355-N.S. which authorizes the local use of the Mills Act of 1972, as amended, which is codified in California Government Code Sections 50280-90 and Revenue and Taxation Code Section 439. The Mills Act allows owners of historic properties to voluntarily enter into

individual contracts with the City in order to obtain property tax reduction in exchange for maintaining and restoring their historic property.

On September 13, 1999, the property at 2524 Dwight Way was designated as a City of Berkeley Landmark, making the property owner eligible to take advantage of the Mills Act. The designation included analysis of historic distinguishing features and features to be preserved (see Attachment 2).

On July 2, 2019, the Landmarks Preservation Commission (LPC) reviewed the proposal by the present owner, NCR Properties LLC/Nathan D. George, to enter into a Mills Act contract for 2524 Dwight Way, including a proposed scope of work and maintenance schedule, and voted 6-1-0-1 (Yes: Abranches Da Silva, Adams, Allen, Crandall, Finacom, O'Malley; No: Schwartz; Abstain: none; Absent: Chagnon) to recommend approval of the Mills Act Contract application to City Council, and revise work item B, and remove fence, gate and planting from the Rehabilitation Work Program.

On August 6, 2019, the property owner provided staff with a copy of the revised work plan, consistent with the LPC's direction.

### BACKGROUND

The Mills Act provides limited ad valorem tax relief at the discretion of host jurisdictions to encourage rehabilitation and on-going maintenance of historic resources. In Berkeley, owners of those properties designated by the LPC as either a Landmark or a Structure of Merit may apply for a Mills Act contract. The Alameda County Assessor uses a formula, consistent with the provisions of the Mills Act, to determine the amount of property tax reduction, which applies a capitalization rate to the calculated net operating income for the property under the Mills Act contract. The Mills Act application includes a ten-year work plan to restore and maintain the subject property. The total investment in the work plan is intended to equal or exceed the total amount of the property tax relief over the contract period.

In 2011, State law was amended to include more specific requirements regarding inspection, fees, and cancellation. The amendments clarified that the local legislative body may require fees for providing services pursuant to the Mills Act; shall inspect the property prior to a new agreement and then every five years thereafter; and shall cancel the contract if it determines that the owner has breached the conditions of the contract. As a result of these amendments, Land Use Planning fees for the approval and monitoring of these contracts were added in July 2012, and an ongoing inspection program is in place.

### RATIONALE FOR RECOMMENDATION

In order to qualify for Mills Act consideration, 1) the property must qualify as historic; 2) the contract must adequately meet the requirements for Mills Act contracts; and 3) the type of improvements outlined in the work plan must meet the City standards, which

require that tax savings be used according to the rules and regulations outlined in the Act.

The property located at 2524 Dwight Way is eligible for the Mills Act contract because it is designated as a City of Berkeley Landmark. The contract format has been reviewed by the City Attorney's Office for conformance to all relevant City and State regulations. Finally, the contract includes a comprehensive work plan that the property owners have agreed to complete within the first ten-year contract period and that provide for the property "use, maintenance and restoration as to retain its characteristics as property of historical significance." The LPC has concluded that the proposed work plan meets the standards adopted by the City Council, and the costs of the proposed improvements are anticipated to equal or exceed the tax savings afforded the owners.

#### ENVIRONMENTAL SUSTAINABILITY

Approval of the contract would encourage historic resource rehabilitation, materials conservation, and construction and demolition waste diversion.

#### ALTERNATIVE ACTIONS CONSIDERED

The Council could deny the application if it found that it did not satisfy the requirements of the Act or other criteria for approval.

#### CONTACT PERSON

Timothy Burroughs, Director, Planning and Development Department, 510-981-7401  
Fatema Crane, Senior Planner, 510-981-7413

#### Attachments:

1. Draft City Council Resolution
2. LPC Resolution, Landmark Designation, September 13, 1999
3. Revised Rehabilitation Work Program, received August 6, 2019
4. LPC July 2, 2019 Staff Report

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

AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A MILLS ACT CONTRACT AND ANY NECESSARY AMENDMENTS WITH NCR PROPERTIES LLC/NATHAN D. GEORGE, FOR THE MAINTENANCE AND RESTORATION OF A HISTORIC PROPERTY LOCATED AT 2524 DWIGHT WAY, IN RETURN FOR THE OWNER TO OBTAIN A PROPERTY TAX REDUCTION

WHEREAS, on February 24, 1998, the Berkeley City Council adopted Resolution No. 59,355-N.S. which authorized the use of Mills Act contracts; and

WHEREAS, on September 13, 1999, 2524 Dwight Way was designated as a City of Berkeley Landmark and became eligible to take advantage of the Mills Act; and

WHEREAS, on July 2, 2019, the Landmarks Preservation Commission reviewed the proposed projects listed in the Mills Act Contract Application for 2524 Dwight Way, and recommended that the City Council enter into a Mills Act contract with the property owner, and revise work item B, and remove fence, gate and planting from the Rehabilitation Work Program.

WHEREAS, the City of Berkeley Mills Act program requires each contract to be approved by the City Council and signed by the City Manager; and

WHEREAS, the City Council, in light of all evidence, finds that the contract is consistent with the purposes of the Mills Act program.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager is authorized and directed to execute a Mills Act Contract and any necessary amendments with NCR Properties LLC/Nathan D. George for the maintenance and restoration of the historic property located at 2524 Dwight Way and in return offer a property tax reduction for a period of at least ten years, with a recorded copy of such contract and amendments to be on file in the Office of the City Clerk and Alameda County Clerk- Recorder.

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**CITY OF BERKELEY**  
*Ordinance #4694 N.S.*  
**LANDMARK APPLICATION**

**Alexander C. Stuart House**

1. **Street Address:** 2524 Dwight Way  
**County:** Alameda **City:** Berkeley **ZIP:** 94704
2. **Assessor's Parcel Number:** 055 1842 00200  
**Dimensions:** 55 x 146 feet  
**Cross Street:** Regent Street
3. **Is property on any survey?**  
**State Inventory:** Yes **National Register:** No
4. **Application for Landmark Includes:**  
**Building(s):** Yes  
**Landscape or Open Space:** Yes  
**Other:** Entire Property
5. **Historic Name:** Stuart (Alexander C.) House  
**Commonly Known Name:** None
6. **Date of Construction:** 1891  
**Factual:** Yes, California Architect & Building News, June 1891
7. **Architect:** Pissis and Moore (Albert Pissis and Joseph Moore)  
**Builder:** A. H. Broad
8. **Style:** Queen Anne with Colonial Revival Porch
9. **Original Owner:** Alexander C. Stuart  
**Original Use:** Single Family Residence
10. **Present Owner:** Tony Afkhangpour  
**Address:** 18 Botany Court, Redwood City, CA 94062  
**Present Occupants:** Students attending U.C. Berkeley

11. Present Use: Residential: Yes Multiple: Yes  
Current Zoning: R-4 Adjacent Property Zoning: R-4

12. Present Condition of Property:

Exterior: Good

Interior: Fair

Grounds: Good

13. Description:

This is a solid looking 2 ½ - story Queen Anne house with a Colonial Revival porch sporting 6 Ionic columns and 2 pilasters. The classical theme is carried out with the use of dentil cornices in various spots and a window frame on the top floor, which ends in scrolls. The first floor is covered in board siding, the second in shingles and the third within the gable end is most elaborate with decorative half-timbering. There is a 2-story bay on the west side and a 1-story section on the east, which is possibly an addition, but is in keeping with the style of the house. The most striking feature is the second story octagonal turret at the northwest corner. It is supported by two decorative brackets and contains five narrow windows, the whole being topped by an 8-sided peaked roof. The original front door has been replaced.

14. History:

The Stuart House was designed by the firm of Pissis and Moore and built by A. H. Broad for Alexander Stuart in 1891.

Alexander Stuart was born in St. Johns, Newfoundland, emigrated to California, and worked for a number of years for the firm of G. T. Marye and Son, mining stock brokers, located at 234 Montgomery in San Francisco (see illustrations). In the 1890 *Langley's San Francisco Directory* his address is listed as 1902 Broadway. In the 1891 *Hustead's Oakland, Alameda, Berkeley Directory* he is listed as residing on Dwight Way near the Narrow Gauge Track.

The Hillegass tract on which the Stuart house stands was subdivided in 1886, but was slow to develop. In 1891 Joseph Mason the founder of Mason-McDuffie was asked to take over sales. He writes in his memoirs:

The town was all a wheatfield to Derby Street (from the south) thence a market garden. The Hillegass asked if I could sell their property in lots. I told them I could not in its condition at that time, but if they would open up the streets, macadamize them etc., I would sell the lots.

Mason had been commuting to San Francisco from his Berkeley residence on Channing near Bowditch for some time. After Alexander Stuart moved to Berkeley, he also commuted – possibly using the narrow gauge railway mentioned earlier (see illustration).

Albert Pissis came to San Francisco, as a child, in 1858. He traveled to Paris at the beginning of the 1870's to study at the *Ecole des Beaux-Arts*. He studied at the

*atelier* of Julian Guadet, passing the entrance examination to the *Ecole* in 1872 and completing his studies in 1876. In the late 1870's he returned to San Francisco to begin his architectural practice. In 1885, Pissis entered into partnership with William Moore. Moore was born in Liverpool in 1847 and came to San Francisco in 1880.

Pissis is best known for the design of the Hibernia Bank (1892), the Emporium (1895), the Little Sisters of the Poor (1902), the Flood Building (1905) in San Francisco, and the President's House (1901) on the University of California campus in Berkeley.

In contrast to the classical style of the buildings above, Pissis and Moore also designed a number of houses and apartment buildings in the Queen Anne style. The most impressive of these must have been the house designed for Philip Nettle Lilienthal at Clay and California in 1886. According to Nelson [4]: "This was the largest commission Pissis had yet received and was almost twice as costly as the surviving and extravagant Haas-Lilienthal house built the same year and only a few blocks away." (See illustration.)

The builder of the Stuart House was A. H. Broad, a prominent Berkeley contractor and pioneer civic figure. He was born in Maine in 1851 and came to Berkeley in 1877. He served on Berkeley's first board of trustees in 1881 and later became town marshal.

Broad went into business as a building contractor in 1880. Within five years he was well known for his Eastlake cottages. He often worked as Bernard Maybeck's contractor and his later work reflects the influence of the First Bay Tradition architects.

Four buildings with which A. H. Broad was involved have been designated City of Berkeley Landmarks – the Town and Gown Club (2401 Dwight Way; alterations by Broad circa 1909), the Haste Street Building of McKinley School (2419 Haste Street; 1906), the Bentley House (2683 Le Conte Avenue; 1900) and the George Edwards House (2530 Dwight Way; 1886) one lot east of the Stuart House.

#### 15. Context:

The Stuart House is part of a rich architectural group clustered around People's Park. This includes the Wooley House, the Anna Head School, Casa Bonita Apartments, the Rose Cottage, Maybeck's First Church of Christ, Scientist, Julia Morgan's Hobart Hall, and the George Edwards House.

The area to the north of Dwight was sold to the University of California by the Hillegass family and was known as the College Homestead Tract. The area to the south of Dwight Way, where the Stuart House stands, remained in the Hillegass family's possession until 1886 when it was subdivided as the Hillegass Tract.

The College Homestead Tract, developed in the heyday of the Victorian era, was the first fully built residential neighborhood south of the campus. This neighborhood extended to the north end of Wurster Hall. The original neighborhood is now largely gone; the few remaining residences are all the evidence left of that thriving community.

The Hillegass Tract was built up slowly. The process continuing to the turn of the century and beyond. It, too, suffered many losses as older single-family homes have given way to apartment blocks.

The Stuart House is probably the best-known representative of the generation of homes that were built on the Hillegass Tract before 1900. Along with the other historical buildings in the district it bears witness to the history of the Southside district of Berkeley.

**16. Significance:**

In itself, the Stuart House should be preserved as one of the surviving examples of the Queen Anne style buildings designed by Pissis and Moore. Its historical value is increased by the fact that the design was carried out by A. H. Broad

The existence of the Stuart House also makes it possible to compare the classical style of Pissis' Presidents House to the Stuart House's Queen Anne style, as well as the Eastlake-Queen Anne style of Broad's George Edwards House located nearby.

Finally, the designation of the Stuart House as City of Berkeley Landmark will be a recognition of its contribution to the historical and architectural character of the surrounding district and will make a significant contribution to preserving that character.

Historic Value: City Yes Neighborhood Yes  
Architectural Value: City Yes Neighborhood Yes

**17. Is the property endangered? No  
Explain:**

**18. Photographs & Illustrations:**

- Copy of photograph of the Alexander Stuart House in 1939.
- Copy of photograph of the Alexander Stuart House in 1974 (Elizabeth Crews).
- Copy of photographs of the Alexander Stuart House in 1999.
- Photocopy of Mining Stock Market Columns in the *San Francisco Evening Post*.
- Photocopy of Delinquent Sales of Mining Stock in the *San Francisco Evening Post*.
- Photocopy of *Steam Dummy on Telegraph* by Edwin Deakin, 1892.
- Copy of photograph of Albert Pissis.
- Copy of photograph of the Philip Nette Lilienthal House.



**19. Bibliography:**

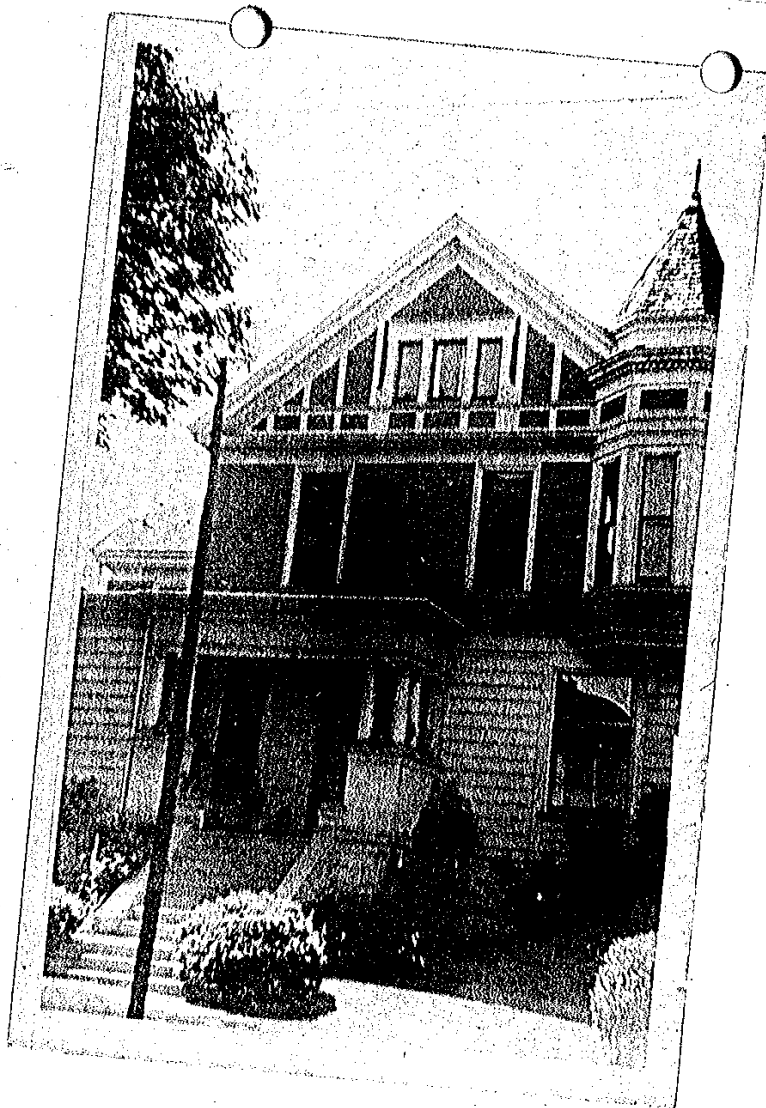
1. Cahill, B. J. S. "The Works of Albert Pissis", *American Builders Review* (January 1906) Pp. 1-37.
2. Emanuel, George *Our First 100 Years: The Story of Mason-McDuffie Through the Lives of Its Leaders*, (no date).
3. Junior League of San Francisco, *Here Today* (1968) pp. 87, 90, 280 & 330.
4. Nelson, Christopher H., *Classical California: The Architecture of Albert Pissis and Arthur Brown Jr.*, dissertation, University of California, Santa Barbara, 1986.
5. *Architect and Engineer*, "The Work of Albert Pissis" (July 1909) pp. 34-69.
6. *California Architect and Building News* (June 1891).
7. *San Francisco Call* (Oct. 24 1897) Death Notice of A. C. Stuart.

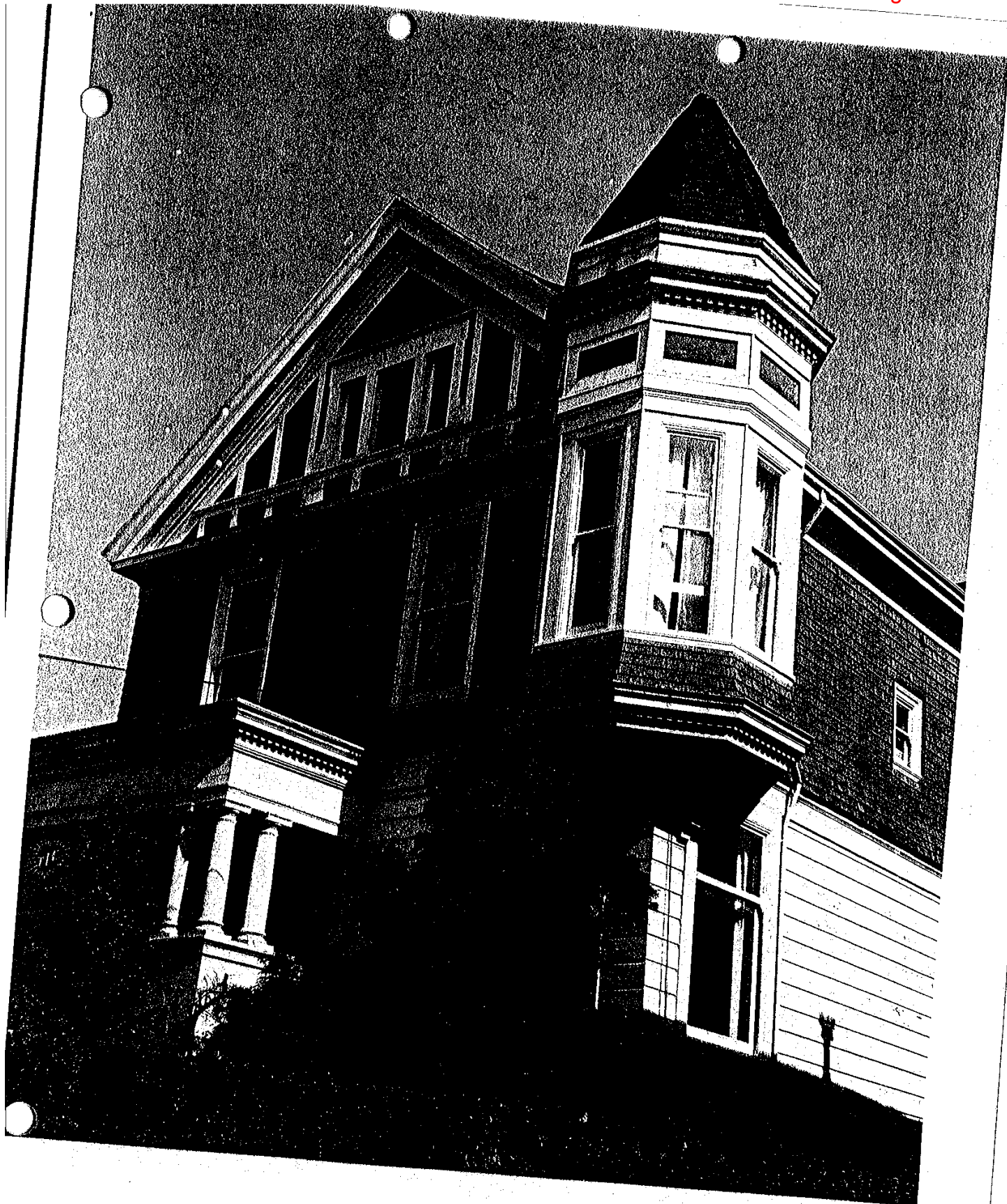
**20. Recorder:**

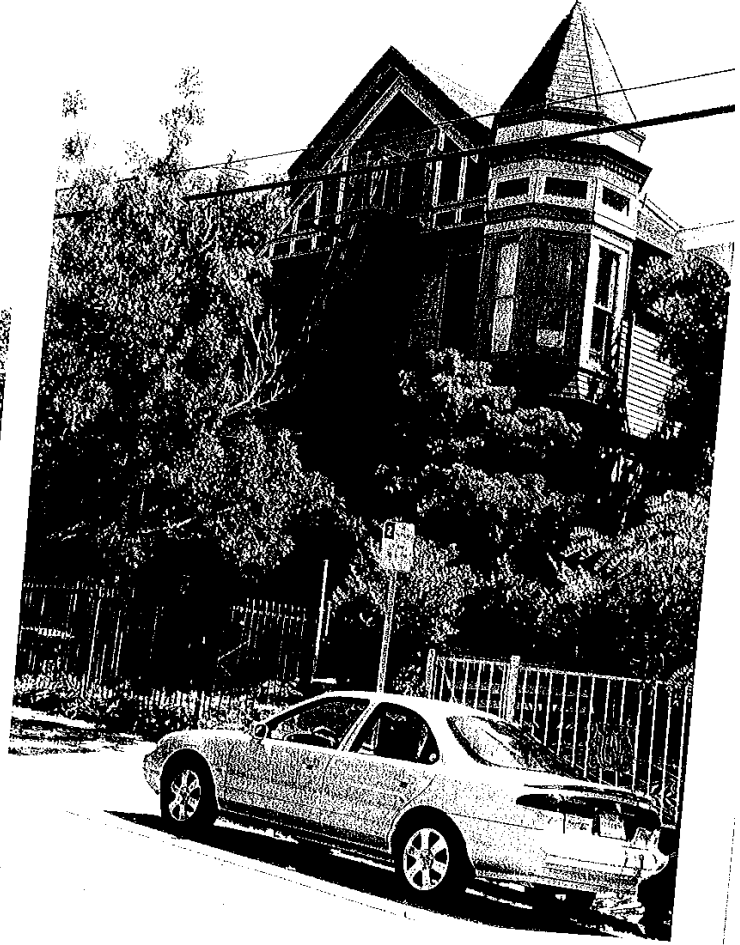
Paul Huizinga, 2530 Dwight Way, Berkeley CA 94704, tel: (510) 549-0417.

**21. Recorded:**

August 1999









# STRONG STOCKS

## South End Shares Lead the Market on Early Call

Dated Weekly Reports from the  
Stock Exchange and  
New York Times.

The following summary of operations in the principal mines on the Comstock lode is obtained from the official reports of Superintendents during the week ended April 20:

**Con. California & Virginia.**—The 1000, 1200 and 1400 levels, containing the usual quantity of ore. On the 1200 level, west of the shaft, from the vein and 20 ft. is advanced. The level is for mining prospective belts. In the old workings, from the vein, 100 ft. has been advanced. During the week, 100 tons of ore were extracted from the above mentioned points. Shipped to the Morgan mill 100 tons and 100 tons to the mill. The above figures are for the week ending April 20. The total value of ore shipped is \$100,000.

**Union.**—On the 100 level in working, 100 ft. has been advanced from the top of the shaft. From the end of the shaft, 100 ft. has been advanced. The level is for mining prospective belts. In the old workings, from the vein, 100 ft. has been advanced. During the week, 100 tons of ore were extracted from the above mentioned points. Shipped to the Morgan mill 100 tons and 100 tons to the mill. The above figures are for the week ending April 20. The total value of ore shipped is \$100,000.

**Yer. Ore. & Nevada.**—On the 100 level of Yer. Ore. & Nevada, 100 ft. has been advanced from the top of the shaft. From the end of the shaft, 100 ft. has been advanced. The level is for mining prospective belts. In the old workings, from the vein, 100 ft. has been advanced. During the week, 100 tons of ore were extracted from the above mentioned points. Shipped to the Morgan mill 100 tons and 100 tons to the mill. The above figures are for the week ending April 20. The total value of ore shipped is \$100,000.

**Albion.**—On the 100 level of Albion, 100 ft. has been advanced from the top of the shaft. From the end of the shaft, 100 ft. has been advanced. The level is for mining prospective belts. In the old workings, from the vein, 100 ft. has been advanced. During the week, 100 tons of ore were extracted from the above mentioned points. Shipped to the Morgan mill 100 tons and 100 tons to the mill. The above figures are for the week ending April 20. The total value of ore shipped is \$100,000.

**Albion.**—On the 100 level of Albion, 100 ft. has been advanced from the top of the shaft. From the end of the shaft, 100 ft. has been advanced. The level is for mining prospective belts. In the old workings, from the vein, 100 ft. has been advanced. During the week, 100 tons of ore were extracted from the above mentioned points. Shipped to the Morgan mill 100 tons and 100 tons to the mill. The above figures are for the week ending April 20. The total value of ore shipped is \$100,000.

April 28, 1890

# A DULL SPELL

## Prices Range Lower on Pine Street, With Business Quiet.

Very Encouraging Reports Strengthen  
From the East Mines—The  
Stock Exchange Notes.

The market opened without any change this morning in the matter of prices or business. The demand for stocks of all descriptions was lighter than usual, the only movement being in Pine, which was firm and continued good reports from the mines.

The showing in this property would certainly seem to justify much higher prices for the stock. The shaft is now down over 100 feet in ore, the vein being 100 feet wide at the bottom. Of this three feet will average 100 lbs. per ton, the remaining three feet ranging all the way from 20 to 50 lbs. per ton. The vein has been sunk on from the surface, where the reefs have been followed for over 100 feet to a point where the formation of the ground permitted of a tunnel being run. This has accordingly been done for a distance of 100 feet, with the vein fairly and evenly running low. Little can yet be told as to the extent of the deposit, but in all probability, which will be when the shaft is down to the 100 level. The shaft has not been at all regular in the shaft, at times varying as little as 100 lbs. and again reaching down as low as 100 lbs. The managers of the property are quite willing to give all particulars of the development as work progresses, but agents reported to furnish any extraordinary investors. All that can be said at present is that the prospects are most encouraging.

After the regular session the Comstock market was weaker, with a light holding for the leading stocks and Commonwealth was steady at the recent advance. The transactions are not so heavy as they are to be expected, if the battle is not ended by an admission of defeat on one side or the other before the end of the week.

Official prices for the day are as follows:

May 1, 1890  
San Francisco Evening Post  
The Mining Stock Market  
In 1890

# FIRMER AGAIN

## Comstock Mining Shares Score a Light Advance on Call.

Business Continues Quiet in the  
Markets—A Valuable Gold Prop-  
erty—Quintana Returns.

The mining market opened firmer on early call, with a light showing of business. The heavier class of dealers seem to have withdrawn from the market for the time being, probably in the belief that unless something new turns up, much activity cannot be expected until drilling begins in the middle mines of the south end. Overseas continues fairly active, and the stock is in good demand by dealers who place their faith on the future of the mine, which is said to be looking remarkably well, even in face of the break in prices. The bears are still hammering away at Com. California & Virginia, but their theories are too far fetched to carry any weight.

In outside stocks the Transcons were fully strong, with an evident desire on the part of one of the cliques to sell Commonwealth down. Del. Monte and North Commonwealth were actively held in at higher prices. In the United States Peer was a shade lower at 35 cents bid.

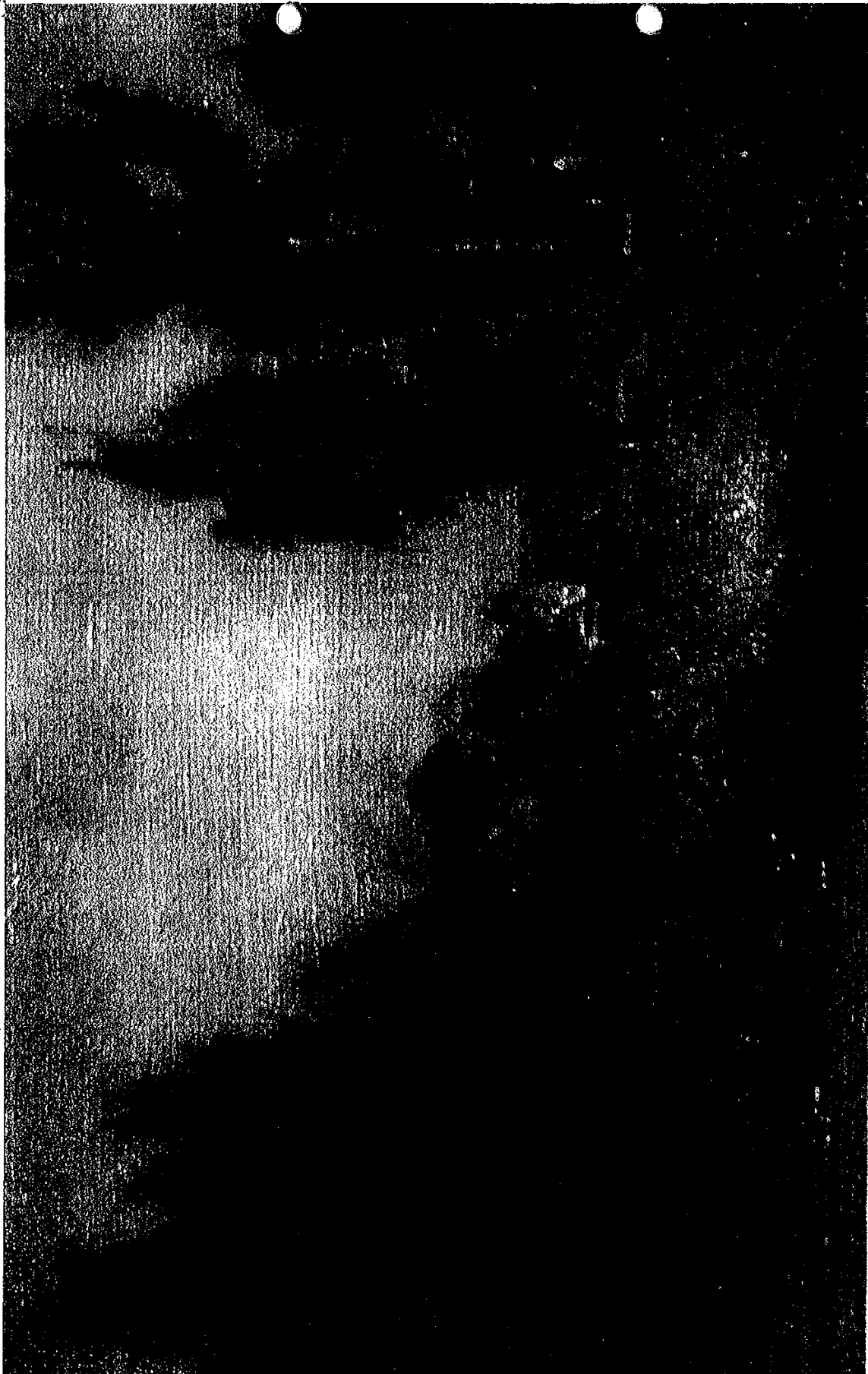
After the regular session the general market weakened off, with business dull. Towards noon the Transcons strengthened up, with a lower range of prices in the Comstocks.

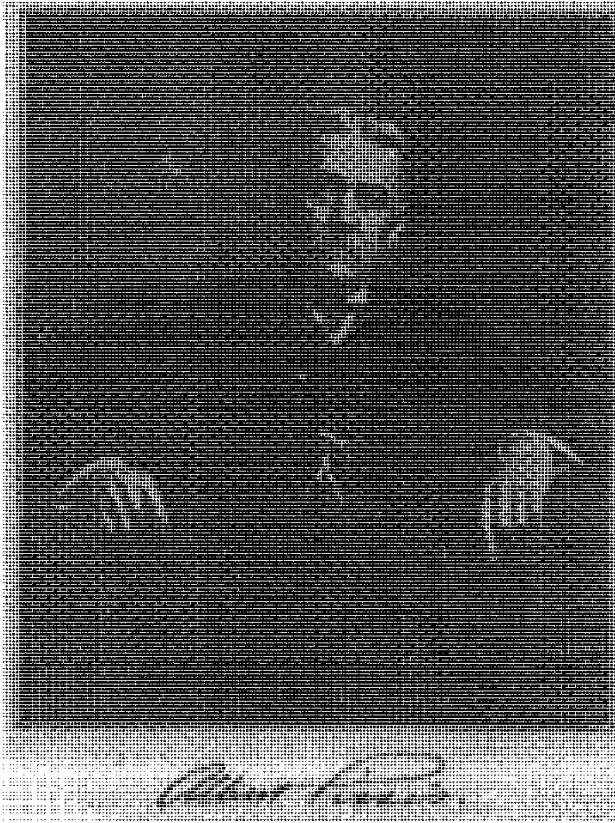
Official quotations for the day are given below:  
Locomotive has been assessed 5 cents per share.  
The assessment of 50 cents per share on Ohio is delinquent in the board tomorrow.

May 2, 1890









Albert Pissis

from

The Architect and Engineer of California  
July, 1909



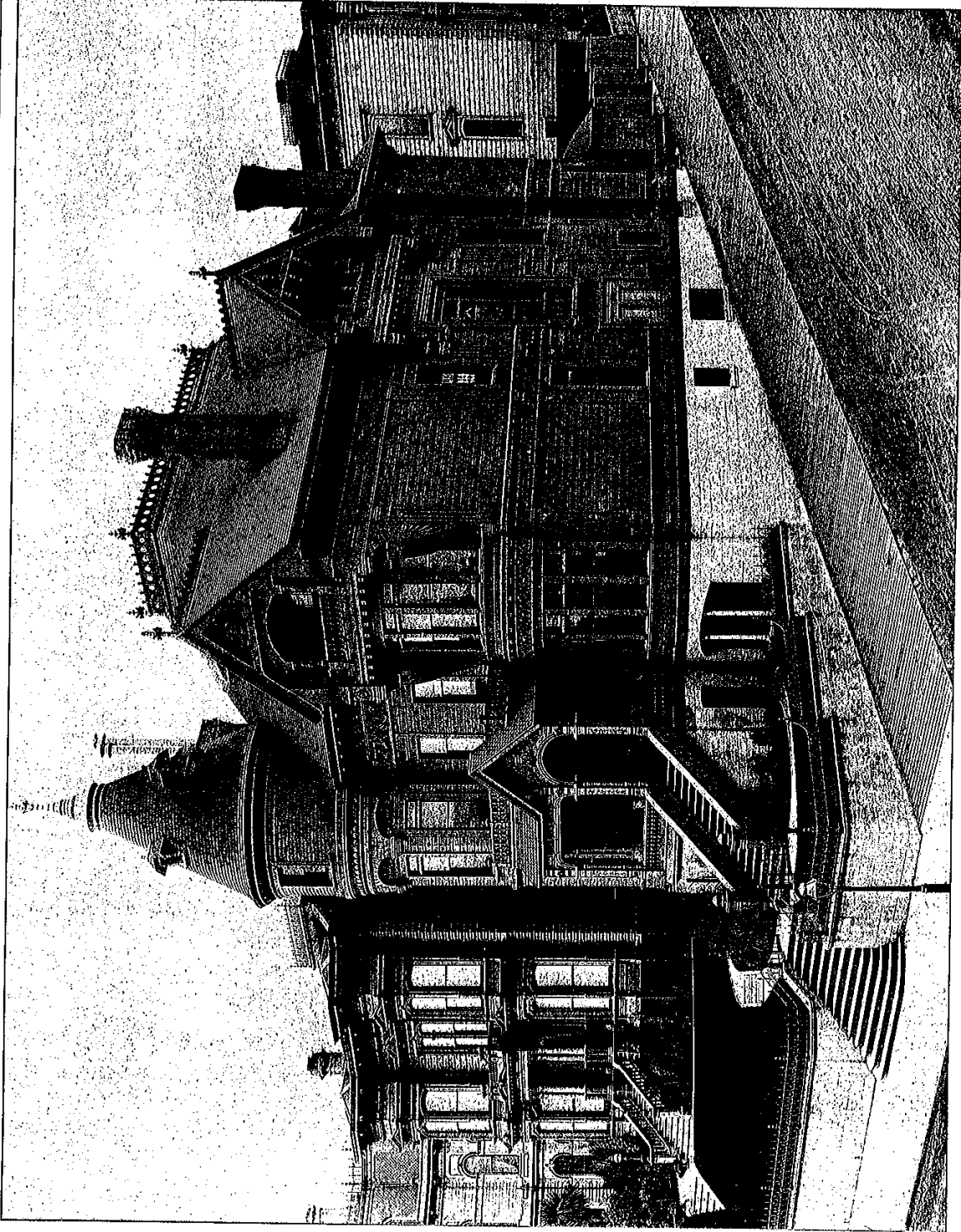


PLATE 24

Clay & Franklin Streets, San Francisco  
*Pissis & Moore, Architects*



City Planning Department  
Current Planning Division  
Landmarks Preservation Commission

## NOTICE OF DECISION

FOR MEETING OF: September 13, 1999

PROPERTY ADDRESS: 2524 Dwight Way  
ALSO KNOWN AS: Alexander C. Stuart House  
OWNER OF PROPERTY: Tony Afkhangpour  
ACTION: Approval of Landmark Designation  
APPLICANT: LPC

WHEREAS, 2524 Dwight Way has architectural significance as a work by notable architects, Pissis and Moore, built in 1891 by A.H. Broad.; and,

WHEREAS, 2524 Dwight Way is a rare example of the surviving Queen Anne Victorian style buildings designed by Pissis and Moore; and,

WHEREAS, 2524 Dwight Way faces People's Park, a City of Berkeley Landmark recognized in November of 1984; and,

WHEREAS, 2524 Dwight Way is a major contributing building to the historical and architectural history of the surrounding neighborhood; and,

WHEREAS, on September 13, 1999, a public hearing was duly held regarding the above property and the Landmarks Preservation Commission, being fully advised, voted to APPROVE the designation of 2524 Dwight Way as a City of Berkeley Landmark.


Now, therefore, be it resolved by the Landmarks Preservation Commission of the City of Berkeley that the decision is deemed final unless it is reversed, upon appeal, by the City Council of the City of Berkeley.

VOTE: 9-0-0

Aye: Dishnica, Edwards, Emmington, Kehlmann, Marsh, Morse, Olson, O'Malley, Wengraf  
Nay:  
Abstain:

8/25/99 LPC NOD  
Page 2

**DATE NOTICE MAILED: October 1, 1999. THE APPEAL PERIOD EXPIRES (15 DAYS) AT 5 PM: October 18, 1999. File Appeal With City Clerk By This Date.**

ATTEST:   
Margaret Kavanaugh Lynch  
Secretary, Landmarks Preservation Commission

cc: City Clerk  
Property Owner

**LEGAL LIMITATIONS:**

If you object to this project or any city action or procedure relating to this project application, any lawsuit which you may later file may be limited to those issues raised by you or someone else in the Public Hearing on this project or in written communications presented at or prior to the Public Hearing. The time limit within which to commence any lawsuit or legal challenge related to this (these) application(s) is governed by Section 1094.6 of the Code of civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-administrative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge which is not filed within that 90-day period will be barred.

**COMMUNICATION ACCESS:**

To request a meeting agenda in large print, Braille, or on audio cassette, or to request a sign language interpreter for the meeting, call (510) 644-6480 (voice) or 644-6915 (TDD); at least FIVE working days notices will ensure availability.

| <b>Feature</b> (letters correspond to attached Work Program) | <b>Location</b> | <b>Character Defining?</b> | <b>Condition</b> | <b>Recommended Treatment</b>                                                                                   | <b>Schedule</b>            | <b>Budgets</b><br>(from contractor quotes) |
|--------------------------------------------------------------|-----------------|----------------------------|------------------|----------------------------------------------------------------------------------------------------------------|----------------------------|--------------------------------------------|
| A. Exterior wood sidings and wood trim                       | All             | Yes                        | Fair             | Repair and repaint exterior wood board and shingle sidings and wood trim work at walls, openings and rooflines | Repairs 2020; repaint 2026 | \$85,000                                   |
| B. Exterior Windows                                          | All             | Yes                        | Fair             | Repair and replace in-kind                                                                                     | 2026                       | \$20,000                                   |
| C. Roofs, roof drainage and flashing                         | All             | Yes                        | Fair-poor        | Roof and roof drainage repairs; future reroof, including drainage assembly repair, selective replacement       | Repairs 2020; reroof 2029  | \$25,000                                   |
| D-E. Front porch steps, walk and yard                        | Front           | Yes                        | Fair             | Replace wood porch steps and railing; replace entry walkway paving to match (E)                                | 2020                       | \$13,000                                   |
| <b>Total Estimated 10yr. Budget</b>                          |                 |                            |                  |                                                                                                                |                            | \$143,000                                  |



L A N D M A R K S  
P R E S E R V A T I O N  
C O M M I S S I O N  
S T A F F R E P O R T

FOR COMMISSION ACTION  
JULY 2, 2019

## 2524 Dwight Way

**Mills Act Contract Application #LMMA2019-0003 for a single-family residence and designated City of Berkeley Landmark, The Alexander C. Stuart House.**

### I. Application Basics

**Parties Involved:**

- Applicant & Property Owner: NCR Properties LLC/Nathan D. George  
1958A University Avenue  
Berkeley, CA 94704
- Historic Resource Consultant: Mark Hulbert  
Preservation Architecture  
446 17<sup>th</sup> Street, #302  
Oakland, CA 94612

Figure 1: Vicinity Map highlighting nearby historic resources



|  |                                     |  |                      |
|--|-------------------------------------|--|----------------------|
|  | Landmarks / Structure of Merit; LM, |  | Parcels              |
|  | Features                            |  | Demolished           |
|  | Districts                           |  | Partially Demolished |



**Figure 2: 2524 Dwight Way, current conditions**



## II. Background

On May 22, 2019, the applicant and owner submitted a Mills Act Contract Application for the property located at 2524 Dwight Way. The application form is provided as Attachment 1 of this report. The historic resource consultant's *Historic Architectural Report for Mills Act Application* is provided as Attachment 2. This document includes the consultant's list of *Character Defining Features* (on page 2), *Historic Architectural Summary and Recommendations* for maintenance and repairs (on page 3), and the City's financial analysis spreadsheet for estimating the potential Mills Act tax savings for this request. Attachment 2 of this report is the proposed ten-year work plan under a Mills Act contract, an excerpt from Attachment 2.

The subject main building at 2524 Dwight Way was constructed in 1891 by Alphonso Herman Broad (1851-1930) and designed by Albert Pissis (1852-1914) and Joseph Moore in the Queen Anne style of the Victorian era. In 1999, it was designated as a City of Berkeley Landmark owing to its architectural merit. A copy of the designation Notice of Decision is provided as Attachment 3 of this report. This property appears on the State Historic Resources Inventory with status code 3S, indicating that the property appears to be eligible for the National Register as an individual property through survey evaluation.

## III. Issues and Analysis

The historic resource consultant's rehabilitation and architectural reports (Attachment 2) outline proposed building exterior and site improvements for the subject property over a projected ten-year period. Improvements to the exterior of the City Landmark building include, but are not limited to: repair and repainting exterior wood work (including siding, and shingles and decorative trim detail); repair and selective replacement of exterior wood windows, repair and subsequent replacement of roof and roof drainage assembly; replace front entry stairs and walkway paving; replace fence at front property line; and install new planting.

A new fence at the front property line has been previously approved by the Commission under Structural Alteration Permit #LMSAP2016-0007. However, any other future work on the exterior of the building that would not be considered ordinary maintenance and repairs would require review and approval by the Landmarks Preservation Commission in advance of completing the work.

With the exception of the proposed new plantings, all improvements included in the applicant's *Historic Architectural Summary and Recommendations* (page 3 of Attachment 2) would affect historic, character defining features of the building and site.

The work plan items appear to be justifiable in that they constitute restoration, repair, rehabilitation and continued maintenance of the subject property. Further, they would provide for the property's "use, maintenance and restoration as to retain its characteristics as property of historical significance," as provided for in the Mills Act, Government Code Sections 50280 et. Seq., as authorized by the Berkeley City Council per Resolution No. 59,355 – N.S. For these reasons, staff concludes that the proposed tasks represent improvements that are consistent with the requirements of the Mills Act.



#### IV. Mills Act Contract Proposal

The intent of the Mills Act is to provide property tax relief so that the property owners entering into Mills Act Contracts with the City will spend the property-tax money that is saved through the Contract on preserving and/or restoring their property. The applicant's proposed 10-year plan of improvements is summarized in Table 1, below.

**Table 1: Summary of Ten-Year Work Plan for 2524 Dwight Way**

| Feature                                   | Treatment<br>(as recommended by historic resource consultant) |                                                                                  | Estimated<br>Year of<br>completion |
|-------------------------------------------|---------------------------------------------------------------|----------------------------------------------------------------------------------|------------------------------------|
| Exterior wood<br>sidings & trims          | A                                                             | Repair & maintain wood work                                                      | 2020                               |
|                                           |                                                               | Re-paint wood work                                                               | 2026                               |
| Exterior wood<br>windows                  | B                                                             | Repair & selective replacement                                                   | 2026                               |
| Roof & drainage                           | C                                                             | Repair & maintain roof and roof drainage assembly                                | 2020                               |
|                                           |                                                               | Replace roof, including drainage assembly                                        | 2029                               |
| Front stairs,<br>walkway and<br>plantings | D<br>&<br>E                                                   | Replace stairs & railing; replace walkway pavement & fence & gate; new plantings | 2020                               |

The working financial analysis spreadsheet provided by the applicant at time of submittal, estimates that the cost of the owner's proposed improvements over a 10-year period would be approximately \$148,500 and the estimated total tax savings over the 10-year period would be approximately \$44,000, starting at an annual savings of approximately \$4,700 and then decreasing to approximately \$3,200 by the tenth year of the program.

#### V. Recommendation

Staff has determined that all work proposed in the Mills Act Contract work plan provides for the properties "use, maintenance and restoration as to retain its characteristics as property of historical significance", and advises the Commission to recommend that City Council approve the Mills Act Contract request for the subject property.

#### Attachments:

1. Mills Act Contract Application & Historic Architectural Report for Mills Act application, prepared by Mark Hulbert, received May 22, 2019
2. Estimated [Ten-Year] Work Schedule for Mills Act, received May 22, 2019
3. 2524 Dwight Way Landmark designation Notice of Decision (1999)

Prepared by: Fatema Crane, Senior Planner; [fcrane@cityofberkeley.info](mailto:fcrane@cityofberkeley.info) (510) 981- 7413





Office of the City Manager

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Timothy Burroughs, Director, Planning and Development Department  
 Subject: Mills Act Contract – 1730 Spruce Street

RECOMMENDATION

Adopt a Resolution authorizing and directing the City Manager to enter into a Mills Act contract with Jeff Lipton for the City Landmark property at 1730 Spruce Street.

FISCAL IMPACTS OF RECOMMENDATION

The Mills Act allows owners of historic properties to voluntarily enter into individual contracts with the City in order to obtain property tax reductions in exchange for maintaining and restoring their historic property.

The property tax savings are offered to create an incentive for owners to maintain their historic properties, to designate historic properties that are currently not protected, and to purchase and upgrade already dilapidated historic properties.

Approving the Mills Act contract for the City Landmark property at 1730 Spruce Street would reduce the property tax bills for the owners by an estimated total of \$9,026 in year one, approximately 30% (\$2,707) of which would be diverted from Berkeley's tax revenue (final amounts are determined by Alameda County after contract execution). This will be an annual impact to the City's tax revenue, as the contract runs for ten years (in comparable annual amounts) and automatically renews annually thereafter unless notice of nonrenewal is given. In turn, the work plan commits the owners to spending the anticipated tax savings on restoring the landmarked property. The Mills Act also specifies procedures for cancellation of the contract for a breach of conditions.

Council approval will allow property tax reduction for this property to begin in the 2020-2021 fiscal year.

CURRENT SITUATION AND ITS EFFECTS

On February 24, 1998, the Berkeley City Council passed Resolution No. 59,355-N.S. which authorizes the local use of the Mills Act of 1972, as amended, which is codified in California Government Code Sections 50280-90 and Revenue and Taxation Code Section 439. The Mills Act allows owners of historic properties to voluntarily enter into

individual contracts with the City in order to obtain property tax reduction in exchange for maintaining and restoring their historic property.

On October 16, 1989, the property at 1730 Spruce Street was designated as a City of Berkeley Landmark, making the property owner eligible to take advantage of the Mills Act. The designation included analysis of historic distinguishing features and features to be preserved (see Attachment 2).

On July 2, 2019, the Landmarks Preservation Commission (LPC) reviewed the proposal by the present owner, Jeff Lipton, to enter into a Mills Act contract for 1730 Spruce Street, including a proposed scope of work and maintenance schedule, and voted 6-1-0-1 (Yes: Abranches Da Silva, Adams, Allen, Crandall, Finacom, O'Malley; No: Schwartz; Abstain: none; Absent: Chagnon) to recommend approval of the Mills Act Contract application to City Council, with revisions to work items B-C, to specify in-kind repair and replacement, and work items F-G, to specify that the arbor and wisteria will be repaired and replaced with period appropriate landscaping.

On August 6, 2019, the property owner provided staff with a copy of the revised work plan, consistent with the LPC's direction.

### BACKGROUND

The Mills Act provides limited ad valorem tax relief at the discretion of host jurisdictions to encourage rehabilitation and on-going maintenance of historic resources. In Berkeley, owners of those properties designated by the LPC as either a Landmark or a Structure of Merit may apply for a Mills Act contract. The Alameda County Assessor uses a formula, consistent with the provisions of the Mills Act, to determine the amount of property tax reduction, which applies a capitalization rate to the calculated net operating income for the property under the Mills Act contract. The Mills Act application includes a ten-year work plan to restore and maintain the subject property. The total investment in the work plan is intended to equal or exceed the total amount of the property tax relief over the contract period.

In 2011, State law was amended to include more specific requirements regarding inspection, fees, and cancellation. The amendments clarified that the local legislative body may require fees for providing services pursuant to the Mills Act; shall inspect the property prior to a new agreement and then every five years thereafter; and shall cancel the contract if it determines that the owner has breached the conditions of the contract. As a result of these amendments, Land Use Planning fees for the approval and monitoring of these contracts were added in July 2012, and an ongoing inspection program is in place.

### RATIONALE FOR RECOMMENDATION

In order to qualify for Mills Act consideration, 1) the property must qualify as historic; 2) the contract must adequately meet the requirements for Mills Act contracts; and 3)

the type of improvements outlined in the work plan must meet the City standards, which require that tax savings be used according to the rules and regulations outlined in the Act.

The property located at 1730 Spruce Street is eligible for the Mills Act contract because it is designated as a City of Berkeley Landmark. The contract format has been reviewed by the City Attorney's Office for conformance to all relevant City and State regulations. Finally, the contract includes a comprehensive work plan that the property owners have agreed to complete within the first ten-year contract period and that provide for the property "use, maintenance and restoration as to retain its characteristics as property of historical significance." The LPC has concluded that the proposed work plan meets the standards adopted by the City Council, and the costs of the proposed improvements are anticipated to equal or exceed the tax savings afforded the owners.

ENVIRONMENTAL SUSTAINABILITY

Approval of the contract would encourage historic resource rehabilitation, materials conservation, and construction and demolition waste diversion.

ALTERNATIVE ACTIONS CONSIDERED

The Council could deny the application if it found that it did not satisfy the requirements of the Act or other criteria for approval.

CONTACT PERSON

Timothy Burroughs, Director, Planning and Development Department, 510-981-7401  
Fatema Crane, Senior Planner, 510-981-7413  
Alison Lenci, Assistant Preservation Planner, 510-981-7544

Attachments:

1. Draft City Council Resolution
2. LPC Resolution, Landmark Designation, October 16, 1989
3. Revised Rehabilitation Work Program, received August 6, 2019
4. LPC July 2, 2019 Staff Report

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

AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A MILLS ACT CONTRACT AND ANY NECESSARY AMENDMENTS WITH JEFF LIPTON, FOR THE MAINTENANCE AND RESTORATION OF A HISTORIC PROPERTY LOCATED AT 1730 SPRUCE STREET, IN RETURN FOR THE OWNER TO OBTAIN A PROPERTY TAX REDUCTION

WHEREAS, on February 24, 1998, the Berkeley City Council adopted Resolution No. 59,355-N.S. which authorized the use of Mills Act contracts; and

WHEREAS, on October 16, 1989, 1730 Spruce Street was designated as a City of Berkeley Landmark and became eligible to take advantage of the Mills Act; and

WHEREAS, on July 2, 2019, the Landmarks Preservation Commission reviewed the proposed projects listed in the Mills Act Contract Application for 1730 Spruce Street, and recommended that the City Council enter into a Mills Act contract with the property owner, with revisions to work items B-C, to specify in-kind repair and replacement, and work items F-G, to specify that the arbor and wisteria will be repaired and replaced with period appropriate landscaping; and

WHEREAS, the City of Berkeley Mills Act program requires each contract to be approved by the City Council and signed by the City Manager; and

WHEREAS, the City Council, in light of all evidence, finds that the contract is consistent with the purposes of the Mills Act program.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager is authorized and directed to execute a Mills Act Contract and any necessary amendments with Jeff Lipton for the maintenance and restoration of the historic property located at 1730 Spruce Street and in return offer a property tax reduction for a period of at least ten years, with a recorded copy of such contract and amendments to be on file in the Office of the City Clerk and Alameda County Clerk-Recorder.



# City of Berkeley



Landmarks Preservation Commission  
Martin Luther King, Jr.  
Civic Center Building  
2180 Milvia Street  
Berkeley, California 94704  
Telecommunications Device for the Deaf (415) 644-6915  
  
(415) 644-6570

## NOTICE OF DECISION

FOR MEETING OF: October 16, 1989

PROPERTY ADDRESS: 1730 Spruce Street

Also Known As: The Loring House

OWNER OF PROPERTY: Robert L. Hoover

330 Chaplin Lane San Luis Obispo, CA 93401

APPLICANT: Landmarks Preservation Commission

2180 Milvia Street Berkeley, CA 94704

WHEREAS, a public hearing has been duly and regularly held upon the above property, and the Landmarks Preservation Commission, being fully advised, has voted to APPROVE the application to designate 1730 Spruce Street a City landmark:

It was MSC (Jones/Marsh) that the Commission designate 1730 Spruce Street - the Loring House a City of Berkeley Landmark because the house embodies the distinctive characteristics of a period of construction, represents the work of John Hudson Thomas, a master architect, and because the property is listed on the National Register of Historic Places.

NOW, THEREFORE, BE it Resolved by the Landmarks Preservation Commission of the City of Berkeley that the decision is deemed final unless it is reversed, upon appeal, by the Council of the City of Berkeley.

Motion Carried: Aye: Bright, Cerny, Gordon, Jones, Kusmierski, Marsh, McGlibery, Roha; Nay: - ;Abstain: -; Absent: Aroner

DATE NOTICE MAILED: 11-2-89 THE APPEAL PERIOD EXPIRES AT 5 PM: 11-17-89  
FILE APPEAL WITH CITY CLERK BY THIS DATE

cc: City Clerk  
Codes and Inspection

ATTEST: Mark Paez  
Mark Paez, Secretary

| Feature (with reference to Work Program items)    | Location       | Character Defining? | Condition | Recommended Treatment                                                                                                                                 | Schedule                    | Budgets (from quotes-see notes) | Notes |
|---------------------------------------------------|----------------|---------------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------|-------|
| Stucco cladding and wood work (work items A-C)    | All            | Yes                 | Fair      | Repaint exterior stucco and wood work, including doors, windows and trim work                                                                         | 2025                        | \$40,000                        | 1     |
| Exterior Windows (work items B-C)                 | Front and rear | Yes                 | Fair      | Repair and replace in-kind                                                                                                                            | Repair 2023; replace 2025   | \$36,000                        | 2     |
| Roofs, roof drainage and flashing (work item D)   | All            | Yes                 | Fair-poor | Reroof, including drainage assembly repair, selective replacement                                                                                     | Repair 2021-25; reroof 2028 | \$23,340                        | 3     |
| Structural repair and strengthening (work item E) | All            | Yes                 | Poor-fair | Make seismic improvements to historic structure                                                                                                       | 2025                        | \$57,000                        | 4     |
| Front porch, walk and yard (work items F-G)       | Front          | Yes                 | Fair      | Repair porch steps; replace entry walkway paving to match existing; repair and replace irrigation system, arbor, and wisteria with period appropriate | 2025                        | \$21,000                        | 5     |
| <b>Total Estimated 10yr. Budget</b>               |                |                     |           |                                                                                                                                                       |                             | \$177,340                       |       |

**NOTES:****1. Exterior Repairs and Repainting:**

- Remove all loose and failed material.
- Sand and clean all surfaces scheduled for painting work.
- Epoxy any small areas of rotted out wood and perform small scale repairs as needed.
- Full prime to all surfaces scheduled for finish paint.
- Patch and repair cracks where necessary and closely match existing texture and patterns when possible.
- Spot prime where patched.
- Caulk wood joints.
- Finalize selection and apply finish coats.

**2. Windows:**

- In kind replacement of 7 units, 5 at rear Dining Room bay, 2 at First Floor front, to match original/existing.

**3. Reroofing:**

- Remove existing roofing material and replace with new IB PVC Heat Welded Roofing system.

**4. Structural:**

- Construct new foundations and custom Hardi-frame panels and shear walls.
- Selectively remove and replace exterior materials to match existing.
- Construct interior shear wall at downstairs kitchen wall.
- Construct interior shear walls, bolts, etc at crawlspace areas.

**5. Site work at Front Yard:**

- Per recommendations, add new site lighting, and repair and replace irrigation system, arbor, and wisteria with period appropriate landscaping.





L A N D M A R K S  
P R E S E R V A T I O N  
C O M M I S S I O N  
S T A F F R E P O R T

FOR COMMISSION ACTION  
JULY 2, 2019

# 1730 Spruce Street

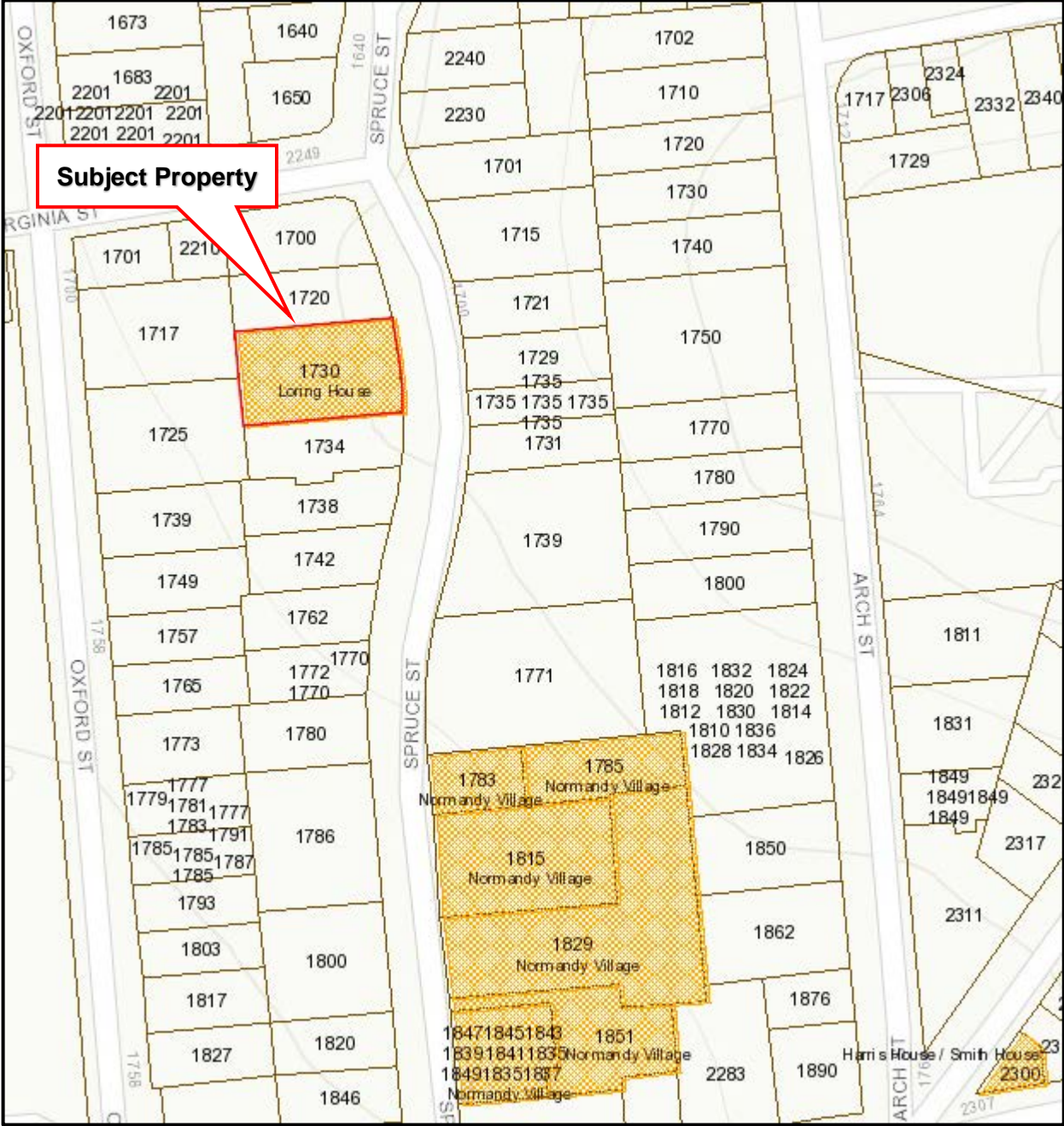
**Mills Act Contract Application LMMA2019-0002 for a single-family residence and designated City of Berkeley Landmark, The Loring House.**

## I. Application Basics

### Parties Involved:

- Applicant/Property Owner: Jeff Lipton  
1730 Spruce Street  
Berkeley, CA 94709
- Historic Resource Consultant: Mark Hulbert  
Preservation Architecture  
446 17<sup>th</sup> Street, #302  
Oakland, CA 94612

Figure 1: Vicinity Map



**Figure 2: Subject Property, current site conditions (Google streetview, 2019)**



**Figure 3: Subject Property, National Register Designation (Anne Bloomfield, 1988)**



## II. Background

On May 16, 2019, the applicant and owner submitted a Mills Act Contract Application for the property located at 1730 Spruce Street.

The subject building at 1730 Spruce Street was designed by Master Architect John Hudson Thomas (1875-1945) and constructed in 1914 for property owner Ernest L. Loring and designated as a City of Berkeley Landmark in 1989. The property is also listed on the National Register of Historic Places (Designation #89000857) under criterion C at the local level of significance.

## III. Issues and Analysis

The historic resource consultant's *Historic Architectural Report for Mills Act Application* is provided as Attachment 1. This document includes the consultant's list of *Character Defining Features* (on page 4), *the Mills Act Work Program* for maintenance and repairs (page 4 - 5), and the City's financial analysis spreadsheet for estimating the potential Mills Act tax savings for this request. The proposed *Rehabilitation Work Program for Mills Act Application* (Attachment 2) outlines proposed building exterior and site improvements for the subject property over a projected 10-year period. Improvements to the exterior of the City Landmark building include, but are not limited to: replacing the existing roof, drainage and flashing, seismic improvements to the building, repainting exterior stucco and wood work, and repairing and repainting exterior windows and doors. Improvements to the site include replacing entry walkway paving to match existing, new lighting, landscaping and irrigation at the site.

Any future work on the exterior of the building that would not be considered ordinary maintenance and repairs would require review and approval by the Landmarks Preservation Commission in advance of completing the work.

All improvements included in the Rehabilitation Work Program are historic, character defining features of the building and site, except the irrigation system and landscaping. Please see Attachment 2, for the complete Rehabilitation Work Program.

The work plan items appear to be justifiable in that they constitute restoration, repair, rehabilitation and continued maintenance of the subject property. Further, they would provide for the property's "use, maintenance and restoration as to retain its characteristics as property of historical significance," as provided for in the Mills Act, Government Code Sections 50280 et. Seq., as authorized by the Berkeley City Council per Resolution No. 59,355 – N.S. For these reasons, staff concludes that the proposed tasks represent improvements that are consistent with the requirements of the Mills Act.

## IV. Mills Act Contract Proposal

The intent of the Mills Act is to provide property tax relief so that the property owners entering into Mills Act Contracts with the City will spend the property-tax money that is



saved through the Contract on preserving and/or restoring their property. The applicant's proposed 10-year plan of improvements is summarized in Table 1 below.

| Feature                                      | Treatment<br>(as recommended by historic resource consultant) |                                                                                                                                                                                                                         | Estimated<br>Year of<br>completion |
|----------------------------------------------|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| Exterior stucco cladding and woodwork        | A - C                                                         | Repaint exterior stucco and wood work, including doors, windows and trim                                                                                                                                                | 2025                               |
| Exterior windows                             | B - C                                                         | Repair                                                                                                                                                                                                                  | 2023                               |
|                                              |                                                               | Selective replacement (7 windows) to match existing                                                                                                                                                                     | 2025                               |
| Roof, drainage & flashing                    | D                                                             | Repair & maintain                                                                                                                                                                                                       | 2021-2025                          |
|                                              |                                                               | Re-roof, including drainage assembly repair & selective replacement                                                                                                                                                     | 2028                               |
| Structural repair and strengthening          | E                                                             | Construct new foundation, selectively remove and replace exterior materials to match existing, construct exterior shear wall at lower level kitchen wall & construct interior shear walls and bolts at crawlspace areas | 2025                               |
| Front porch, walkway, lighting and plantings | F - G                                                         | Repair porch steps, replace entry walkway to match existing, new site lighting, and new landscaping                                                                                                                     | 2025                               |

The working financial analysis spreadsheet provided by the applicant at time of submittal, estimates that the cost of the owner's proposed improvements over a 10-year period is approximately \$177,340 and the estimated total tax savings over the 10-year period is approximately \$99,163, starting at an annual savings of \$9,026 and then decreasing to approximately \$8,950 by the tenth year of the program.

## V. Recommendation

Staff has determined that all work proposed in the Mills Act Contract work plan provides for the properties "use, maintenance and restoration as to retain its characteristics as property of historical significance", and advises the Commission to recommend that City Council approve the Mills Act Contract request for the subject property.

### Attachments:

1. Historic Architectural Report for Mills Act Application, received May 16, 2019
2. Rehabilitation Work Program for Mills Act Application, received June 25, 2019
3. 1730 Spruce Street Landmark Notice of Decision (1989)

Prepared by: Alison Lenci, Assistant Planner; [alenci@cityofberkeley.info](mailto:alenci@cityofberkeley.info) (510) 981-7544





Office of the City Manager

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Timothy Burroughs, Director, Planning and Development Department  
 Subject: Mills Act Contract – 2526 Hawthorne Terrace

### RECOMMENDATION

Adopt a Resolution authorizing and directing the City Manager to enter into a Mills Act contract with John Komoroske and Daniel McDonald for the City Landmark property at 2526 Hawthorne Terrace.

### FISCAL IMPACTS OF RECOMMENDATION

The Mills Act allows owners of historic properties to voluntarily enter into individual contracts with the City in order to obtain property tax reductions in exchange for maintaining and restoring their historic property.

The property tax savings are offered to create an incentive for owners to maintain their historic properties, to designate historic properties that are currently not protected, and to purchase and upgrade already dilapidated historic properties.

Approving the Mills Act contract for the City Landmark property at 2526 Hawthorne Terrace would reduce the property tax bills for the owners by an estimated total of \$12,000 in year one, approximately 30% (\$3,600) of which would be diverted from Berkeley's tax revenue (final amounts are determined by Alameda County after contract execution). This will be an annual impact to the City's tax revenue, as the contract runs for ten years (in comparable annual amounts) and automatically renews annually thereafter unless notice of nonrenewal is given. In turn, the work plan commits the owners to spending the anticipated tax savings on restoring the landmarked property. The Mills Act also specifies procedures for cancellation of the contract for a breach of conditions.

Council approval will allow property tax reduction for this property to begin in the 2020-2021 fiscal year.

### CURRENT SITUATION AND ITS EFFECTS

On February 24, 1998, the Berkeley City Council passed Resolution No. 59,355-N.S. which authorizes the local use of the Mills Act of 1972, as amended, which is codified in California Government Code Sections 50280-90 and Revenue and Taxation Code

Section 439. The Mills Act allows owners of historic properties to voluntarily enter into individual contracts with the City in order to obtain property tax reduction in exchange for maintaining and restoring their historic property.

On July 2, 2019, the property at 2526 Hawthorne Terrace was designated as a City of Berkeley Landmark, making the property owner eligible to take advantage of the Mills Act. The designation included analysis of historic distinguishing features and features to be preserved (see Attachment 2).

On August 1, 2019, the Landmarks Preservation Commission (LPC) reviewed the proposal by the present owner, John Komoroske and Daniel McDonald, to enter into a Mills Act contract for 2526 Hawthorne Terrace, including a proposed scope of work and maintenance schedule, and voted 6-2-0-0 (Yes: Abranches Da Silva, Allen, Chignon, Crandall, Olson, O'Malley; No: Finacom, Schwartz; Abstain: none; Absent: none) to recommend approval of the Mills Act Contract application to City Council, without line item #25 in the work plan, to remove "alarm" from line item #12 and reduce approved budget to only \$3000, and to add to the work plan a statement that all replacement work shall be in-kind.

On August 29, 2019, the property owner provided staff with a copy of the revised work plan, consistent with the LPC's direction.

### BACKGROUND

The Mills Act provides limited ad valorem tax relief at the discretion of host jurisdictions to encourage rehabilitation and on-going maintenance of historic resources. In Berkeley, owners of those properties designated by the LPC as either a Landmark or a Structure of Merit may apply for a Mills Act contract. The Alameda County Assessor uses a formula, consistent with the provisions of the Mills Act, to determine the amount of property tax reduction, which applies a capitalization rate to the calculated net operating income for the property under the Mills Act contract. The Mills Act application includes a ten-year work plan to restore and maintain the subject property. The total investment in the work plan is intended to equal or exceed the total amount of the property tax relief over the contract period.

In 2011, State law was amended to include more specific requirements regarding inspection, fees, and cancellation. The amendments clarified that the local legislative body may require fees for providing services pursuant to the Mills Act; shall inspect the property prior to a new agreement and then every five years thereafter; and shall cancel the contract if it determines that the owner has breached the conditions of the contract. As a result of these amendments, Land Use Planning fees for the approval and monitoring of these contracts were added in July 2012, and an ongoing inspection program is in place.



RATIONALE FOR RECOMMENDATION

In order to qualify for Mills Act consideration, 1) the property must qualify as historic; 2) the contract must adequately meet the requirements for Mills Act contracts; and 3) the type of improvements outlined in the work plan must meet the City standards, which require that tax savings be used according to the rules and regulations outlined in the Act.

The property located at 2526 Hawthorne Terrace is eligible for the Mills Act contract because it is designated as a City of Berkeley Landmark. The contract format has been reviewed by the City Attorney's Office for conformance to all relevant City and State regulations. Finally, the contract includes a comprehensive work plan that the property owners have agreed to complete within the first ten-year contract period and that provide for the property "use, maintenance and restoration as to retain its characteristics as property of historical significance." The LPC has concluded that the proposed work plan meets the standards adopted by the City Council, and the costs of the proposed improvements are anticipated to equal or exceed the tax savings afforded the owners.

ENVIRONMENTAL SUSTAINABILITY

Approval of the contract would encourage historic resource rehabilitation, materials conservation, and construction and demolition waste diversion.

ALTERNATIVE ACTIONS CONSIDERED

The Council could deny the application if it found that it did not satisfy the requirements of the Act or other criteria for approval.

CONTACT PERSON

Timothy Burroughs, Director, Planning and Development Department, 510-981-7401  
Fatema Crane, Senior Planner, 510-981-7413

Attachments:

1. Draft City Council Resolution
2. LPC Resolution, Landmark Designation, July 2, 2019
3. Revised Rehabilitation Work Program, received August 29, 2019
4. LPC August 1, 2019 Staff Report

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

AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A MILLS ACT CONTRACT AND ANY NECESSARY AMENDMENTS WITH JOHN KOMOROSKE AND DANIEL MCDONALD, FOR THE MAINTENANCE AND RESTORATION OF A HISTORIC PROPERTY LOCATED AT 2526 HAWTHORNE TERRACE, IN RETURN FOR THE OWNER TO OBTAIN A PROPERTY TAX REDUCTION

WHEREAS, on February 24, 1998, the Berkeley City Council adopted Resolution No. 59,355-N.S. which authorized the use of Mills Act contracts; and

WHEREAS, on July 2, 2019, 2526 Hawthorne Terrace was designated as a City of Berkeley Landmark and became eligible to take advantage of the Mills Act; and

WHEREAS, on August 1, 2019, the Landmarks Preservation Commission reviewed the proposed projects listed in the Mills Act Contract Application for 2526 Hawthorne Terrace, and recommended that the City Council enter into a Mills Act contract with the property owner, with to recommend approval of the Mills Act Contract application to City Council, without line item #25 in the work plan, to remove "alarm" from line item #12 and reduce approved budget to only \$3000, and to add to the work plan a statement that all replacement work shall be in-kind; and

WHEREAS, the City of Berkeley Mills Act program requires each contract to be approved by the City Council and signed by the City Manager; and

WHEREAS, the City Council, in light of all evidence, finds that the contract is consistent with the purposes of the Mills Act program.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager is authorized and directed to execute a Mills Act Contract and any necessary amendments with John Komoroske and Daniel McDonald for the maintenance and restoration of the historic property located at 2526 Hawthorne Terrace and in return offer a property tax reduction for a period of at least ten years, with a recorded copy of such contract and amendments to be on file in the Office of the City Clerk and Alameda County Clerk- Recorder.



L A N D M A R K S  
P R E S E R V A T I O N  
C O M M I S S I O N  

---

N O T I C E O F D E C I S I O N

**DATE OF COMMISSION DECISION: July 2, 2019**

**DATE NOTICE MAILED: August 26, 2019**

**APPEAL PERIOD EXPIRATION: September 10, 2019**

**EFFECTIVE DATE OF DECISION (Barring Appeal or Certification): September 11, 2019<sup>1</sup>**

## 2526 Hawthorne Terrace

**Landmark application #LMIN2019-0002 for the consideration of City Landmark or Structure of Merit designation status for a residential property in the Hillside – APN 058-2247-002-01**

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following designation:

**DESIGNATION:** City of Berkeley Landmark

**APPLICANT:** Mark Hulbert, Preservation Architecture, 443 Seventh Street, Unit 302, Oakland, CA 94612

**ZONING DISTRICT:** R-1(H), Single Family Residential, Hillside Overlay

**ENVIRONMENTAL REVIEW STATUS:** Exempt from environmental review pursuant to CEQA Guidelines Section 15061

**The application materials for this project are available online at:**

<http://www.cityofberkeley.info/zoningapplications>

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### FINDINGS AND APPROVED APPLICATION ARE ATTACHED TO THIS NOTICE

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<sup>1</sup> Pursuant to BMC Section 1.04.070, if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day. Pursuant to BMC Section 3.24.190, the City Council may “certify” any decision of the LPC for review, within fifteen days from the mailing of the NOD. Such certification shall stay all proceedings in the same manner as the filing of a notice of appeal.

LANDMARKS PRESERVATION COMMISSION  
 NOTICE OF DECISION  
 LMIN2019-0002  
 2526 Hawthorne Terrace  
 August 26, 2019  
 Page 2 of 4

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**COMMISSION VOTE: 7-0-0-1**

**YES:** ABRANCHES DA SILVA, ADAMS, ALLEN, CRANDALL, FINACOM, O'MALLEY, SCHWARTZ

**NO:** NONE

**ABSTAIN:** NONE

**ABSENT:** CHAGNON

**TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):**

To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1<sup>st</sup> Floor, Berkeley; or by facsimile to (510) 981-6901. The City Clerk's telephone number is (510) 981-6900.
2. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).
3. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
  - a. The basic fee for persons other than the applicant is \$500. This fee may be reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
  - b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
  - c. The fee for all appeals by Applicants is \$2500.

If no appeal is received, the landmark designation will be final on the first business day following expiration of the appeal period.

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
LMIN2019-0002  
2526 Hawthorne Terrace  
August 26, 2019  
Page 3 of 4

public hearing.

2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must including the following information:
  - A. That this belief is a basis of your appeal.
  - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
  - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
LMIN2019-0002  
2526 Hawthorne Terrace  
August 26, 2019  
Page 4 of 4

**PUBLIC COMMENT:**

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

**FURTHER INFORMATION:**

Questions about the project should be directed to the project planner, Fatema Crane, at (510) 981-7410 or fcrane@cityofberkeley.info. All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning counter), 2120 Milvia Street, between 8 a.m. and 4 p.m., Monday through Friday.

**ATTACHMENTS:**

- 
- 1. Findings
  - 2. Landmark Application, received **MARCH 29, 2019**



**ATTEST:**  
Fatema Crane, Secretary  
Landmarks Preservation Commission

cc: City Clerk  
Property Owner:  
Daniel McDonald  
2526 Hawthorne Terrace  
Berkeley, CA 94708

Application Author:  
Mark Hulbert, Historic Architect  
Preservation Architecture  
443 Seventh Street, Unit 302  
Oakland, CA 94612

## ATTACHMENT 1

## FINDINGS &amp; CONDITIONS

JULY 2, 2019

**2526 Hawthorne Terrace****The George D. and Ellen G. Blood Residence(s)****City of Berkeley Landmark Application #LMIN2019-0002**

## PROJECT DESCRIPTION

Landmark Designation of the property at 2526 Hawthorne Terrace- the George D. and Ellen G. Blood Residence(s)

## CEQA FINDINGS

1. The project is found to be exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) pursuant to Section 15061.b.3 of the CEQA Guidelines (activities that can be seen with certainty to have no significant effect on the environment).

## LANDMARK PRESERVATION ORDINANCE FINDINGS

2. Pursuant to Berkeley Municipal Code (BMC) Section 3.24.110.A Paragraph 1.b of the Landmarks Preservation Ordinance, and based on the evidence presented in the Landmark application, the Landmarks Preservation Commission of the City of Berkeley (Commission) finds that the subject buildings exhibit architectural merit as the work of master architect Walter H. Ratcliff Jr. (1881-1973), and outstanding examples of the Tudor Revival architectural style. Some of the identifiable features of the Tudor Revival are the steeply-pitched roofs, tall narrow windows – many with multi-paned glazing – massive chimney crowned with decorative chimney pots, and half-timbering details. This project was developed late in Ratcliff's career and may represent his most fully realized Grand Tudor design.

## FEATURES TO BE PRESERVED

1. This designation shall apply to the subject property and the following distinguishing features shall be preserved:

**Main Building – 1495 Euclid Avenue**

- Overall exterior, side-gabled building form with front and rear crossing gables, steeply pitched roofs, unpainted stone terrace with monumental front chimney
- Front terrace with unpainted stone walls, steps and paving
- Semi-octagonal, 2-story bay window at front, with slate roof; and wood clad oriel windows at north front, north side and rear
- Painted stucco cladding and ornamental plaster

- Rubble and cut limestone cladding and detailing, limestone casings
- Wood half-timbering and wood trim; exposed wood roof eaves, verge rafters and rafter tails
- Wood entry doors, front and rear, clear finish, bronze door hardware
- Wood, multi-lite glass doors, painted and clear finishes
- Wood windows, true-divided multi-lites, picture windows, leaded glazing
- Brick and unpainted stone masonry chimney at south side; masonry chimneys at roofs
- Roofs and roofing - slate clad roofs, exposed copper roof drainage assemblies, copper and lead flashings
- Rear balcony with wood cap rail, tile deck

### **Carriage House – 2526 Hawthorne Terrace**

- Overall exterior, side-gabled building form with steeply pitched roof, front stair and covered porch
- Stucco cladding
- Wood half-timbering and wood trim
- Rubble and cut limestone cladding and detailing, wood and limestone casings and trims
- Roofs and roofing - slate clad roofs, exposed copper roof drainage assemblies, copper and lead flashings
- Unpainted stone entry stair

### **Landscape**

- Unpainted stone retaining wall at Euclid sidewalk (predates house) and at south side
- Unpainted stone paths, steps and walls at front yard and front terrace
- Unpainted stone paths at rear yard
- Tiled in-ground fountain at rear yard
- Overall character of the informal plantings, trees, and shrubs that frame the main building and views of it from Euclid Avenue



# PRESERVATION ARCHITECTURE

March 29, 2019

**The George D. and Ellen G. Blood Residence  
 2526 Hawthorne Terrace, Berkeley  
 City of Berkeley Landmark Nomination  
 Mills Act Historic Architectural Report**

## Introduction

For the parallel purposes of applying for City of Berkeley Landmark designation and for a Mills Act contract between the property owners and the City, this documentation addresses the historical and historic architectural significance and character of the 1929 Blood Residence, in the following order:

| <i>Report Sections</i>              | <i>Pages</i> |
|-------------------------------------|--------------|
| • Introduction:                     | 1-2          |
| • Summary History:                  | 3-9          |
| • Summary of Historic Significance: | 10-12        |
| • Descriptions                      |              |
| Main House: Front                   | 13-21        |
| South Side                          | 22-23        |
| North Side                          | 24-26        |
| Rear                                | 27-31        |
| Alterations                         | 32           |
| Carriage House:                     | 32-34        |
| Site:                               | 35-37        |
| • Evaluation of Significance:       | 39-40        |
| • Summary of the Character          |              |
| Defining Areas, Spaces & Features:  | 40-41        |
| • Qualifications and References:    | 41           |

The subject property, located at the southeast corner of Euclid Avenue and Hawthorne Terrace (current parcel no.2-1 of block 2247), houses a large residence plus a detached garage with a second unit above, hereafter referred to as the carriage house (figs.1-2). These residential buildings were designed, constructed and occupied in 1929-1930. The main house stands on a nearly square site, 150 feet wide north-south by 130 feet deep, fronting on Euclid Avenue, to the west, and with a panhandle-like leg, some 95-112 feet deep (the front property line is slightly skewed) by 40 feet wide, extending from the main site's northeast corner to Hawthorne Terrace, where the carriage house and drive into the property are located.

By way of introduction, street addresses are somewhat confusing. Original and many subsequent permit records indicate the address 1495 Euclid Ave., which number is incised into a stone at the wall at the existing entry way on Euclid. In the AP map, the addresses are labeled 1495 Euclid for the main house and 2526 Hawthorne for the carriage house. Today, two mailing addresses remain in use whereas the property is legally identified at the 2526 Hawthorne address.



Fig.1 - 2526 Hawthorne Terrace (bounding box) – Main house at center, carriage house above, aerial view, 2019

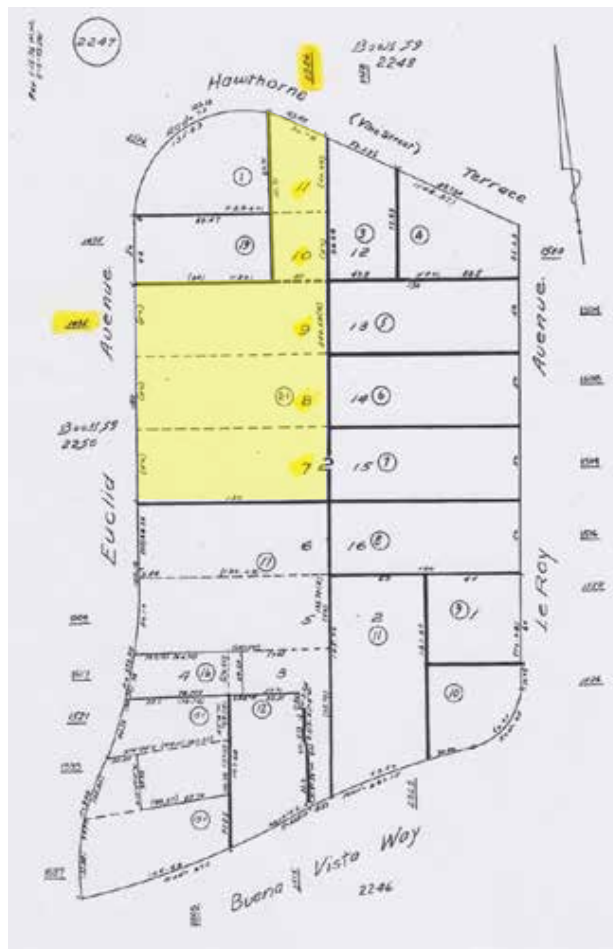


Fig.2 - Assessor's Parcel Map

## Summary History

Per the available set of original drawings by the Berkeley architect W. H. Ratcliff [Jr.], dated May of 1929, the residence and carriage house were built for Mr. and Mrs. G. D. Blood. Per the construction trade journal *Building and Engineering News (B&EN)*, contractor C. H. McCullough was awarded the work in July of 1929 (*B&EN*, July 27, 1929, p13) and who completed the construction in May of 1930 (*B&EN*, May 10, 1930, p29).

The Blood residence and garage were built on sites made vacant by the 1923 Berkeley Fire and where, based on an earlier Sanborn map, two residences stood prior to that wildfire, one on the Euclid parcel at the address 1495 and/or 1515 Euclid and another on the current 2526 Hawthorne Terrace property and at the address 1508 on what was then named Vine Street (fig.3-4). The Euclid Ave. residence was, at the time of the fire, the home of Adolph H. Weber. Building permit records indicated that that former house, which permit identified at the address 1495 Euclid, was constructed in 1909. At present, no records for the previous house on the 1508 Vine/2526 Hawthorne parcel have been found with the exception of the identity of a renter, Cyrus J. Albert, in the 1920 census. The 1929 architectural plans for the Blood residence indicated the foundations of each of the earlier houses to be removed. On the extant property, while infilled and repaired, the only definitive remains of the previous setting are the stone retaining wall along Euclid Avenue (figs.5 & 10).

Curiously, a recent owner acquired this house in the wake of the 1989 Oakland Fire, in which they lost their home. So this property has a history of aftermaths.

In the tract map of 1904 (*Amended Map of a Portion of La Loma Park and the Wheeler Tract*), the Euclid Ave. house site was originally three separate, side-by-side parcels, numbers 7-9. The Hawthorne leg was the rearward 40 foot portion of lots 10-11 (fig.6). The lot was consolidated in 1927, when Weber deeded the currently configured property to the Bloods, in two conjoined parcels, corresponding to the earlier Euclid and Hawthorne lots (fig.7).

In July of 1929, separate permits were issued for the two new dwellings, #33005 for the main house (2 stories, 9 rooms and 17 fixtures - fig.8), and #33006 of the carriage house (2 stories, 3 rooms and 6 fixtures - fig.9). The permit for the main house was finalled in April, 1930, whereas the carriage house may not have been finalled.

Following completion of their house, the Bloods moved to Berkeley from San Francisco and where, per directory listings, they had resided for several years, their first listing in the 1928 directory, by which time they had acquired their future Berkeley home site, and their last listing in 1931. Their 1929 building permit record also confirmed their then current S.F. residence at the "Hunting Apts." or, more accurately, the Huntington Apartments at 1075 California St. (Ellen Gray-Blood's maternal grandparents were Huntingtons, so their temporary residence may well have been in the family).

For the several previous decades, the Bloods were residents of Utah where, since 1892, following his graduation from the College of Mining at the University of California, George Blood was positioned as a mining engineer, superintendent and manager, with several hiatuses prior to their 1905 marriage, including, from 1894-1897, in California and, from 1903-1905, in Nicaragua. The Bloods married in New York. Neither were Bay Area natives – George Deroy Blood was born, in September 1869, in Placer County, California, where he was raised along with his six siblings. Per census records, John Nelson Blood, George's father, was a quartz miner and, like his mother, Ellen Brady-Blood, was born in New York. John N. Blood died in 1879. George entered the mining school

at the University of California c1888. In 1889, his mother also moved to Berkeley and passed away, in San Francisco, in 1921 (the Ellen Blood House is an identified City of Berkeley Structure of Merit).

Ellen Sarah Gray was born in December 1870 in Omaha, Nebraska. The family moved to San Francisco c1872, where they were first listed in the city directory of 1873 and, wherein, Richard Gray, her father, was identified as a freight agent for the Star Union R.R. Line. Ellen was the middle of three children. Her father, Richard, passed away in 1898 in San Francisco and her mother, Lucretia M. Huntington-Gray, in 1919 in Madison, Wisconsin.

George and Ellen Blood did not have children. The late 1920s directories listed him as a mining engineer with offices in San Francisco and the 1940 census again identified his work as a mining engineer. In August 1942, in her 71st year, Ellen Gray-Blood passed away, followed by George Blood in May 1944, at 73, both in Berkeley. Curiously, directory listings continued to list Geo. Blood at 1495 Euclid until 1946.

The next identified owner and occupant of the former Blood residence was George Ury, who was first listed at the address in the 1949 city directory. George and/or Genia Ury resided here – albeit sporadically after 1965 – into the mid-1970s, during which period a range of permit records and correspondences associated with Ury exist, the last in 1978. In the Ury period, a surprising number of occupants were listed at these two addresses including, in 1968, four different occupants under the roof of the main house. And from 1953-1977, there were some eighteen different occupants of the carriage house. Permit records confirm that this period was unstable, including complaints of boarding house like conditions from neighbors and an unsuccessful push by Ury, in 1976, to segregate the 2526 Hawthorne portion of the property.

Property deed research for the later period of ownership has not been undertaken, since this later period has no potential bearing on the identifiable significance of the house. Yet, permit records again identify the owner immediately subsequent to Ury as Moshe E. and Jane Cukierman. The Cukiermans owned and occupied the main house from 1979-1992, when they deeded the property to Stephen and Barbara Hischer who, as noted above, were one of the victims of the 1989 Oakland Fire. Permit records and a magazine article provide clear evidence of the extent of work undertaken by the Hischiers in 1992-1993, including repainting the exterior, exterior lighting changes, and the complete renovation of the former kitchen and servants wing along with associated rearward alterations and rear sitework. The Hischiers owned and occupied the 1495 Euclid/2526 Hawthorne property until 2016, when it was purchased by the current owners, Daniel McDonald and John Alexander Komorske, who are the sponsors of the present applications.





Fig.3 – Aerial view of subject site and block post-1923 Berkeley Fire, looking northeast, with Euclid Ave. from bottom left to center right and Hawthorne (then Vine) at left

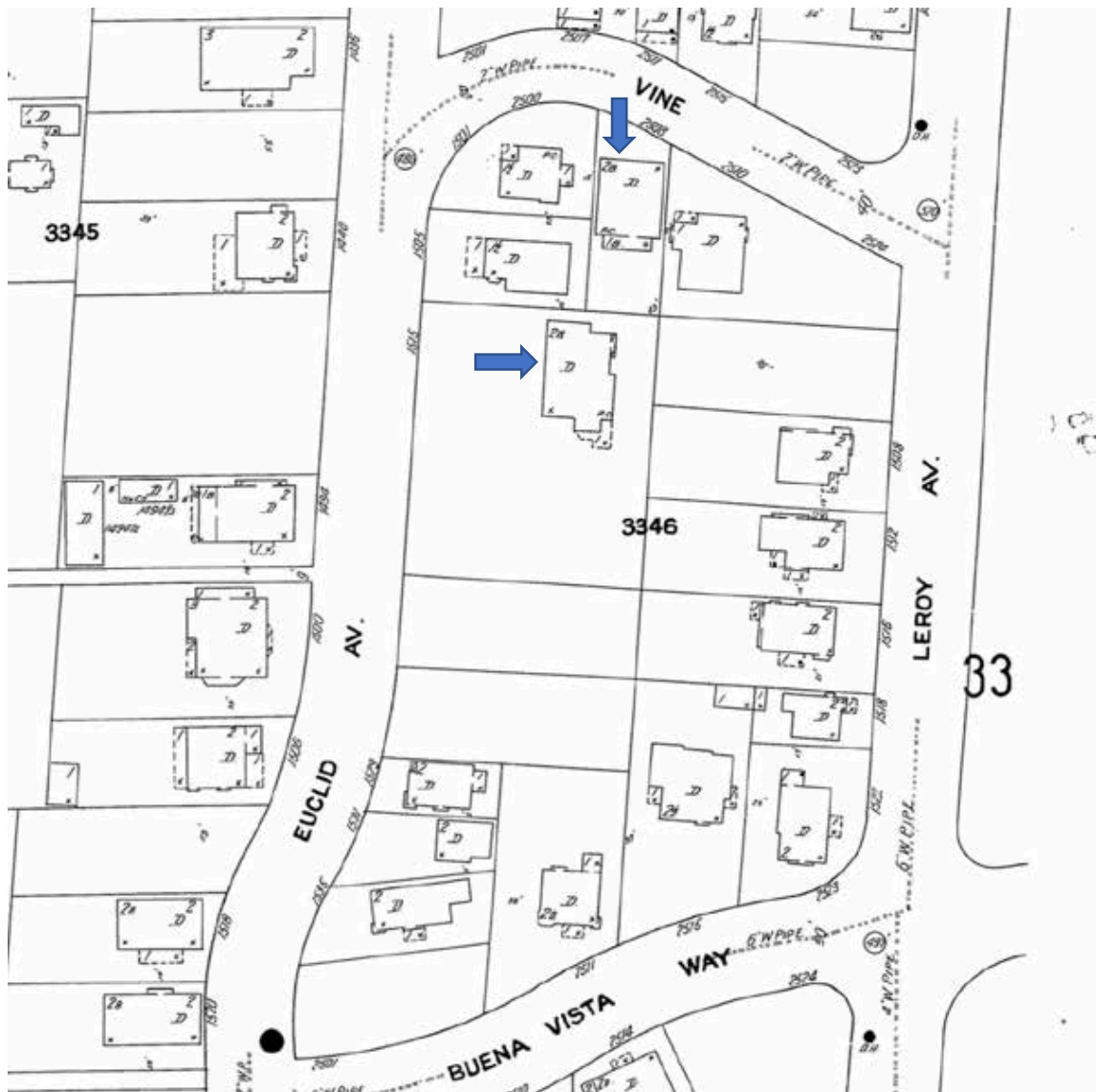


Fig.4 - 1911 Sanborn map with arrows identifying previous residences



Fig.5 – 2526 Hawthorne, from Euclid Ave. with c1909 retaining wall in foreground

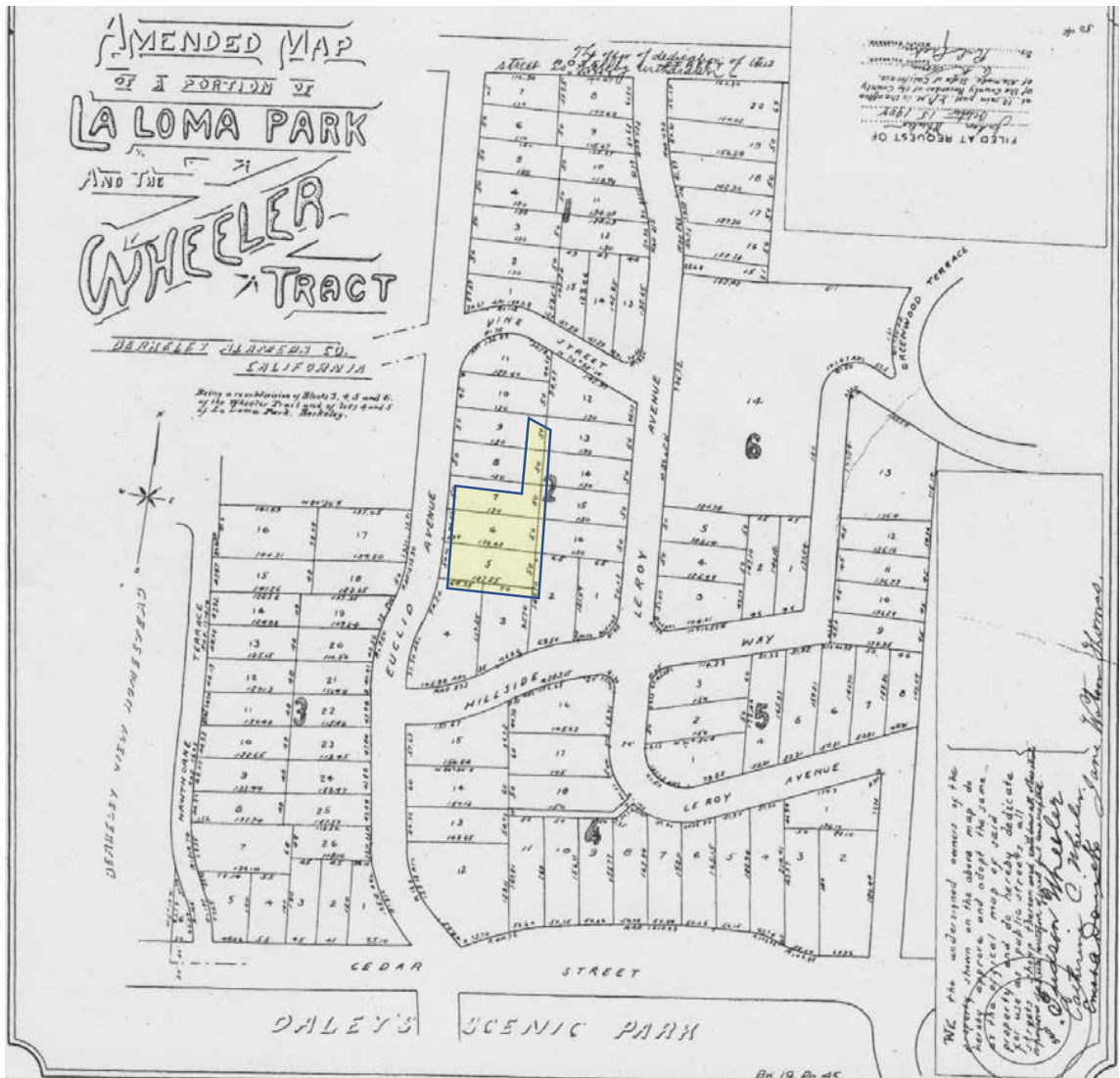


Fig.6 – 2526 Hawthorne (highlighted), 1904 tract map



A.H. WEBER,

TO

G.D. BLOOD, ET AL.

THIS INDENTURE, made the 15th day of January, One Thousand  
Nine Hundred and Twenty-seven.

BETWEEN ADOLPH H. WEBER, a single man, the party of the first  
part, and GEORGE D. BLOOD and ELLEN GRAY BLOOD, his wife, the parties of the second  
part.

WITNESSETH: That the said party of the first part, in consideration of the sum  
of Ten and 00/100 Dollars, gold coin of the United States of America, to him in hand  
paid by the said parties of the second part, the receipt whereof is hereby acknowledged  
does by these presents, grant, bargain and sell unto the said parties of the second part,  
in joint tenancy and to the survivor of them, and to the heirs and assigns of such  
survivor forever, all those certain lots, pieces or parcels of land situate in the City  
of Berkeley, County of Alameda, State of California, and bounded and described as follows  
to-wit;:-

PARCEL 1.---LOTS Numbered 7, 8 and 9, in Block Numbered 2, as said lots  
and block are laid down and delineated upon that certain Map entitled,  
"Map of the Wheeler Tract, Berkeley, Alameda Co., Cal." filed April 4,  
1901, in Liber 16 of Maps, at page 18, in the office of the County  
Recorder of Alameda County, and also according to the Map entitled,  
"Amended Map of a portion of La Iona Park and Wheeler Tract",  
filed October 15, 1902, in Liber 19 of Maps, at page 45, in the office  
of the County Recorder of Alameda County.

PARCEL 2.----BEGINNING at the intersection of the Southern line of  
Hawthorne Terrace, formerly Vine Street, with the Eastern boundary line of  
Lot Numbered 11, in Block Numbered 2, as the said Street, Lot and Block are  
shown upon the Map hereinafter referred to; running thence Southerly along  
said Eastern line of Lots Numbered 10 and 11, in Block Numbered 2, according  
to said Map, Ninety-four and 38/100 feet to the Southeastern corner of said  
Lot Numbered 10; thence Westerly along said Southern Boundary line of Lot  
Numbered 10 aforesaid, Forty feet; thence at right angles Furtherly One  
Hundred Eleven and 71/100 feet to the Southern line of Hawthorne, formerly  
Vine Street; and thence Easterly along said last named line Forty-three  
and 49/100 feet to the point of beginning.

BEING the Eastern Forty feet, rear measurement, of Lots Numbered 10 and 11,  
in Block Numbered 2, as said lots and block are delineated and so designated  
upon that certain Map entitled, "Amended Map of a portion of La Iona Park,  
and the Wheeler Tract, Berkeley, Alameda Co. California," filed October 15,  
1902, in Liber 19 of Maps, at page 45, in the office of the County  
Recorder of the County of Alameda.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging  
or appertaining, and the reversion and reversions, remainder and remainders, rents, issues  
and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the  
said parties of the second part, as joint tenants, and not as tenants in common, with  
the right of survivorship, and the heirs and assigns of such survivor forever.

IN WITNESS WHEREOF, the said party of the first part, has hereunto set his hand  
the day and year first above written.

Signed and delivered )  
in the presence of )  
P.G. Palston. )

Adolph F. Weber.

Fig.7 - 1927 Deed

**APPLICATION FOR BUILDING PERMIT**  
**FRAME BUILDING**  
WRITE IN INK

Permits expire one year from date of issue unless sooner revoked by the City Council. It is unlawful to commence or proceed with any work requiring a building permit until such permit has been issued.

Application is hereby made to the Department of Buildings and Inspections of the City of Berkeley for permission to build a 2 story 9 room frame building to be occupied as Residence by (No.) One Families Stores

Lot located on the East Corner side of Euclid ave street 120 feet South of Hawthorne Terrace street.

Being Lot No. \_\_\_\_\_ Block \_\_\_\_\_ Tract \_\_\_\_\_

Estimated entire cost of building \$ 36000.00 (Includes all materials and labor for finished building.)  
According to plans and specifications herewith submitted. All provisions of the Building Law will be complied with in the erection of said building whether specified herein or not.

Size of lot 150 by 130 feet. Size of proposed building about 100 feet by 160 feet.

Extreme height of building 34 feet

Mud sills 2x4x2x8 x \_\_\_\_\_

Main sills (plates) 4 x 6

Post on piers \_\_\_\_\_ 6x6

Girders 6x10 Max. span 7 ft.

Underpinning 2x6 inches 16 inches O. C.

Size of studs in outside walls to be as follows:  
First story 2x4 inches 16 inches O. C.  
Second story 2x4 inches 16 inches O. C.  
Third story \_\_\_\_\_ inches \_\_\_\_\_ inches O. C.

Bearing partitions to be same as outside walls of each story. Exterior wall coverings to be of Plaster. All outside walls covered with shingles or plaster will be close boarded.

Covered with slate

Roof Sheathing 1x8 inches \_\_\_\_\_ inches O. C.  
Pitch about 9/12

Ceiling heights in clear to be as follows:  
Cellar 8 ft. in.  
First story 9 ft. in.  
Second story 9 ft. in.  
Third story \_\_\_\_\_ ft. in.

Foundation to be of (material) concrete

Walls { Width at top 8 inches.  
Width at bottom 16 inches.  
Least height 7 inches.  
Greatest height 7 inches.

Piers { Size at top 18x18 inches.  
Size at bottom 11x11 inches.  
Height 7 ft. on centers \_\_\_\_\_ inches.

First floor joists 2x12 inches 16 inches on centers. Longest span between supports 9 ft.  
Second floor joists 2x10 inches 16 inches on centers. Longest span between supports 16 ft.  
Third floor joists 2x12 inches \_\_\_\_\_ inches on centers. Longest span between supports 7 1/2 ft.  
Ceiling joists 2x6 inches 16 inches on centers. Longest span between supports 16 ft.  
Rafters 2x6 inches 16 inches on centers. Longest span between supports 8 ft.

Chimneys { Brick: Number 3 lined with terra cotta.  
Patent: Number \_\_\_\_\_ size \_\_\_\_\_ Number of inlets per flue \_\_\_\_\_ Size of inlets \_\_\_\_\_

Instantaneous water heaters (number) \_\_\_\_\_ not to be connected with smoke flues.

Furnace, to burn Oil

Name of Owner of Ground G.S. Blood Residence Address Hunting Apt S.F.

Name of Owner of Building \_\_\_\_\_ Residence Address \_\_\_\_\_

Name of Lessee of Building \_\_\_\_\_ Residence Address \_\_\_\_\_

Name of Architect or Designer W. H. Ratchiff Jr Residence Address Chamber of Comm. Bldg

Name of Builder Chas H. McCullough Residence Address 1634 Berkeley Way

We hereby agree to save, indemnify and keep harmless the City of Berkeley against all liabilities, judgments, costs and expenses which may in any wise accrue against said City in consequence of the granting of this permit, or from the use or occupancy of any sidewalk, street or sub-sidewalk space by virtue thereof, and will in all things strictly comply with the conditions of this permit and Ordinances of the City of Berkeley.

In Zone No. \_\_\_\_\_ Ordinance No. 12

Chas H. McCullough  
Signature of Owner, Architect or Builder.

Address \_\_\_\_\_

FOR DEPARTMENT USE ONLY

Number \_\_\_\_\_ Street \_\_\_\_\_ Page \_\_\_\_\_ Permit No. \_\_\_\_\_  
Ready \_\_\_\_\_ Checked by \_\_\_\_\_ Date Issued \_\_\_\_\_

Fig.8 - 1929 building permit for main house (courtesy BAHA)



## APPLICATION FOR BUILDING PERMIT

### FRAME BUILDING

WRITE IN INK

Permits expire one year from date of issue unless sooner revoked by the City Council. It is unlawful to commence or proceed with any work requiring a building permit until such permit has been issued.

Application is hereby made to the Department of Buildings and Inspections of the City of Berkeley for permission to build a 2 story 3 room frame building to be occupied as Residence by (No.) one Families Stores

Lot located on the South Corner side of Hawthorne Terrace street 150 feet East of Euclid Ave street,

Being Lot No. \_\_\_\_\_ Block \_\_\_\_\_ Tract \_\_\_\_\_

Estimated entire cost of building \$ 2000 00 (Includes all materials and labor for finished building.)  
According to plans and specifications herewith submitted. All provisions of the Building Law will be complied with in the erection of said building whether specified herein or not.

Size of lot 50 by 130 feet. Size of proposed building 23-6 feet by 28 feet.

Extreme height of building 26 feet

Ceiling heights in clear to be as follows:

|              |          |     |          |     |
|--------------|----------|-----|----------|-----|
| Cellar       | _____    | ft. | _____    | in. |
| First story  | <u>9</u> | ft. | <u>4</u> | in. |
| Second story | <u>8</u> | ft. | <u>4</u> | in. |
| Third story  | _____    | ft. | _____    | in. |

Foundation to be of (material) Concrete

|       |                 |            |         |
|-------|-----------------|------------|---------|
| Walls | Width at top    | <u>8</u>   | inches. |
|       | Width at bottom | <u>16</u>  | inches. |
|       | Least height    | <u>2-6</u> | inches. |
|       | Greatest height | <u>2-6</u> | inches. |

|       |                |          |                |
|-------|----------------|----------|----------------|
| Piers | Size at top    | <u>X</u> | inches.        |
|       | Size at bottom | <u>X</u> | inches.        |
|       | Height         | _____    | ft. on centers |

|                     |          |           |                    |
|---------------------|----------|-----------|--------------------|
| Mud sills           | <u>2</u> | X         | <u>4</u>           |
| Main sills (plates) | <u>2</u> | X         | <u>4</u>           |
| Post on piers       | <u>X</u> |           |                    |
| Girders             | <u>X</u> | Max. span | _____ ft           |
| Underpinning        | <u>X</u> | inches    | _____ inches O. C. |

Size of studs in outside walls to be as follows:

|              |          |   |          |        |           |              |
|--------------|----------|---|----------|--------|-----------|--------------|
| First story  | <u>2</u> | X | <u>4</u> | inches | <u>16</u> | inches O. C. |
| Second story | <u>2</u> | X | <u>4</u> | inches | <u>16</u> | inches O. C. |
| Third story  | <u>X</u> |   |          | inches | _____     | inches O. C. |

Bearing partitions to be same as outside walls of each story. Exterior wall coverings to be of \_\_\_\_\_ All outside walls covered with shingles or plaster will be close boarded.

|      |              |              |   |           |        |                    |
|------|--------------|--------------|---|-----------|--------|--------------------|
| Roof | Covered with | <u>slate</u> |   |           |        |                    |
|      | Sheathing    | <u>1</u>     | X | <u>8</u>  | inches | _____ inches O. C. |
|      | Pitch        | <u>9</u>     | X | <u>12</u> |        |                    |

First floor joists concrete \_\_\_\_\_ inches \_\_\_\_\_ inches on centers. Longest span between supports \_\_\_\_\_ ft.

Second floor joists 2 X 12 \_\_\_\_\_ inches 16 inches on centers. Longest span between supports 16 ft.

Third floor joists X \_\_\_\_\_ inches \_\_\_\_\_ inches on centers. Longest span between supports \_\_\_\_\_ ft.

Ceiling joists 2 X 6 \_\_\_\_\_ inches 16 inches on centers. Longest span between supports \_\_\_\_\_ ft.

Rafters 2 X 6 \_\_\_\_\_ inches 16 inches on centers. Longest span between supports 7 ft.

Chimneys } Brick: Number \_\_\_\_\_ lined with terra cotta.  
              } Patent: Number one size 6 Number of inlets per flue one Size of inlets \_\_\_\_\_

Instantaneous water heaters (number) none not to be connected with smoke flues.

Furnace, to burn \_\_\_\_\_

Name of Owner of Ground G. T. Blood Residence Address Hunting Off D. F.

Name of Owner of Building \_\_\_\_\_ Residence Address \_\_\_\_\_

Name of Lessee of Building \_\_\_\_\_ Residence Address \_\_\_\_\_

Name of Architect or Designer W. H. Ratchett Residence Address Chamber of Commerce

Name of Builder Chas H. McCullough Residence Address 1634 Berkeley Way

We \_\_\_\_\_ hereby agree to save, indemnify and keep harmless the City of Berkeley against all liabilities, judgments, costs and expenses which may in any wise accrue against said City in consequence of the granting of this permit, or from the use or occupancy of any sidewalk, street or sub-sidewalk space by virtue thereof, and will in all things strictly comply with the conditions of this permit and Ordinances of the City of Berkeley.

In Zone No. \_\_\_\_\_ Ordinance No. \_\_\_\_\_

Chas H. McCullough  
Signature of Owner, Architect or Builder.  
Address \_\_\_\_\_

FOR DEPARTMENT USE ONLY

|        |        |            |             |
|--------|--------|------------|-------------|
| Number | Street | Page       | Permit No.  |
| Filed  | Ready  | Checked by | Date Issued |

Fig.9 - 1929 building permit for carriage house (courtesy BAHA)

### Summary of Historic Significance

The historic significance of this property and its buildings is clear. To begin with, the architect of the house and carriage house, Walter H. Ratcliff, Jr., is a Master Architect – even more definitively, a Master Berkeley Architect. And Ratcliff's design of this residential pairing is of exceptional design and material quality. A further reinforcement of its historic architectural importance and of its association to Ratcliff is the availability of an original, archival set of Ratcliff's architectural drawings of the G. D. Blood Residence at U.C. Berkeley's Bancroft Library.

The home and carriage house are a distinctive example of the Tudor Revival style by an accomplished and highly respected local practitioner with a clear preference for English architectural styles. Its distinctive Tudoresque architectural features are the steep roofs with, in this case, polychrome slate roofing, a multiplicity of gables, straight and curved half-timbering set in a light-colored plaster field, and sets of multi-lite wood and leaded glass windows. Some exterior details are in fact exacting, such as the Tudor entry door with its Tudor arch, as well as the adjoining windows with their Tudor arches and, of course, the monumental, multi-shafted brick and stone chimney. Many of its design characteristics were employed in other recent and nearby Ratcliff projects, specifically the institutional architecture of the Pacific School of Religion and of the Hillside School, both from 1925. Altogether, it is a direct example of the Tudor-Revival architectural style from the 1920s. Its robust, manor-like character and quality make it a unique and distinctive example thereof (figs. 11-13).

The subject residence and carriage house were designed by architect Ratcliff, yet, to be equitable, this project was the product of his office and was evidently drawn by Ratcliff's then close associate, Scott Haymond, who initialed the original plan set. That plan set also recorded that this was the 299th "building" in the Ratcliff oeuvre. As such, it was preceded by two decades of experience in the design and production of residential, commercial and institutional architecture based on the period styles of the early 20th century, nearly all of which were constructed in Berkeley. It has been noted that Ratcliff's favorite works were derived from English styles, the Tudor in particular. Thus, this Tudor Revival style residential project, built at the outset of the Depression – which had a devastating impact on architecture and construction – can be viewed as a culmination of Ratcliff's architectural ambitions and practice. Based on the catalog of Ratcliff's work (*Walter H. Ratcliff, Jr., Architect: His Berkeley Work*, Berkeley Architectural Heritage Association, 2011), the Blood Residence appears to be the most comprehensive Grand Tudor style design in Ratcliff's repertory. It was a unique house and outbuilding at that prolific moment and is remarkably intact, with few apparent exterior changes to the house and essentially none to the carriage house.

Given that it is a conspicuously large and richly designed house and with an individually distinctive carriage house, as well that it was designed in the heyday of the 1920s, the architectural style may best be labeled Stockbroker Tudor. This variant was exercised in the late-1910s and the 1920s by and for the conspicuously wealthy and who wished to display themselves as traditional, wealthy landowners. Though the originators of this house, George D. Blood (1869-1944) and Ellen G. Blood (1870-1942), were not stockbrokers, his business was mining and in which he evidently succeeded from the outset (fig. 14).

As further detailed below, the historic significance of this property is in relation to the architecture of its two residential buildings. Under the City of Berkeley's Landmarks Preservation Ordinance, this architectural ensemble are a highly notable example of its period and style and one of the best examples of its Master Architect, Walter H. Ratcliff, Jr.





Fig.10 – 2526 Hawthorne, front, 1931, looking eastward from Euclid Ave. (courtesy Ratcliff)



Figs.11-12 – Front views, 1931, looking northwest (at left) and northeast (courtesy Ratcliff)



Fig.13 – 2526 Hawthorne, rear entry, 1931, looking southwest (courtesy Ratcliff)



## Descriptions

### *Main House*

As this and adjoining sites slope upward from west to east, the house, located in the upper portion of its relatively large lot, stands well above the street. It is an elongated building with a westward crook in its plan, so has a commanding presence from the street. And its location and plan were evidently generated by views to the west and southwest. In fact, the westward crook evidently turns the living room that occupies the entire south end of the house, with its prominent picture window, towards a view across Berkeley and directly to downtown Oakland. At its exterior, that end of the house is a multi-story, high gabled wall that expresses the impressive volume of the living room within. Another gabled volume, this with a two-story semi-hexagonal bay, faces directly frontward. This volume houses the dining room at the first floor and the master bedroom above, both facing westward views towards San Francisco Bay and the Golden Gate.

The building's steep-roofed, elongated, side-gabled form with asymmetric crossing gables front and back establish the overall architectural character of the house.

A simple elegance also dominates the original design. It is unfussy and well-crafted Tudor-revival details. Characteristics of the design of the house are enumerated in the following side-by-side descriptions.

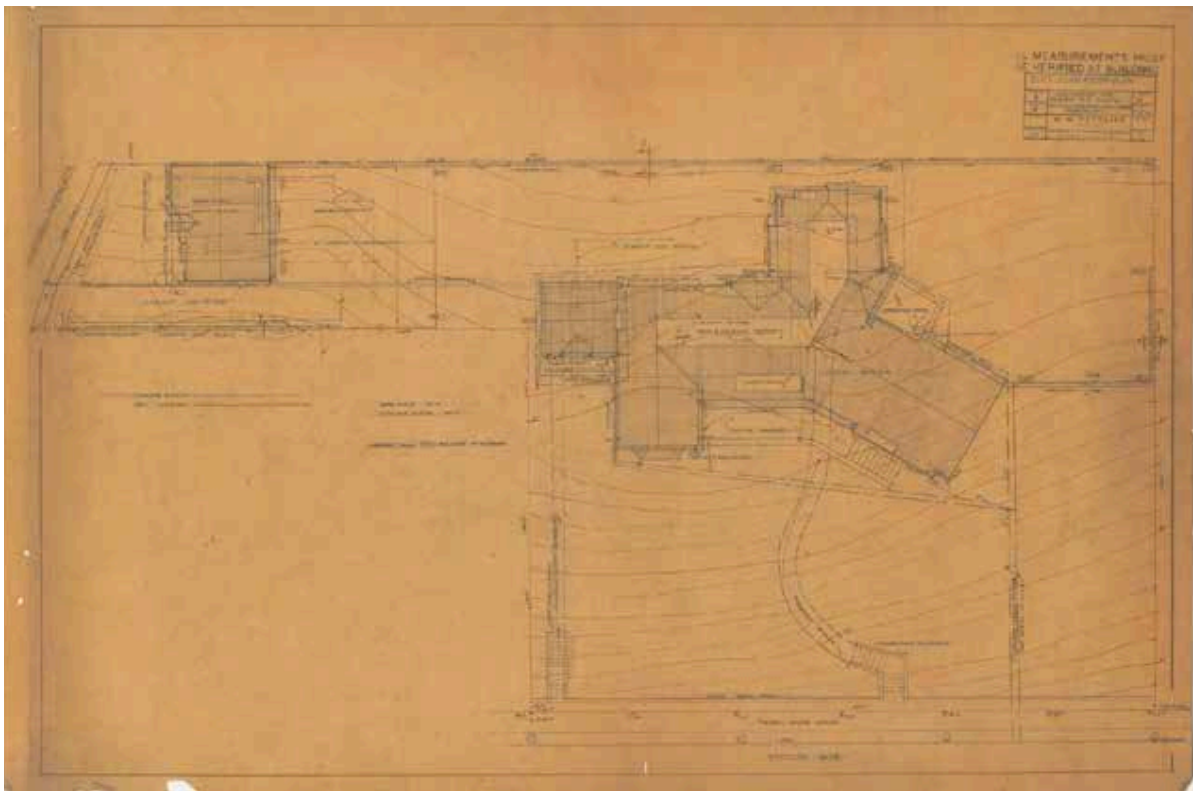


Fig.14 - 1929 Site and Roof Plan (courtesy The Bancroft Library)

### *Front (figs.14-28)*

The elongated front elevation is slightly crooked at its southern end. Dominating the front are steeply sloped polychrome slate roofs and a prominent, frontward gable with projecting bay and towering, Tudoresque stone and brick masonry chimney. The frontward gabled wall is broad and tall, its steep roofs framed by long wood verge rafters with a finial post at the peak. In the wall above the two+story, central window bay, truss-like timbering fills the wall's peak.

Additionally, across the front, a broad entry terrace, its stone faced front continuous with the stone base of the house, its stepped stone wall and stone steps leading up from grade from the south, the entry terrace likewise paved in stone.

At the front facade, between the bay and chimney, the front entry door and adjoining sets of windows are tucked under the roof eave at the first floor. These openings are each framed with limestone, the entry door and leftward windows with smooth dressed stones and pointed arches, the window opening to the right with roughly coursed stonework. The entry door is solid multi-panel wood, its top also a pointed arch. All flanking windows are multi-lite leaded glass, the leftward windows fixed and sashless, the right side windows wood sashes with wood frames and sills. At the north end of the terrace, the south side wall of the projecting gable has another set of doors to the dining room, the stonework at this secondary opening limited to the shallow-arched lintel. These doors are stained wood with three multi-lite leaded windows in each leaf. A pair of wood windows are centered above this door opening, without any stone casing, its small shed roof popped-up above the main roof eave.

Above the west facing entry wall, the central roof slope is punctured by a slot-like opening with a row of six recessed windows at the upper floor. Roof treatments include exposed, copper roof drainage assemblies – rounded gutters, rectangular downspouts with curved segment at gutters, conductor heads and wall-mounting straps, roof and wall flashings.

There are also several wall-mounted light fixtures in the west facing wall, the first along the flight of entry steps and on the masonry wall to the right side of the chimney, the other on the wall to the right of the entry door, neither original.

At its south end, the front elevation is terminated by a picture window at the main floor level, under the edge of roof. To the left of the frontward bay, a narrow recessed wing with a central, bracketed, front-gabled and timbered oriel window, rectangular in plan, terminates the front elevation. A set of first floor windows are nested beneath the oriel, and single wood sash windows are stacked in the wall to the right side of the oriel. All windows in this elevation are true divided wood, six lites each (2 over 3), except for the stacked upper floor window, which is four lites (2 over 2).



Fig.15 - Front (west) from Euclid Ave.



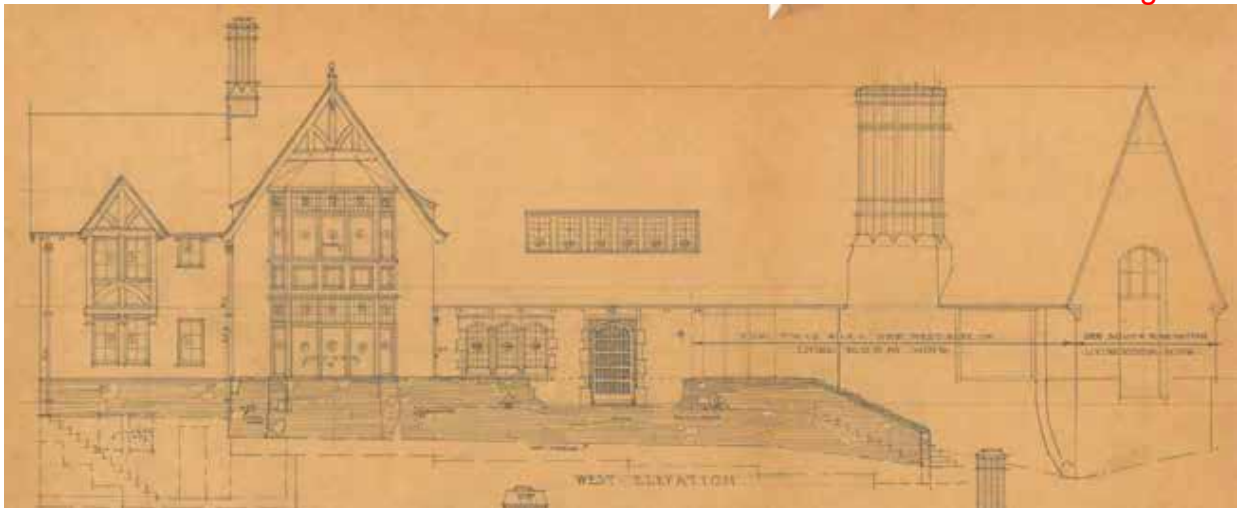


Fig.16 - 1929 front (west) elevation (courtesy The Bancroft Library)



Fig.17 - Front (west) gable and bay



Fig.18 - Front terrace, entry way and roof





Fig.19 - Front terrace and entry steps



Fig.20 - Front terrace

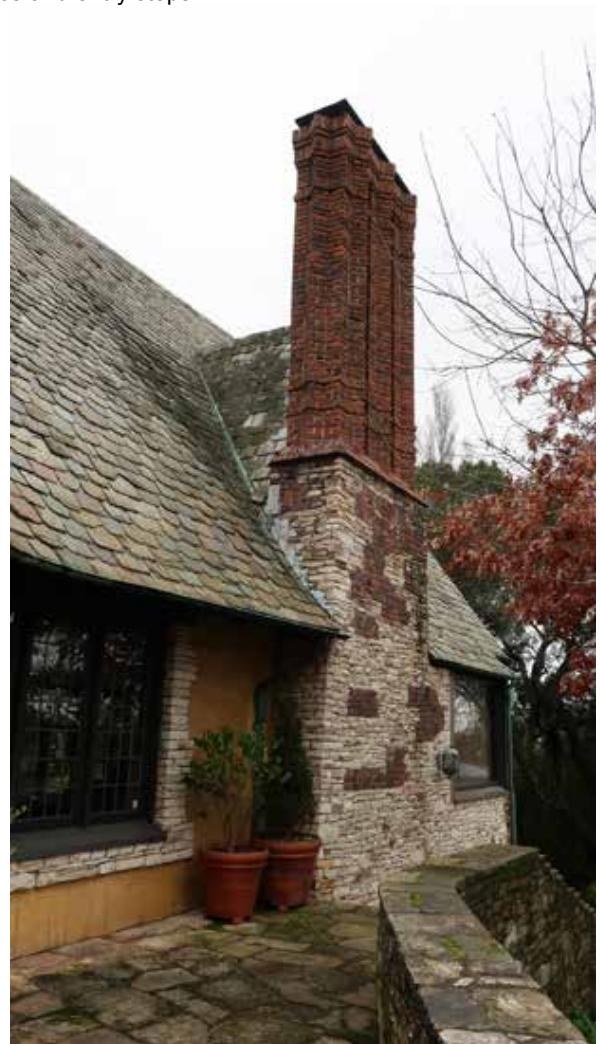


Fig.21 Front chimney





Fig.22 - Front entry door



Fig.23 - Front windows at right (south) side of entry door



Fig.24 - Front windows at left (north) side of entry door





Fig.25 - Dining room entry at south side of front gable



Fig.26 - Window opening at front roof



Fig.27 - Picture window at south end of front facade





Fig.28 - North wing (with part. north side elevation at right)

*South Side (fig.29-33)*

The tall gabled wall at the south side of the house is a symmetrical composition centered around the monumental picture window. That window incorporates a ten foot by ten foot window of polished plate glass set in wood sashes. Above, wood framework divides the upper window with its shallow arch into eight (four over two) openings, all filled with fixed, multi-lite leaded windows. The overall opening is cased with surface-tooled and quoined limestone blocks.

The base of the south wall, approximately one-third of its height, is a continuation of the rough stonework base at the front wall and terrace. Atop this wall, the steep roof slopes are edged with relatively lean wood moldings. At the juncture of wall and roof, the molded roof edges are terminated by nodes of stacked stones that step upward and outward to receive the roof edge and gutter. And in the point of the gable, a pediment is formed by a set of timbers infilled with rough limestones set in a herringbone pattern.

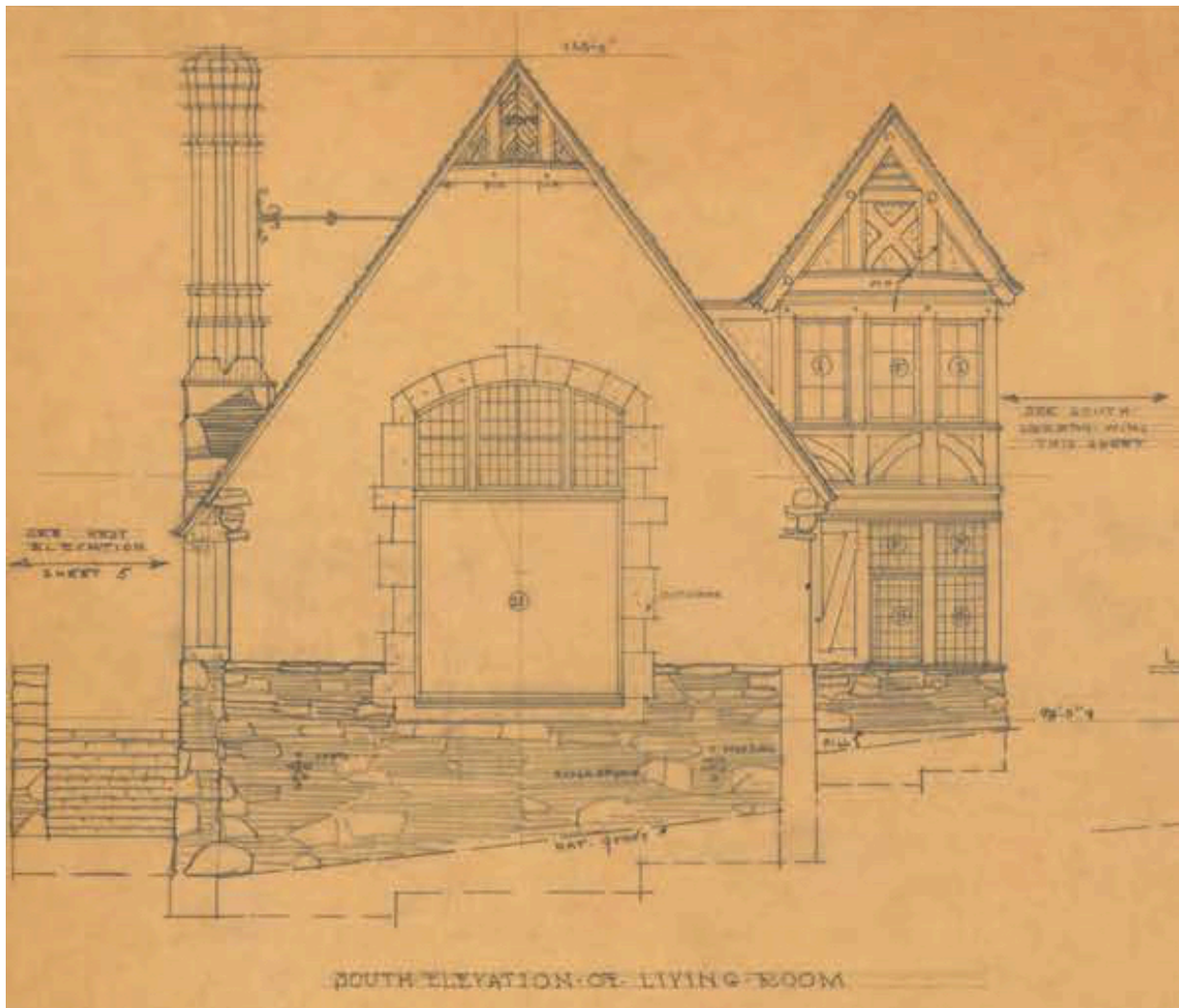


Fig.29 - 1929 South side elevation (courtesy The Bancroft Library)





Fig.30 - South side



Fig.31 - South side picture window



Figs.32-33 - South side details

*North Side (figs.28,34-38)*

The north facing wall at the side of the front-facing gable and the north side gable make up the north side elevations of the house (providing that the projecting rearward wing is addressed as part of the rear).

At the frontward segment of the north side, around which the ashlar stone base of the front elevation returns, the wall between the top of base and the roof eave contains a central, arched, stone trimmed opening with a trio of leaded windows with wood frames and sill at the first floor. Above, in the upper corner towards the rear of the house, a short wall segment with a set of small wood windows again lift the roof eave up to a small shed roof.

Directly in front of the north side gabled wing, a low stone and stucco clad concrete wall aligns with and terminates the stone base. Behind this wall is an exterior, concrete stair down to the small basement under the north side wing, yet of which there is no evidence from the front.

The north side wall is, like the frontward gable, symmetrical, its gabled eaves trimmed with broad verge rafters. At the upper level, a semi-hexagonal oriel window is supported by timber brackets, like the frontward oriel of this wing, and is likewise wood trimmed and timbered, but is otherwise capped with a shallow sloped slate roof. The verge rafters simply butt at the peak, and a basic, wood trimmed vent fills the top of wall, both subtle simplifications at this inward facing elevation. Further, this wall exhibits a primary alteration to the house exterior, where the set of entry doors that originally sat directly under the oriel were infilled in the 1990s.

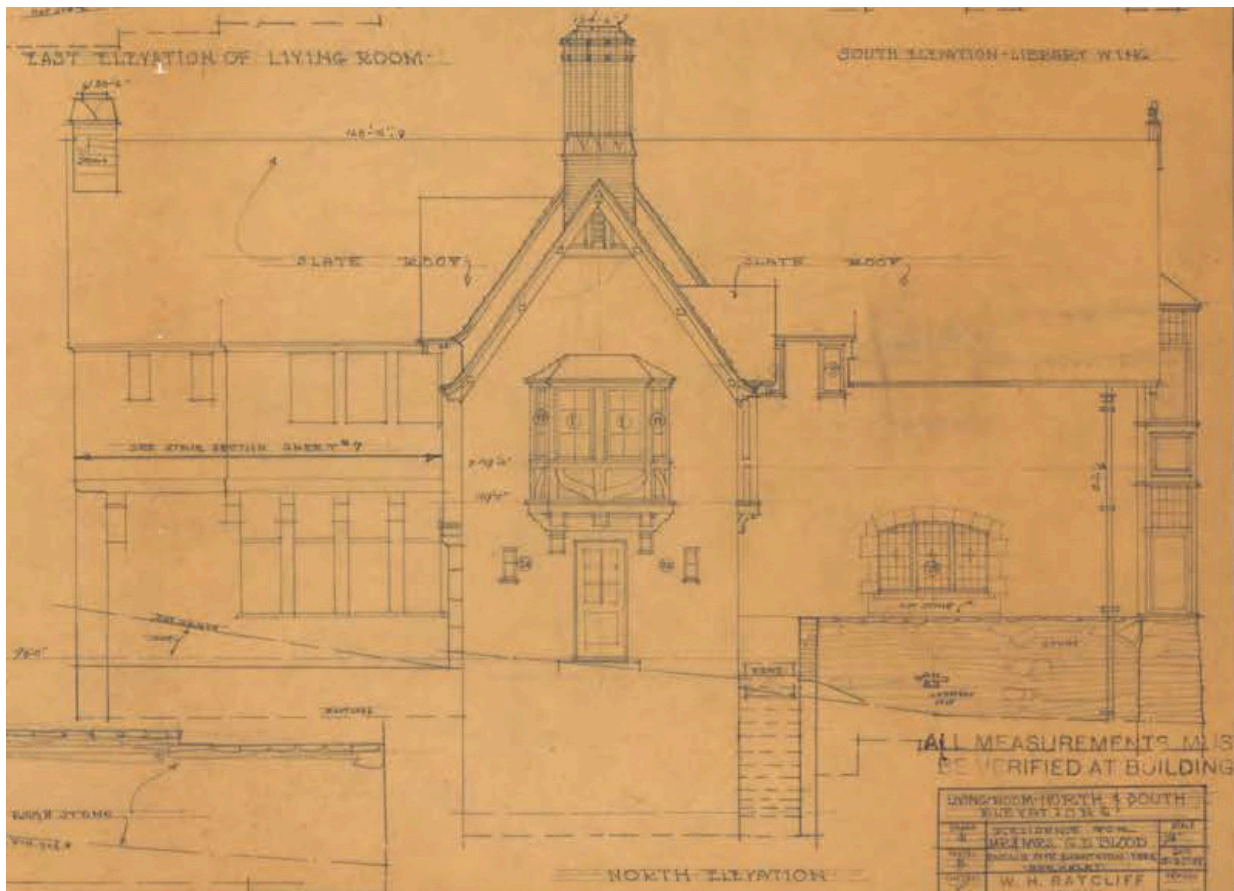


Fig.34 - 1929 North side elevation (courtesy The Bancroft Library)





Fig.35 - Partial north side view



Fig.36 - Basement stair at north side



Fig.37 - North side window



Fig.38 - North side gabled wall with oriel window

*Rear (figs. 39-46)*

Around the back, the building exteriors are treated, like at the north side, as mostly simplified versions of those at the front. The rear is split into two areas, north and south, with a perpendicular wing intervening between the two and forming a transition at the southwestward bend of the elongated house form. The northern rear elevation is thus orthogonal to the rear property line, forming a rectangular outdoor space, while the southern elevation turns southwestward, creating a pentagonal space with the western side formed by the angled living room wing and the orthogonal retaining wall separating the south side and rear yards.

At the northern elevation, the elongated east facing wall terminates in the north wall of the crossing wing. These walls are two-stories under sloped roofs. At their juncture, an east facing projecting gable announces a rear entry way that is treated with formality. The solid wood, multi-panel door – equivalent to the front entry door, including a pointed arch – is tucked into the very corner of a door-height ashlar stone wall, with a flanking leaded window, atop which a set of five stone brackets support a timber beam that carries the gabled wall above, in the upper middle of which is a tall window opening with a set of wood framed leaded windows, three high, their sizes tapering, and the opening is topped by a molded plaster hood. The gable above is, again, framed by a set of steeply sloping verge rafters. While literally tucked into a rearward corner, this gabled entry wall is uniquely crafted.

While otherwise relatively plain, the east facing wall and roof of this elevation step downward slightly at its north end, which lower portion corresponded with the two-story over basement service and kitchen wing of the original house. At the roof peak at the stepped juncture, another prominent, masonry chimney projects above the roof of the upper step.

This east facing wall also exhibits clear evidence of alterations, where a range of original first floor windows were removed and/or converted to doorways, again in the 1990s. Where one original set of windows were converted to doors, the molded stucco hood was retained.

At the second floor, several openings with true divided wood windows remain, including five small windows and a trio above the converted doorway towards the south end.

At the rearward projecting wing, the north facing wall has an upper projecting bay under a shed roof, four windows wide, all wood sash, three-over-two true-divided, aproned and separated by timbering. At the first floor, the corresponding set of four windows are wood and timber-framed leaded units.

The central, rear facing wall is, uniquely, a double-gable, as its roof slopes match the main roof yet this wing is wider than the main body of the house while its peaks align with the elongated ridge. This wall also practically abuts the rear property line, separated by just a narrow passage, so is obscurely visible. Yet, the lower wall is randomly stone faced. At its south end, a corner timber post and bracketed window enclose an outdoor porch space facing the southern rear yard. In the double gabled wall above, several incidental wood windows are randomly spaced.

Lastly, the south and east facing walls at the southeast corner of the house again display considerable variety and craft. At the south side of the rear wing, the wall above the recessed porch is supported by a set of bracketed timber posts and with another supporting bracket at the inside corner, where this wall abuts the angled wall of the living room wing. Within the porch, between the central post and the wall, a pair of multi-lite wood doors accesses the house.



At the juncture of the south and rear wings, a sun room with an open roof deck above projects into the yard. At the deck, facing southwest, is yet another gabled bay with a central doorway on the deck from a rotated corner of the main bedroom filling the upper floor of the rear wing. The sunroom/roof deck, five window bays in length and three deep, the deck four of those lengthwise bays and the gable filling the remaining inside bay, is the most heavily timbered design, as the overall framework, face of the deck rail and pediment of the gable are all timbered. At the first floor, above a stone apron and continuous wood sill, wood framed window openings are filled with leaded glass units. The doors and windows above are all wood, true-divided.

At the southern end of this rearward elevation, under the steep roof, the remaining single-story east facing wall segment has an ashlar stone base that turns up into door frames at each side of the pair of wood doors in the left (south) half of this wall, the doorway headed with a timber lintel and with sets of leaded lites within each door leaf, these doors matching those of the dining room wing off the front terrace.

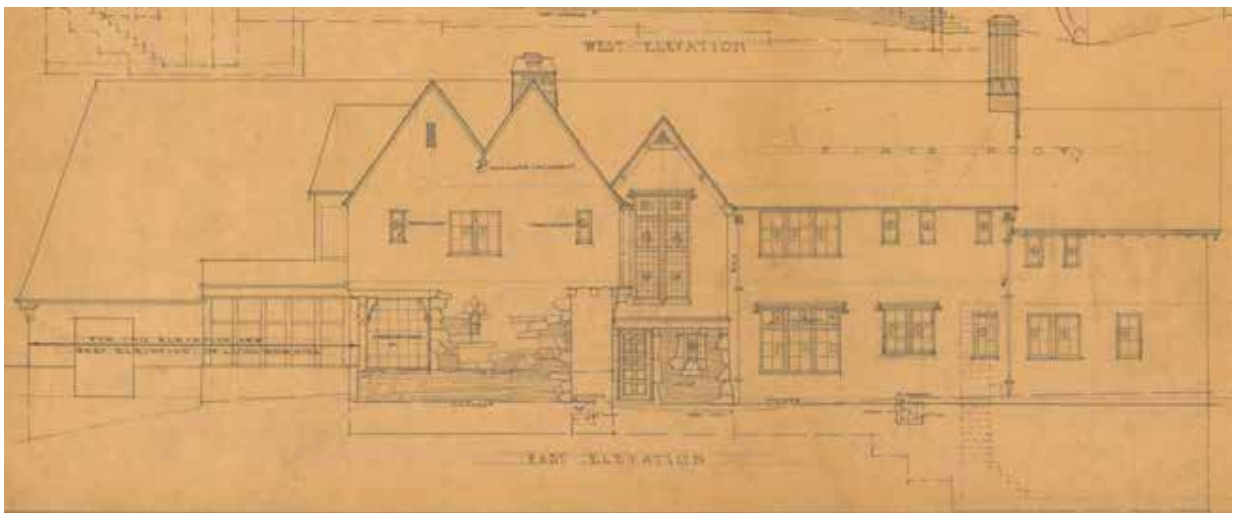


Fig.39 - 1929 rear (east) elevation (courtesy The Bancroft Library)



Fig.40 – Rear (northern side)

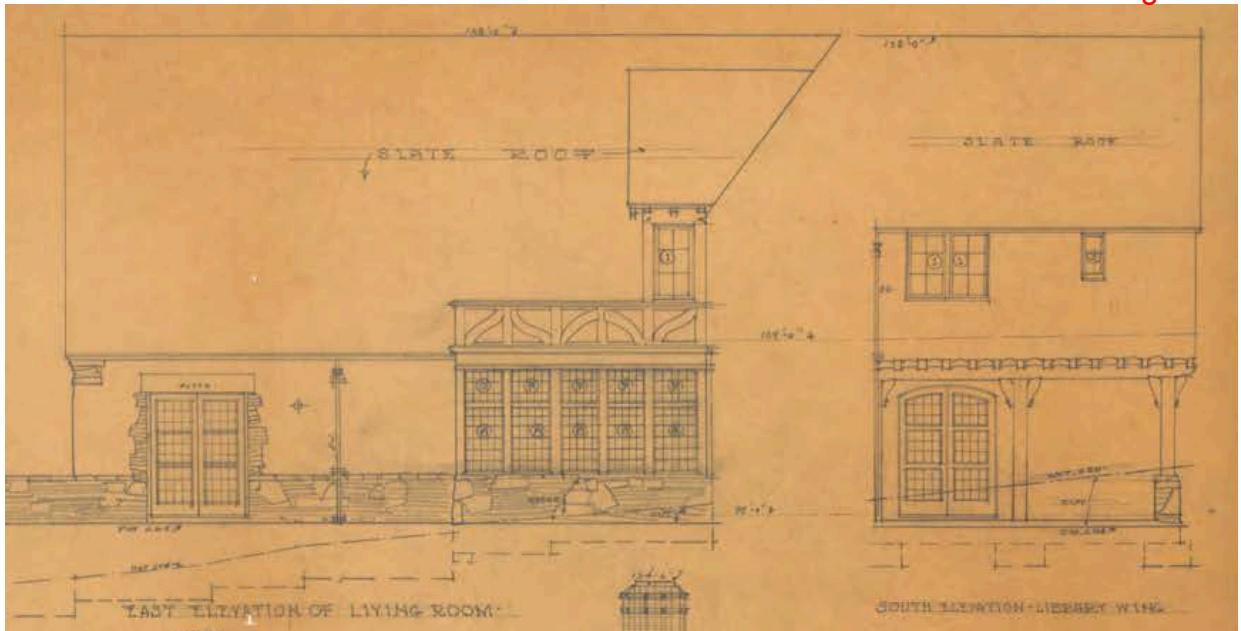


Fig.41 - 1929 Rear elevations, southeast side (east at left, south at right - courtesy The Bancroft Library)



Fig.42 - Rear (east) entry



Fig.43 - Rear entry door





Fig.44 – View of rear, southeast side, from neighboring house, looking north, n.d. (courtesy BAHA)



Fig.45 - Southeast porch doors



Fig.46 - South end rear elevation

### *Alterations*

While numerous minor alterations have likely taken place at the main house, identifiable alterations include:

- Removal and/or infilling of the original service/kitchen door at the north elevation (1991);
- Removal of sets of windows and their replacement with sets of doors along the northeast elevation (1991);
- Removal and relocation of original exterior light fixtures (n.d.);
- Repair and partial rebuilding of the southeast roof deck, its railing and drainage element (n.d.-periodic);
- While less evident, the perimeter subdrain system was also altered/partly removed in the early 1990s.

### *Carriage House (fig.47-51)*

The carriage house is a 2-story building under a steeply sloped side-gabled roof, its lower floor level a garage with storage and its upper a living unit. Facing north, it sits behind a shallow front yard on Hawthorne Terrace. A paved drive passes its west side and a paved parking area lies behind (south). Exterior materials – stucco, stonework, wood trimwork and timbering, wood doors and windows, slate roofing and copper roof drainage components – match the main house. At the front (north), an exterior stair with iron railing and stone treads ascends to the upper floor, where a landing is covered by a gabled dormer roof supported by wood corner posts. To the left side of the stair and landing, the sloping roof descends. Two, narrow arch-headed windows punctuate the wall at the lower floor, one directly under the stair landing and the other in the right side wall, both accentuated by arched stonework.

The west side wall, facing the driveway, is a tall two-stories, its top gabled with wood timbering. Several upper story windows are wood sashes with divided lites and another pair of wood window with stone frame is at the first floor, directly beneath the upper pair. The base of this side wall is rough limestone clad.

The corresponding, gabled east side wall is without openings or embellishments. A chimney sits atop the roof peak at this elevation, its masonry stucco finished.

At its rear (south), the high and steep slate roof dominates this elevation. Wood garage doors occupy most of the wall and with a glazed entry door at the left (west) side. Above, a broad shed dormer with a set of three wood windows is centered above the garage doors. Two copper vent stacks penetrate the roof at the west side of the dormer.

Behind the carriage house, a stucco clad wall segregates the paved parking area from the side and rear yards of the house, with a paired wood gate providing entry.

At the carriage house exterior, there is no evidence of alteration with the exception of the stucco color and which, like the house, was originally off-white.





Fig.47 - Carriage house rear from rear yard



Fig.48 - Carriage house front (north)



Fig.49 - Carriage house west side



Fig.50 - Carriage house rear (south)



Fig.51 - Carriage house east side



*Site (figs.51-55)*

The front yard lies above the Euclid Ave. frontage and extends around the south side of the house, where it is terminated by a tall, stone retaining wall aligned with the back wall of the house. This yard is largely open, partly lawn and partly ground cover, and is bisected by the stone entry pathway as well as other established gravel pathways. Along the south side of this yard is a loose cluster of trees. Built features at the front of the site include the stone retaining wall across the front of the property, the stone walls and steps of the Euclid Ave. entryway, and the stone pathway leading up to the terrace and house.

The northeast rear yard is an enclosed and flat yard, some thirty feet deep by one-hundred feet in length. A straight stone pathway crosses its length from the carriage house and driveway to the rear entry way in the crook of the house. Along this pathway at the rear wall of the house, a raised stone landing accesses the numerous, added doorways along this wall. This flat space has several paved patios amidst lawn. A wall with a pair of wood gates separates this yard from the carriage house and parking area to the north and which was added by the prior owners in the 1990s, prior to which the space of this yard evidently extended to the carriage house. Though, even with the added wall, the steep roof of the carriage house is still a defining boundary. Across the rear (east) property line, a retaining wall defines the yard, portions of which may be earlier than the house. Along this wall is a small tile and stone fountain, its origins unknown yet, again, which may predate the house.

The small and private southeast yard is structured around a central stone and tile water basin to which stone pathways radially connect.

With the exception of the identified built features, as a comparison of historic and existing images indicates (see figs.5,10&15), the yards, landscaping and site elements such as lighting have been extensively changed. Additionally, no original landscape architect has been identified.



Fig.52 - Site wall at Euclid Ave. sidewalk





Fig.53 - Front entry way at Euclid Ave. sidewalk



Fig.54 - Front entry steps and walk from Euclid Ave.



Fig.55 - Rear path at east-facing gable





Fig.56 - North side rear with carriage house beyond

### The Architect

Walter H. Ratcliff, Jr. (1881-1973) has a locally well documented life and career. As a young man at the turn of the twentieth century, Ratcliff studied and practiced architectural design intermittently during the first decade of the 1900s. His architectural studies were not formal – Ratcliff’s 1903 college degree was in chemistry. But he then apprenticed in the office of architect John Galen Howard, spent a period at the British School in Rome, and otherwise traveled in Europe, studying architecture along the way. His intermittent work and studious travels concluded in 1907. In 1908, back in the Bay Area, Ratcliff joined forces with architect Alfred Henry Jacobs, in San Francisco. By 1909, he was back in Berkeley practicing as Walter H. Ratcliff, Jr., Architect. Ratcliff’s architectural work was largely prolific and successful, despite the major cataclysms over the course of his professional years – World War I, the Great Depression and World War II, each of which inserted long and difficult times into professional livelihoods. Over the span of his working life, some of Ratcliff’s periodic roles were that of architect for the Alameda County Home Builders, Berkeley City Architect (1913 to c1920), Mills College Campus Architect (1920s) and, remarkably, in the wake of the Great Depression, President of the Fidelity Guaranty Building and Loan Association. Ratcliff’s architectural works encompassed residences, largely for the well-to-do but also many smaller and speculative homes; several apartment buildings; a number of commercial buildings large and small; a range of educational and ecclesiastical buildings; and a number of public works. Oddly enough, given his dedication to the Berkeley community and his role for a period as the City Architect, he authored no important civic architectural works (the City of Berkeley Corporation Yard excepted, but that is arguably not an important civic work). And though his range of work is otherwise comprehensive, many examples of which remain standing, it is his residential work that was the most prolific and that constitutes Ratcliff’s central architectural oeuvre.

On that front, Ratcliff designed hundreds of houses, most in Berkeley, with dozens remaining. He designed in period styles – the Arts and Crafts, Shingle, Storybook, Italianate, Spanish and Tudor Revival, along with combinations thereof. His work was evidently influenced by the Beaux Arts tradition that he experienced in Europe as well as firsthand in the office of John Galen Howard, by the Ratcliff family’s English heritage and, otherwise, by examples gleaned from European travels.

His period designs were obviously as confident, comfortable, and contagious then as now. The residences that remain standing fit into their environs. That such houses survive in numbers – despite the hostility to tradition of the intervening years – attests to the quality and integrity of Ratcliff's residential architecture.

Per the evidence and by all accounts, in his life and in his work, Ratcliff was disciplined, studious, intelligent, well-to-do, and unwaveringly traditional.

Walter H. Ratcliff, Jr. retired from architecture in the late 1940s, though successive generations of his family have sustained the Ratcliff firm to the present day. Ratcliff's important architectural contributions and legacy, so particular to Berkeley, enable his unequivocal recognition as a Master Architect. His relevance can also be measured by the recognition bestowed on a long list of his designs via the designation as Berkeley Landmarks:

- 2750 Adeline Street, Frederick H. Dakin Warehouse, 1906
- 1326 Allston Way, Corporation Yard/Ratcliff Building, 1913
- 2018 Allston Way, Elks Club, 1913
- 2126 Bancroft Way, Waste & Clark, 1913
- 2700 Bancroft Way, Westminster Hall, 1926
- 2410 Bowditch Street, Anna Head School
- 2515 Channing Way, The Robcliff Apartment House, 1921
- 2959 College Avenue, Mercantile Trust Co., 1925
- 2500 Durant Avenue, The Cambridge Apartments, 1914
- 2222 Harold Way, Armstrong College, 1923
- 2624 Hillegass Avenue, The Berkeley Tennis Club, 1908 (Ratcliff & Jacobs)
- 1581 Le Roy Avenue, Hillside School, 1925
- 45 Oak Ridge Road, Montgomery House, 1909
- 1952 Oxford Street, Richfield Oil Co., 1930
- 920 Shattuck Avenue, Elmer Buckman House, 1909
- 2107 Shattuck Avenue, Mason-McDuffie Company, 1928
- 2140 Shattuck Avenue, American Trust Building
- 2323 Shattuck Avenue, Fidelity Savings Building (w/Walter Sorensen)
- 2031 Sixth Street, West Berkeley Children's Center Day Nursery, 1927
- 18 Alvarado Road, McCormack Residence, 1910

Of these many landmarked properties and buildings, at this juncture, despite the prolific output of residential designs, only three are houses.

**Evaluation of Significance**

Based on the historical documentation and summary of historical significance, the following addresses the property's basis for consideration of City of Berkeley Landmark designation (per Section 3.24.110 Landmarks, Historic Districts and Structures of Merit Designation Criteria for Consideration). As noted, the property's significance is on the basis of its architecture and architect.

A. *Landmarks and historic districts. General criteria which the [landmark preservation] commission shall use when considering structures, sites and areas for landmark or historic district designation are as follows:*

1. *Architectural merit:*

a. *Property that is the first, last, only or most significant architectural property of its type in the region;*

The property at 2526 Hawthorne Terrace is none of the above.

b. *Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in a region of an architect, designer or master builder;*

As summarized above, the house and carriage house at 2526 Hawthorne Terrace are outstanding examples of the Tudor-Revival style. This design is relatively late in W. H. Ratcliff, Jr.'s architectural career and his most fully realized Grand Tudor design. Consequently, the property, residence and carriage house at 2526 Hawthorne Terrace are an outstanding and notably preserved work of the Architect Walter H. Ratcliff, Jr.

c. *Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.*

2526 Hawthorne Terrace is a large and distinctively designed Tudor-Revival style, manor-like residential grouping and, perhaps, the most prominent and distinctive residence within its historic setting and neighborhood. The home's setting and architectural character are exceptional and preservation-worthy.

2. *Cultural value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City;*

The subject property is representative of historic patterns of residential development in early twentieth century Berkeley and, specifically, in the wake of the 1923 Berkeley Fire, which decimated this neighborhood. The distinctive and interesting residence survives intact and clearly celebrates the cultural moment and period in which it was created.

3. *Educational value: Structures worth preserving for their usefulness as an educational force;*

The subject property, being a single-family residence within a neighborhood thereof, appears to have little or no potential educational value.

4. *Historic value: Preservation and enhancement of structures, sites and areas that embody and express the history of Berkeley/Alameda County/California/United States. History may be social, cultural, economic, political, religious or military;*

The residential property at 2526 Hawthorne Terrace is important for its association to the Master Berkeley Architect Walter H. Ratcliff, Jr. It is a distinctive home in his career, stately and grand. The home is one of the best representatives of his work.

5. *Any property which is listed on the National Register described in Section 470A of Title 16 of the United States Code.*

The subject property is not listed on the National Register.



**Integrity**

The c1929 George and Ellen Blood Residence at 2526 Hawthorne Terrace retains its integrity (integrity being a measure of a property's extant state relative to its origins and identified significance) of location and setting, design, materials, workmanship, feeling and association, all of which are intact relative to the original property, for which a full set of original plans and several original photos provide clear evidence of the original site and its buildings. Few alterations are readily evident, and those changes appropriately located at the north side rear. It is also evident that the exterior building finish colors have changed somewhat, though not markedly.

**Summary of Character-Defining Areas, Spaces and Features****House Exterior/Structure (figs.15-46):**

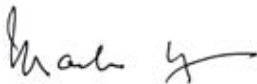
- A. Overall exterior, side-gabled building form with front and rear crossing gables, steeply pitched roofs, stone terrace with monumental front chimney  
*Condition: Very good*
- B. Front terrace with stone walls, steps and paving  
*Condition: Fair – required repairs and ongoing maintenance*
- C. Semi-octagonal, 2-story bay window at front, with slate roof; and wood clad oriel windows at north front, north side and rear  
*Condition: Good-fair - stucco and trim require future repainting and refinishing, selective repair; roof requires periodic inspection and waterproofing repairs*
- D. Painted stucco cladding and ornamental plaster  
*Condition: Good-fair - required maintenance and selective repair of finishes, future repainting*
- E. Rubble and cut limestone cladding and detailing, limestone casings  
*Condition: Good-fair - required maintenance and selective repair*
- F. Wood half-timbering and wood trim; exposed wood roof eaves, verge rafters and rafter tails  
*Condition: Good-fair - required maintenance of finishes, future overall preparation and refinishing/repainting*
- G. Wood entry doors, front and rear, clear finish, bronze door hardware  
*Condition: Good - required maintenance, including hardware; future refinishing*
- H. Wood, multi-lite glass doors, painted and clear finishes  
*Condition: Fair - required maintenance, including hardware; future refinishing*
- I. Wood windows, true-divided multi-lites, picture windows, leaded glazing  
*Condition: Good-poor - required maintenance of finishes and hardware; selected windows at south in deteriorated condition, required window repair and selective replacement*
- J. Brick and stone masonry chimney at south side; masonry chimneys at roofs  
*Condition: Good-fair, required maintenance, selective repairs*
- K. Roofs and roofing - slate clad roofs, exposed copper roof drainage assemblies, copper and lead flashings  
*Condition: Fair - required repair and selective replacement, maintenance*
- L. Rear balcony with wood cap rail, tile deck  
*Condition: Poor - required waterproofing, stucco and wood repairs and refinishing*

**Carriage House (figs.47-51):**

- M. Overall exterior, side-gabled building form with steeply pitched roof, front stair and covered porch  
*Condition: Very good*
- N. Stucco cladding  
*Condition: Good-fair - required maintenance and selective repair of finishes, future repainting*

- O. Wood half-timbering and wood trim  
*Condition: Good-fair - required maintenance of finishes, future refinishing/repainting*
- P. Rubble and cut limestone cladding and detailing, wood and limestone casings and trims  
*Condition: Good-fair - required maintenance and selective repair*
- Q. Roofs and roofing - slate clad roofs, exposed copper roof drainage assemblies, copper and lead flashings  
*Condition: Fair - required repair and selective replacement, maintenance*
- R. Stone entry stair  
*Condition: Poor - required rebuilding, maintenance*
- Landscape/Site (figs.44, 52-56):**
- S. Stone retaining wall at Euclid sidewalk (predates house) and at south side  
*Condition: Poor-Good - required partial reconstruction, maintenance*
- T. Stone paths, steps and walls at front yard and front terrace  
*Condition: Fair-poor - walks in deteriorated condition, required repair and selective replacement*
- U. Stone paths at rear yard  
*Condition: Fair - required repair and maintenance*
- V. Tiled in-ground fountain at rear yard  
*Condition: Fair - required repair and maintenance*
- W. Trees  
*Condition: Poor - threatening house, required maintenance and removal*

Signed:



Mark Hulbert  
Preservation Architect

#### **Author's Professional Qualifications**

With nearly thirty-five years as a professional preservation planner, historical architect and architect in the S.F. Bay Area, the author's experience includes numerous historic architectural, historic resource and project evaluations, along with extensive preservation and rehabilitation work on properties in San Francisco and throughout the Bay Area. The author exceeds the Secretary of the Interior's *Standards for Professional Qualifications* for historical architecture and architecture, holds a license to practice architecture in California, and also holds a certificate in architectural conservation from International Centre for the Preservation and Restoration of Cultural Property (ICCROM).

#### **Selected References**

- Drawings for the Mr. and Mrs. G.D. Blood residence (1929)*. The Bancroft Library, University of California, Berkeley. BANC MSS 92/115 c--Oversized Folder 3.
- Anthony Bruce. *Walter H. Ratcliff, Jr. Architect: His Berkeley Work*. BAHA, 2011.
- Woodruff Minor. *The Architecture of Ratcliff*. Heyday Books, Berkeley, 2006.
- Sanborn Fire Insurance Maps for Berkeley, California; 1911-c1990.
- Preservation Architecture. *The McCormack Residence, 18 Alvarado Road, Berkeley: City of Berkeley Landmark Nomination Report & Historical Documentation Report*. August 16, 2013.
- City of Berkeley permit records: 2526 Hawthorne Terrace and 1495 Euclid Avenue.
- County of Alameda Assessor's records.
- United States census records, 1900-1940.
- Husted's, Polk-Husted's and Polk's City Directories, c1890-c1970.

| Feature                                | Location         | Character Defining | Condition | Recommended Treatment                                                                                     | Schedule (estimated)                                       | 10 year Budget (estimated) |
|----------------------------------------|------------------|--------------------|-----------|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------|----------------------------|
| <b>HOUSE EXTERIOR &amp; STRUCTURE</b>  |                  |                    |           |                                                                                                           |                                                            |                            |
| 1. Terrace walls, steps, paving        | Front            | Yes                | Good-fair | Stone masonry repairs, maintenance                                                                        | 2022 repairs; maintenance                                  | \$8,000                    |
| 2. Exterior wood and trim              | Entire structure | Yes                | Fair      | Repair and maintain wood, including selective repairs and sealing; prepare and repaint overall exterior   | Repair & refinish/repaint 2025; maintenance                | \$35,000                   |
| 3. Exterior stucco, ornamental plaster | Entire structure | Yes                | Fair      | Repair and maintain stucco, including selective repairs and sealing; prepare and repaint overall exterior | Maintain bi-annual; repaint 2028                           | \$65,000                   |
| 4. Exterior stone cladding, trim       | Entire structure | Yes                | Fair-good | Selective repairs; maintenance                                                                            | Annual                                                     | \$10,000                   |
| 5. Masonry Chimneys                    | Front and roof   | Yes                | Fair      | Repair and maintain masonry                                                                               | 2022 repairs; maintenance                                  | \$18,000                   |
| 6. Wood frame structure                | Entire building  | No                 | Fair      | Selective structural repairs following Structural Engineer's specifications                               | 2024                                                       | \$26,000                   |
| 7. Roof deck                           | Southeast rear   | Yes                | Poor      | Repair dry-rot and waterproofing                                                                          | 2020                                                       | \$12,000                   |
| 8. Wood windows                        | Entire structure | Yes                | Fair-poor | Repair and maintain, selective replacement, prepare and refinish/repaint overall exterior                 | Selective replacement and refinish/repaint, 2025; maintain | \$50,000                   |
| 9. Wood doors                          | Entire structure | Yes                | Good-poor | Repair and refinish; maintain                                                                             | Repair and refinish/repair, 2022; maintain                 | \$25,000                   |

|                                                           |                  |     |           |                                                                                                                |                                   |          |
|-----------------------------------------------------------|------------------|-----|-----------|----------------------------------------------------------------------------------------------------------------|-----------------------------------|----------|
| 10. Glazing                                               | Entire structure | Yes | Fair-poor | Selectively replace window glazing with laminated or tempered glass; repair leaded glazing                     | 2025                              | \$10,000 |
| 11. Sloped roofing, roof drainage and flashing assemblies | Entire structure | Yes | Fair      | Repair, including drainage assembly repair and selective replacement; connect system to storm drains; maintain | Repairs, 2024; annual maintenance | \$50,000 |

### HOUSE FIREPROOFING/FIRE PROTECTION

|                                                 |                  |    |      |                      |        |         |
|-------------------------------------------------|------------------|----|------|----------------------|--------|---------|
| 12. Fire Extinguishers & Smoke Detector Systems | Entire Structure | No | Fair | Inspect and maintain | Annual | \$3,000 |
|-------------------------------------------------|------------------|----|------|----------------------|--------|---------|

### HOUSE BUILDING SYSTEMS

|                       |                  |     |           |                                                                                                          |           |          |
|-----------------------|------------------|-----|-----------|----------------------------------------------------------------------------------------------------------|-----------|----------|
| 13. Heating system    | Each floor level | No  | Poor      | Annual inspection and repair as needed                                                                   | Annual    | \$20,000 |
| 14. Plumbing system   | Entire Structure | No  | Fair      | Monitor operation and make repairs as needed                                                             | Bi-annual | \$25,000 |
| 15. Electrical system | Entire Structure | No  | Fair      | System-wide inspection and selective repairs; alterations to meet code requirements, replace old wirings | Bi-annual | \$55,000 |
| 16. Exterior lighting | Entire Structure | Yes | Good-poor | Maintain good fixtures; replace selected poor/inappropriate fixtures                                     | 2028      | \$5,000  |

### CARRIAGE HOUSE EXTERIOR

|                            |                  |     |      |                                                                            |                                   |         |
|----------------------------|------------------|-----|------|----------------------------------------------------------------------------|-----------------------------------|---------|
| 17. Exterior stucco        | Entire structure | Yes | Fair | Repair and maintain wood, including selective repairs and sealing; repaint | Maintain bi-annual; repaint 2028  | \$5,000 |
| 18. Exterior wood and trim | Entire structure | Yes | Fair | Repair and maintain wood, including selective repairs and sealing; repaint | Maintain bi-annual; refinish 2028 | \$5,000 |

|                                                          |                  |     |           |                                                                                                                           |                                 |          |
|----------------------------------------------------------|------------------|-----|-----------|---------------------------------------------------------------------------------------------------------------------------|---------------------------------|----------|
| 19. Slate roofing, roof drainage and flashing assemblies | Entire structure | Yes | Fair      | Repair and maintain; Reroof, including drainage assembly repair and selective replacement; connect system to storm drains | Annual maintenance; 2030 reroof | \$8,000  |
| 20. Exterior stair                                       | Front            | Yes | Fair-poor | Rebuild                                                                                                                   | 2028                            | \$35,000 |

**LANDSCAPE/SITE**

|                                |                          |     |           |                                              |                                  |          |
|--------------------------------|--------------------------|-----|-----------|----------------------------------------------|----------------------------------|----------|
| 21. Perimeter drainage         | Building perimeter       | No  | Poor      | Replace                                      | 2024                             | \$35,000 |
| 22. Stone retaining wall       | Across front of property | Yes | Good-poor | Inspect and maintain, repair failing section | Repairs 2025; annual maintenance | \$65,000 |
| 23. Stone walls, paths & steps | Front yards              | Yes | Good-poor | Repair and maintain                          | Repairs 2020; annual maintenance | \$10,000 |
| 24. Tile in-ground fountain    | Side Yard                | Yes | Fair-good | Maintain and repair                          | 2020                             | \$10,000 |

|                                                  |           |
|--------------------------------------------------|-----------|
| Total Estimated Preservation & Maintenance Costs | \$590,000 |
|--------------------------------------------------|-----------|

**Note: All replacement work of identified character defining assemblies and materials shall be in-kind.**



L A N D M A R K S  
P R E S E R V A T I O N  
C O M M I S S I O N  
S T A F F R E P O R T

FOR COMMISSION ACTION  
AUGUST 1, 2019

## 2526 Hawthorne Terrace

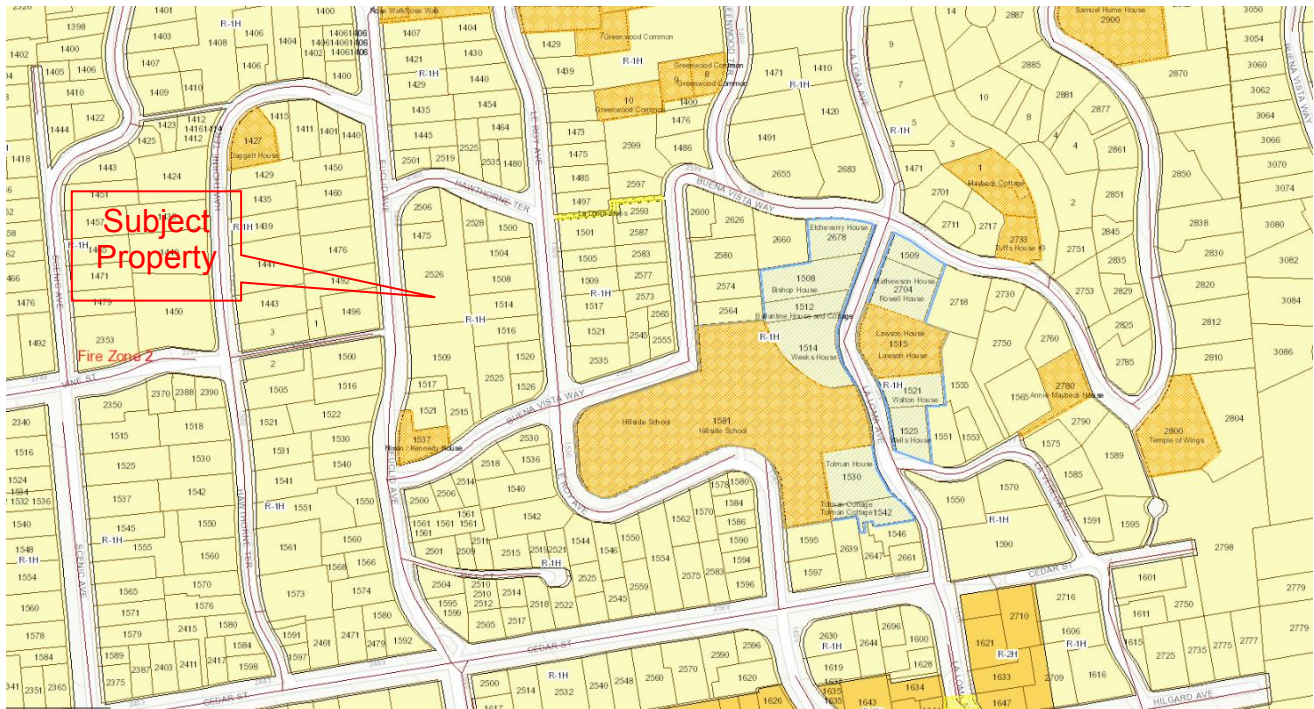
Mills Act Contract Application #LMMA2019-0001 for a single-family residence and *pending* City of Berkeley Landmark, The George D. and Ellen G. Blood Residences.







### I. Application Basics

Parties Involved:

- Applicant & Property Owner: John Komoroske and Daniel McDonald  
2526 Hawthorne Terrace/1495 Euclid Ave.  
Berkeley, CA 94708
- Historic Resource Consultant: Mark Hulbert, Historic Architect  
Preservation Architecture  
446 17<sup>th</sup> Street, #302  
Oakland, CA 94612

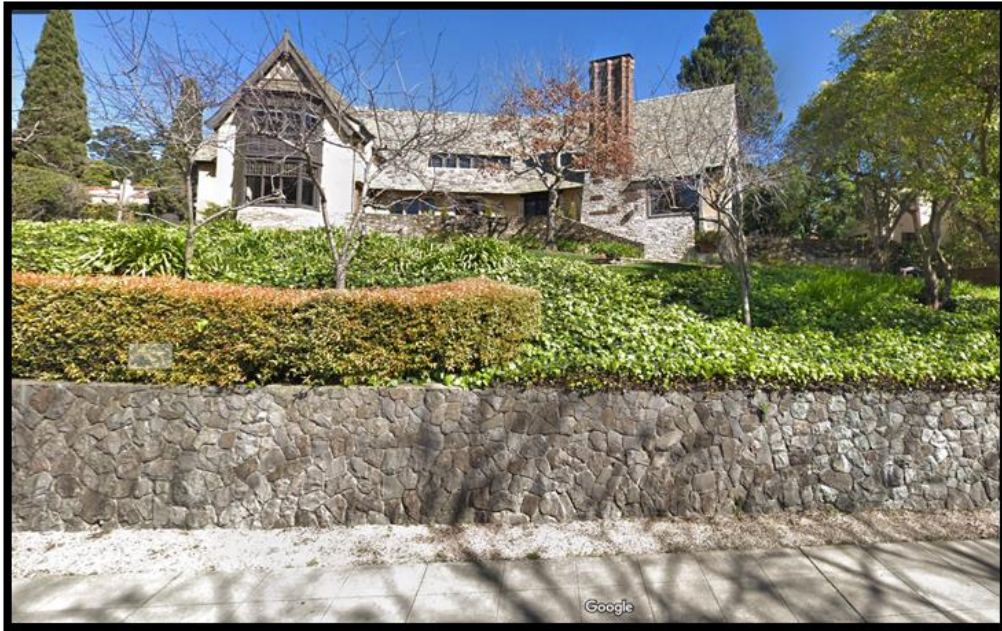
Figure 1: Vicinity Map highlighting nearby historic resources



|                                                                                     |                                     |                                                                                     |                      |
|-------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------|----------------------|
|  | Landmarks / Structure of Merit; LM, |  | Parcels              |
|  | Features                            |  | Demolished           |
|  | Districts                           |  | Partially Demolished |



**Figure 2: 1495 Euclid Avenue (main building), view from public right-of-way facing east**



**Figure 3: 2526 Hawthorne Terrace – Carriage House (accessory building), view from public right-of-way facing south**



## II. Background

On April 2, 2019, the applicant and owner submitted a City Landmark application and a Mills Act Contract Application for the property located at 2526 Hawthorne Terrace/1495 Euclid Avenue. The combined application document is provided as Attachment 1 of this report. The document includes the consultant's list of *Character Defining Features* and an assessment of their current conditions (on page 40). The City's financial analysis spreadsheet is a working document used to estimate the potential Mills Act tax savings for a particular request. An analysis for 2526 Hawthorne Terrace was prepared and submitted on April 2, and it is provided as Attachment 3 of this report. And, finally, the requisite ten-year work plan proposed for this contract request is included as Attachment 2.

The subject property contains two residential buildings: a main building with the address 1495 Euclid Avenue, and an accessory building (aka Carriage House) containing a dwelling unit and garage with the address 2526 Hawthorne Terrace. Both were designed by Walter H. Ratcliff Jr. (1881-1973) and constructed in 1929 in the Tudor Revival style.

On July 2, 2019, the Landmarks Preservation Commission voted to designate this property as a City Landmark (Vote: 7-0-0-1, with one vacancy). The Commission's decision is subject to certification by City Council, in accordance with Berkeley Municipal Code 3.24.190. City Council certification is scheduled for September 10, 2019. Meanwhile, the Commission may consider this Mills Act application request and take action contingent upon final Council certification.

## III. Issues and Analysis

The historic resource consultant's rehabilitation and architectural reports outline proposed building exterior and site improvements for the subject property over a projected ten-year period. Improvements to the exterior of the City Landmark buildings include, but are not limited to: repair and maintenance of exterior stone stucco and wood trim; repair and maintain slate roofing and storm drains; repair of masonry chimneys and landscape features; inspection and repair of structural framing; repair and select replacement of wood windows and glazing; repair and select replacement of wood doors; systems inspections, repairs and replacement; inspection and repair of retaining walls; repair and waterproof deck; and repair and replace drainage systems.

As required by the Landmarks Preservation Ordinance (Berkeley Municipal Code 3.24.200), any future work on the exterior of the building that would not be considered ordinary maintenance and repairs would require review and approval by the Landmarks Preservation Commission in advance of completing the work.

With the exception of building systems and trees, all improvements included in the conditions assessment (Attachment 1, page 40) and work plan (Attachment 2) would affect historic, character defining features of the building and site.

The work plan items appear to be justifiable in that they constitute restoration, repair, rehabilitation and continued maintenance of the subject property. Further, they would provide for the property's "use, maintenance and restoration as to retain its characteristics as property of historical significance," as provided for in the Mills Act, Government Code Sections 50280 et. Seq., as authorized by the Berkeley City Council per Resolution No. 59,355 – N.S. For these reasons, staff concludes that the proposed tasks represent improvements that are consistent with the requirements of the Mills Act.

#### IV. Mills Act Contract Proposal

The intent of the Mills Act is to provide property tax relief so that the property owners entering into Mills Act Contracts with the City will spend the property-tax money that is saved through the Contract on preserving and/or restoring their property. The applicant's proposed 10-year plan of improvements is summarized in Table 1, below.

**Table 1: Summary of Ten-Year Work Plan for 2526 Hawthorne Terrace**

| Feature                                |                                                      | Treatment as recommended by consultant                                                                                     | Estimated year of completion                                                                              |             |
|----------------------------------------|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|-------------|
| Main Building                          | Exterior                                             | Terrace walls, steps, paving                                                                                               | Stone masonry repairs, maintenance                                                                        | 2022        |
|                                        |                                                      | Exterior wood and trim                                                                                                     | Repair and maintain wood, including selective repairs and sealing; prepare and repaint overall exterior   | 2022        |
|                                        |                                                      | Stucco, ornamental plaster                                                                                                 | Repair and maintain stucco, including selective repairs and sealing; prepare and repaint overall exterior | 2028        |
|                                        |                                                      | Stone cladding, trim                                                                                                       | Selective repairs; maintenance                                                                            | On going    |
|                                        |                                                      | Masonry chimney                                                                                                            | Repair and maintain masonry                                                                               | 2022        |
|                                        |                                                      | Structural wood frame                                                                                                      | Selective structural repairs following engineer's specifications                                          | 2024        |
|                                        |                                                      | Roof deck                                                                                                                  | Repair dry rot and waterproofing                                                                          | 2020        |
|                                        |                                                      | Wood windows                                                                                                               | Repair and maintain, selective replacement, prepare and refinish/repaint                                  | 2025        |
|                                        |                                                      | Glazing                                                                                                                    | Selectively replace window glazing with laminated or tempered glass; repair leaded glazing                | 2025        |
|                                        |                                                      | Wood doors                                                                                                                 | Repair and refinish; maintain                                                                             | 2022        |
|                                        | Slate roofing, roof drainage and flashing assemblies | Repair, including drainage assembly repair and selective replacement; connect system to storm drains, maintain             | 2024                                                                                                      |             |
|                                        | Systems                                              | Heating                                                                                                                    | Annual inspection and repair as needed                                                                    | Annually    |
|                                        |                                                      | Plumbing                                                                                                                   | Monitor operation and make repairs as needed                                                              | Bi-annually |
|                                        |                                                      | Electrical                                                                                                                 | System-side inspection and selective repairs; alteration to code requirements, replace old wiring(s)      | B-annually  |
|                                        |                                                      | Lighting                                                                                                                   | Maintain select fixtures, replace select fixtures                                                         | 2028        |
| Safety                                 | Fire extinguishers, smoke and security alarm systems | Inspect and maintain                                                                                                       | Annual                                                                                                    |             |
| Carriage House<br>(accessory building) | Stucco                                               | Repair and maintain wood, including selective repairs and sealing; repaint                                                 | 2028                                                                                                      |             |
|                                        | Wood and trim                                        | Repair and maintain wood, including selective repairs and sealing; repaint                                                 | 2028                                                                                                      |             |
|                                        | Slate roofing, roof drainage and flashing assemblies | Repair and maintain; re-roof, including drainage assembly repair and selective replacement; connect system to storm drains | 2030                                                                                                      |             |
|                                        | Exterior stair                                       | Rebuild                                                                                                                    | 2028                                                                                                      |             |

| Feature   |                              | Treatment as recommended by consultant       | Estimated year of completion |
|-----------|------------------------------|----------------------------------------------|------------------------------|
| Landscape | Perimeter drainage           | Replace                                      | 2024                         |
|           | Stone retaining wall         | Inspect and maintain, repair failing section | 2025                         |
|           | Stone walls, paths and steps | Repair and maintain                          | 2020                         |
|           | Tile in-ground fountain      | Maintain and repair                          | 2020                         |
|           | Trees (not significant)      | Selectively remove trees to protect house    | 2020                         |

The estimated budget for the applicant’s ten-year work plan would be approximately \$600,000, while the working financial analysis spreadsheet -- provided by the applicant at time of submittal -- estimates that the total tax savings over the 10-year period could total approximately \$122,500. The anticipated annual savings would start at approximately \$12,000 during the first tax year, and then is expected to increase slightly to approximately \$12,600 by the tenth year of the program.

**V. Recommendation**

Staff has determined that all work proposed in the Mills Act Contract work plan provides for the properties “use, maintenance and restoration as to retain its characteristics as property of historical significance”, and advises the Commission to recommend that City Council approve the Mills Act Contract request for the subject property, contingent upon Council certification of the Landmark designation.

**Attachments:**

1. City of Berkeley Landmark Nomination and Mills Act Historic Architectural Report, received April 2, 2019
2. 2526 Hawthorne Terrace Ten-Year Work Plan for Mills Act contract, dated March 25, 2019
3. 2526 Hawthorne Terrace City of Berkeley Financial Analysis for Mills Contract, dated March 25, 2019

**Prepared by:** Fatema Crane, Senior Planner; [fcrane@cityofberkeley.info](mailto:fcrane@cityofberkeley.info) (510) 981- 7413





Office of the City Manager

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Phillip L. Harrington, Director, Public Works  
Subject: Contracts: On-Call Construction and Project Management Services:  
Kitchell/CEM, Inc. and Cooper Pugeda Management, Inc.

RECOMMENDATION

Adopt two Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call construction and project management services in support of the City’s annual Facilities Capital Improvement Projects (CIP) program, each for a period of November 1, 2019 through June 30, 2022:

- 1. Kitchell/CEM, Inc., for an amount not to exceed \$500,000.
- 2. Cooper Pugeda Management, Inc., for an amount not to exceed \$500,000.

FISCAL IMPACTS OF RECOMMENDATION

Initial funding for the on-call contracts is available in the Fiscal Year (FY) 2020 budget, as follows:

Measure T1 Fund: 511-54-623-677-0000-000-444-612310 \$600,000

Funding for FY 2021 through FY 2023 is subject to appropriation in future fiscal years’ capital improvement budget and will be identified as projects arise.

The CMS numbers assigned to these contracts are:

| CONSULTANT    | CMS NO. |
|---------------|---------|
| Kitchell/CEM  | CFT35   |
| Cooper Pugeda | MLY4Y   |

CURRENT SITUATION AND ITS EFFECTS

Requests for Qualifications (RFQ) were issued on March 23, 2018 (Specification No. 18-11173-C) seeking qualified firms or individuals to provide project and construction management services for capital improvement projects, as needed.

On April 24, 2018, the City received 13 proposals from construction and project management firms, which were evaluated by a review panel. KPM, O'Connor, and Townsend were determined to be the best qualified to meet the City's needs and were awarded contracts (Resolution Nos. 68,677-N.S., 68,678-N.S., 68,679-N.S.).

Since then, Townsend was debarred and can no longer provide services to the City and KPM lost one of its two key staff. KPM and O'Connor do not have enough capacity to provide the required construction management services. Kitchell/CEM and Cooper Puggeda were the next highest ranked and will, together with KPM and Townsend, meet the City's needs for the next several years.

The provided services will support the Strategic Plan goals of creating a resilient, safe, connected, and prepared city and providing state-of-the-art, well-maintained facilities.

### BACKGROUND

Over the next several years, the Engineering Division of the Public Works Department and the Parks, Recreation, and Waterfront Department are expecting significantly increased workloads, resulting from deferred maintenance, on-going capital projects, and T1 projects. The first T1 phase includes over twenty facility and building projects over the next three years. The City operates 95 facilities, not including Library facilities and those leased to other entities. The 95 facilities include 39 in PRW's inventory and 56 under Public Works

The City has used CM/PM consultants in the past to supplement City staff. The CM/PM services may cover all project phases including planning, design, and construction management services during construction. The consultant may serve as the City's project manager during planning and design or serve as the construction manager during construction.

### ENVIRONMENTAL SUSTAINABILITY

There are no anticipated negative environmental effects of this action.

### RATIONALE FOR RECOMMENDATION

Kitchell/CEM and Cooper Puggeda Management have particular expertise in project and construction management services. They were among the top ranked firms and are the best qualified to meet the City's needs.

City staff recommends awarding a contract to both consultants to get the best value for the City, because it will distribute the anticipated workload, create an alternative source for services, and secure more competitive proposals.

### ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered. The City needs assistance from construction management firms to complete the required infrastructure work. Construction

Contracts: On-Call Construction and Project Management Services:  
Kitchell, Inc. and Cooper Pugged Management, Inc.

October 15, 2019

management support will be critical to complete T1 projects within the established time frame.

CONTACT PERSON

Andrew Brozyna, Deputy Director, Public Works, (510) 981-6396

Elmar Kapfer, Supervising Civil Engineer, Department of Public Works, 981-6435

Attachments:

1: Resolution: Contract with Kitchell/CEM Inc.

2: Resolution: Contract with Cooper Pugged Management, Inc.



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

CONTRACT: KITCHELL/CEM INC. FOR ON-CALL CONSTRUCTION AND PROJECT MANAGEMENT (CM/PM) SERVICES FOR CAPITAL IMPROVEMENT PROJECTS

WHEREAS, on March 23, 2018 the City released a Request for Qualifications (Specification No. 18-11173-C) seeking firms or individuals to provide on-call architectural design services for capital improvement projects; and

WHEREAS, on April 24, 2018, the City received 13 submissions, which were reviewed and rated; and

WHEREAS, the submission from Kitchell/CEM, Inc. was found to be fully qualified and responsive to the City's request; and

WHEREAS, funding will be identified and requested for appropriation as projects arise; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to approve a contract and any amendments with Kitchell/CEM, Inc. for on-call project management and construction management services for capital improvement projects for the contract period of November 1, 2019 through June 30, 2022 in an amount not to exceed \$500,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

October 15, 2019

RESOLUTION NO.:-N.S.

CONTRACT: COOPER PUGEDA MANAGEMENT, INC. FOR ON-CALL CONSTRUCTION AND PROJECT MANAGEMENT (CM/PM) SERVICES FOR CAPITAL IMPROVEMENT PROJECTS

WHEREAS, on March 23, 2018 the City released a Request for Qualifications (Specification No. 18-11173-C) seeking firms or individuals to provide on-call architectural design services for capital improvement projects; and

WHEREAS, on April 24, 2018, the City received 13 submissions, which were reviewed and rated; and

WHEREAS, the submission from Cooper Pugeda Management, Inc. was found to be fully qualified and responsive to the City's request; and

WHEREAS, funding will be identified and requested for appropriation as projects arise; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to approve a contract and any amendments with Cooper Pugeda Management, Inc. for on-call project management and construction management services for capital improvement projects for the contract period of November 1, 2019 through June 30, 2022 in an amount not to exceed \$500,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.





Elmwood BID Advisory Board

CONSENT CALENDAR

October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Elmwood Business Improvement District Advisory Board  
 Submitted by: Andrew Han, Chair, Elmwood BID Advisory Board  
 Subject: Renewal of the Elmwood Avenue BID for Calendar Year 2020

RECOMMENDATION

Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the Annual Report and preliminary budget for proposed improvements in the District for calendar year 2020; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2020 and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for October 29, 2019.

FISCAL IMPACTS OF RECOMMENDATION

Projected BID revenue of approximately \$45,000 will be deposited into the Elmwood BID Fund (782), and expensed from budget code 782-21-208-251-0000-000-446-636110. The BID constitutes an independent funding source that must be targeted to commercial revitalization efforts that are recommended by the Advisory Board. The City of Berkeley operates a parking lot within the district and will thus be assessed \$1,000, paid through the Off-Street Parking Fund. To the extent that the work of the Elmwood BID enhances the development of the Elmwood and its business climate over the long term, the BID contributes towards improving City revenues through increased sales and property taxes.

CURRENT SITUATION AND ITS EFFECTS

Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code section 36500 et.seq.) the City Council must approve an Annual Report prepared by the BID Advisory Board with a proposed budget for the next year as a requirement to levy new assessments. Accordingly, at its meeting of August 16, 2019, the Elmwood BID Advisory Board voted to recommend that the City Council approve the Annual Report and budget for 2020 and adopt a Resolution of Intention to renew the assessment for that year (M/S-Moudry/Aquiar; Ayes: Elliott, Aguiar, Moudry; Nays: none). The Resolution of Intention also sets a public hearing date for October 29, 2019 where affected Elmwood businesses can express support or opposition to renewal of the BID for 2020. If written and/or oral protests are received

from businesses proposed to pay a majority of the assessment, Council cannot vote to levy assessments for 2020. If no majority protest is received the Council may renew the assessment.

BACKGROUND

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

RATIONALE FOR RECOMMENDATION

State law requires that the City Council annually renew the Elmwood BID by first passing a resolution stating Council's intention to levy an annual assessment and scheduling a public hearing on the proposed renewed assessment for the coming year.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Kieron Slaughter, Secretary to the Elmwood BID Advisory Board, 510-981-2490

Attachments:

1: Resolution

- Exhibit A: Elmwood BID Annual Report and proposed budget for 2020
- Exhibit A1: Map of the Elmwood BID
- Exhibit A2: Assessment Rates

RESOLUTION NO. -N.S.

APPROVING THE ANNUAL REPORT AND PROPOSED BUDGET OF THE ELMWOOD BUSINESS IMPROVEMENT DISTRICT FOR 2020; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2020; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR OCTOBER 29, 2019 REGARDING LEVYING OF A RENEWED ASSESSMENT FOR 2020

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

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

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

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2020 as required by the California Streets and Highways Code Section 36533; and

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

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

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

Section 1. The City Council hereby approves the Elmwood Business Improvement District Annual Report for 2019-20 (Exhibit A) as submitted to the City Clerk by the Elmwood Business Improvement District Advisory Board.

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

Section 3. The boundaries of the District are set forth in Exhibit A1 to the 2019-20 Annual Report which is attached hereto and incorporated herein by reference.

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

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

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

Section 6. A public hearing shall be held before the City Council on October 29, 2019 in the Council Chambers, 1231 Addison St, Berkeley, California. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Elmwood Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

Formal protests against the levying of the District assessment must be made in writing. All written and oral protests should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Elmwood Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, at or before 3 pm on October 29, 2019 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscribing the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

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

#### Exhibits

- A: Annual Report for the Elmwood Business Improvement District for 2019-20
  - A1: Map of the Elmwood BID
  - A2: Assessment Rates



**EXHIBIT A**

Annual Report for the Elmwood Business Improvement District for 2019-20

August 31, 2019

To: Members of the Berkeley City Council  
From: The Elmwood Business Improvement District Advisory Board  
Re: 2020 Elmwood BID Renewal

We respectfully request that the Elmwood Business Improvement District be renewed for the 2020 fiscal year, without any changes to the assessment method or amount.

The Elmwood BID was established in November 2013 to promote, maintain and beautify the Elmwood commercial district. Revenues of roughly \$32,000 per year provide a regular, predictable source of funding for the activities of the Elmwood Business Association (EBA). The Elmwood BID has allowed the EBA to expand its activities into areas such as maintenance and capital improvements.

The Elmwood Business Association is continuing to be the catalyst for Elmwood Business District's on-going vitality. Here are some highlights of our projects:

- Permanent year-round lighting installation on district buildings
- Website: [www.shoptheelmwood.com](http://www.shoptheelmwood.com) serves as one of the district's main marketing tool – District Events, Introducing New Businesses, and on-going marketing updates
- Hired a landscaping contractor to maintain 70 tree wells – currently on a bi-monthly maintenance schedule
- Quarterly weeding and cleaning of Russell St. parking lot partnering with UC Berkeley
- On-going feasibility study of installation of security camera at Russell St. parking lot
- Maintaining a part-time Administrative Assistant to:
  - Post on social media
  - Manage merchant communications
  - Promote monthly happenings/specials among Elmwood Merchants
  - Updating the website to keep it current
- Sponsored the following events:
  - July 2018: Find Waldo in The Elmwood
  - September 2018: 4<sup>th</sup> Elmwood Wine Walk in The Elmwood w/ 28 merchants participating w/ BUILD (Berkeley United in Literacy Development) of 50% of net proceeds. Over 350 guests and donated \$1,000 to BUILD
  - October 2018: Find Your Mummy in The Elmwood
  - December 2018: Holiday Hunt in The Elmwood
- Held a Merchant Social in conjunction with our Annual Meeting
- Members of the board active in other Berkeley commercial and residential neighborhoods to promote harmony and cooperation

- Planned Elmwood District Shopping Guide/Map

Below for your review is a summary of our current financial position and our proposed budget for 2019-20

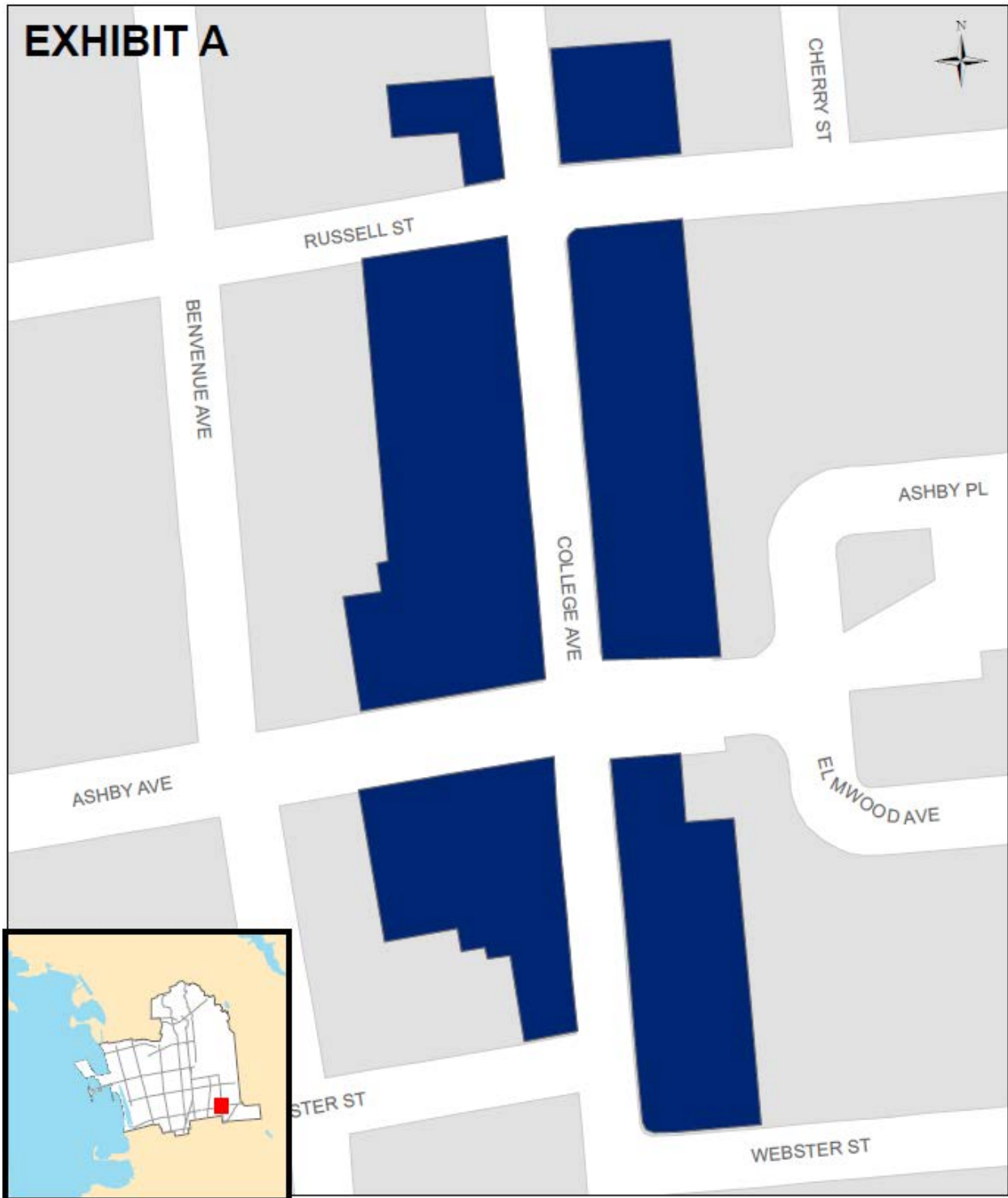
## 2019 - 20 Projected Expenditures Elmwood Business Association

| INCOME                                        | 2019 - 20<br>Proposed<br>Budget | 2018 Actual      |
|-----------------------------------------------|---------------------------------|------------------|
| <b>Operating Income</b>                       |                                 |                  |
| BID Membership dues                           | \$ 30,000                       | \$ 30,000        |
| Other (Partial BID Payment, Wine Walk Income) | \$ 18,763                       | \$ 19,095        |
| <b>Total Operating Income</b>                 | <b>\$ 48,763</b>                | <b>\$ 49,095</b> |
| <b>Non-Operating Income</b>                   |                                 |                  |
| Other                                         |                                 |                  |
| <b>Total Non-Operating Income</b>             | <b>\$ -</b>                     | <b>\$ -</b>      |
| <b>Total INCOME</b>                           | <b>\$ 48,763</b>                | <b>\$ 49,095</b> |

| EXPENSES                                        | 2019 - 20<br>Proposed<br>Budget | 2018 Actual      |
|-------------------------------------------------|---------------------------------|------------------|
| Admin Support                                   | \$ 9,000                        | \$ 9,000         |
| Cleaning and Maintenance (Gardening)            | \$ 4,000                        | \$ 4,201         |
| Dues and Subscriptions                          | \$ 450                          | \$ 450           |
| Charitable Donations                            | \$ 2,000                        | \$ 3,500         |
| Accounting Software                             | \$ 120                          | \$ 103           |
| Dues and Subscriptions                          | \$ 450                          | \$ 450           |
| Insurance                                       | \$ 1,100                        | \$ 1,143         |
| Legal and Professional Fees                     |                                 |                  |
| Marketing/Advertising (incl. Holiday Marketing) | \$ 12,000                       | \$ 12,871        |
| Printing/Copy                                   | \$ 500                          | \$ 466           |
| Holiday Private Security                        | \$ 6,500                        | \$ 6,400         |
| Special Events-Wine Walk                        | \$ 11,120                       | \$ 9,852         |
| Taxes and Licenses                              | \$ 50                           | \$ 30            |
| Web Hosting and Domains                         | \$ 650                          | \$ 620           |
| Postage & Delivery (PO Box)                     | \$ 120                          | \$ 108           |
| Other (Annual Mtg/EBA Social)                   | \$ 1,200                        | \$ 642           |
| <b>Total Operating Expenses</b>                 | <b>\$ 49,260</b>                | <b>\$ 49,836</b> |

|                          |                 |                 |
|--------------------------|-----------------|-----------------|
| <b>Retained Earnings</b> | <b>\$ (497)</b> | <b>\$ (741)</b> |
|--------------------------|-----------------|-----------------|

Exhibit A1: Elmwood Business Improvement District, Map



**Exhibit A2: Elmwood Business Improvement District, Assessment Rates**

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

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



Office of the City Manager

CONSENT CALENDAR

October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Solano Business Improvement District Advisory Board  
 Submitted by: Kate King, Chair, Solano Avenue BID Advisory Board  
 Subject: Renewal of the Solano Avenue BID for Calendar Year 2020

RECOMMENDATION

Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2019 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2020; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2020; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for October 29, 2019.

FISCAL IMPACTS OF RECOMMENDATION

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

CURRENT SITUATION AND ITS EFFECTS

Renewal of the Solano BID is a Strategic Plan Priority Project, advancing our goal to foster a dynamic, sustainable, and locally-based economy. Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code section 36500 et. seq.) the City Council must approve an Annual Report prepared by the Solano BID Advisory Board with a proposed budget for the next year as a requirement to levy new assessments. Accordingly, at its meeting of September 10, 2019, the Solano BID Advisory Board voted to recommend that the City Council approve the Report for the Solano Avenue Business Improvement District for 2019-20 and adopt a Resolution of Intention to renew the assessment for that year (M/S- Snidow/Smith, Ayes: Snidow, Smith and King; Absent: Taylor). The Resolution of Intention also sets a public hearing date for October 29, 2019 where affected Solano

businesses can express support or opposition to renewal of the BID for calendar year 2020. If written and/or oral protests are received from businesses proposed to pay a majority of the assessment, Council cannot vote to levy assessments for 2020. If no majority protest is received the Council may renew the assessment.

### BACKGROUND

Since its revival in May 2012, the Solano BID Advisory Board has used Solano BID revenues to finance three programs: 1) a tree watering contract to ensure the health of 48 young street trees on Solano; 2) installing a program of 40 hanging planter baskets on light poles; and 3) sponsorship of events that attract customers to the district and improvements that enhance the pedestrian experience. In 2019, the BID program has focused on sponsoring activities and improvements intended to market and promote the Solano Avenue business district. In the wintertime, the BID in conjunction with the Solano Avenue Association (which represents both Albany and Berkeley businesses along Solano Avenue) pays a contractor to erect holiday lights and decorations on City street light poles. This will continue for the 2019-20 season. Although the BID will spend a good portion of its funds on the holiday décor program, in 2020 it plans to use some funds to establish an expanded landscaping program for merchants to clean and level tree wells. Also, the BID will continue to support local marketing and “shop local” campaigns, and events including the “Art Walk” and Solano holiday programming “Santa on Solano”, as requested by partnering Solano based organizations. BID expenditures are to be made through an established fiscal agency contract with Telegraph Property and Business Management Corporation.

### ENVIRONMENTAL SUSTAINABILITY

By maintaining and enhancing the district, the Solano BID creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The District is adjacent to the popular surrounding residential North Berkeley neighborhoods and is served by AC Transit lines and has upgraded bike parking and shelters which provide easy accessibility for both residents and visitors coming to and from this retail destination. The environmental enhancements such as the added street trees, hanging planters, parklet, and holiday decorations contribute to making Solano a more pleasant walking destination. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation choices and decreasing vehicle miles traveled.

### RATIONALE FOR RECOMMENDATION

State law requires that the City Council annually renew the Solano BID by first passing a resolution stating Council's intention to levy an annual assessment and scheduling a public hearing on the proposed renewed assessment for the coming year.

### ALTERNATIVE ACTIONS CONSIDERED

None.

### CONTACT PERSON

Eleanor Hollander, Secretary to the Solano BID Advisory Board, (510) 981-7536.

Attachments:

1: Resolution

Exhibit A: Report for the Solano Avenue Business Improvement District 2019-20

Exhibit A1: Map of the Solano BID

Exhibit A2: Assessment Rates



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

APPROVING THE ANNUAL REPORT AND PROPOSED BUDGET OF THE SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT FOR 2020; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2020; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR OCTOBER 29, 2019 TO CONSIDER LEVYING A RENEWED ASSESSMENT FOR 2020

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

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

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

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

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2020 as required by the California Streets and Highways Code Section 36533; and

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

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

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

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

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

Section 3. The boundaries of the District are set forth in Exhibit A1 to the 2019-20 Annual Report which is attached hereto and incorporated herein by reference.

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

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

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

Section 6. A public hearing shall be held before the City Council on October 29, 2019 in the Council Chambers, 1231 Addison Street, Berkeley, California. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Solano Avenue Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

Formal protests against the levying of the District assessment must be made in writing. All written and oral protests should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Solano Avenue Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, at or before 3 pm on October 29, 2019 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscribing the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

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

Exhibits

A: Report for the Solano Avenue Business Improvement District 2019-20

A1: Map of the Solano BID

A2: Assessment Rates

Report for the Solano Avenue Business Improvement District for 2019 and Budget for 2020

**Background**

The first version of the Solano Business Improvement District (BID) operated from 2002-2007 with administration of the BID headed by the Solano Avenue Association. In January, 2012, the Council appointed the Solano BID Advisory Board to administer the Solano Avenue BID, to fund physical improvements to the street and dedicate marketing and promotion efforts towards the businesses on the portion of Solano Avenue that lies in Berkeley. This Annual report and budget updates the seventh full year of operational programs and progress on the revived Solano BID.

**Landscape program**

In 2013, the Solano BID financed a tree watering program for young street trees along upper Solano Avenue. In 2016, per the City of Berkeley arborist, the trees were mature enough to not require additional water services. In early 2016, the board voted to enhance Solano's landscape by installing a program of 41 hanging planter baskets on light poles distributed throughout the district; utilizing the Downtown Berkeley Association's (DBA) services. The DBA watered and maintained the baskets through the end of calendar year 2018, but has declined to continue this contract. In 2019, significant rain supported the baskets, and the Solano BID started a conversation with The Streets Team to supplement other efforts to clean, weed, and level the tree wells through the district, and to develop an ongoing watering and maintenance system for the hanging flower baskets. This work should begin soon, and provide support for 2020 and beyond.

In addition, funds have recently been approved for a full traffic/transportation study on Solano, and the BID will support Councilmember Hahn in involving both local merchants and local residents in the effort to re-imagine Solano Avenue in a way that brings more vitality to the Avenue. This effort will consider also the concurrent efforts of the City of Albany in its similar effort with the middle section of Solano Avenue, with the intention of strengthening the Solano Avenue 'brand' overall.

**Marketing and promotion of Solano**

Marketing and promotion of Solano Avenue constitutes the second priority of the Solano BID. To promote the avenue during the holiday season, a holiday light display program was established by the Solano BID. In 2016 and 2017 the BID contracted with a vendor, the Christmas Light Pros of SF, to deploy decorative unlit multi-colored garlands. In 2018, the board approved funding for a new vendor which, under direction of the Solano Avenue Association (SAA), covered more poles and provided greater decoration coordination opportunities with neighboring Albany, all at a lower cost than previous seasons. The intention for the holiday season in 2019-20 is to use the same vendor and reimburse the SAA after the lights are installed. This partnership underscores the leverage that the SAA organization has been able to provide to support BID efforts for the Berkeley portion of Solano Avenue.

In the remainder of 2019, the Advisory Board may again decide to participate in the development of holiday campaigns and activities (i.e. supporting the Solano Avenue Association

in the ‘Santa on Solano’ event or similar). In 2019, the group worked with the Solano Avenue Association to produce the second annual Art Walk, with a 50% increase in merchant participation overall. In addition, the BID district hosted (via one merchant) a Bike to Work Day location for the second year in a row. The details of the overall 2020 event and marketing program will be developed over the remainder of the year, with a possible Wine Walk and coordinated launch party for the new Touchstone Oaks bouldering gym at the top of the Avenue.

Expanded landscaping improvements have yet to be determined by the board. It is presumed that provided a successful demonstration of landscaping maintenance this fall/winter season (2019-20), a multi-year contract could be extended accordingly.

**Solano BID Administration**

The Solano BID has one existing contract; a fiscal agent contract with the Telegraph Property and Business Management Corporation (Telegraph PBMC), who charges a 5% fee on their total contract size annually.

**FINANCIAL STATUS OF THE SOLANO BID, SEPTEMBER 2019**

|                                                           |   |              |
|-----------------------------------------------------------|---|--------------|
| Solano BID Revenue, as of 9/10/2019                       | = | \$34,881.76  |
| Less fiscal agent fee to Telegraph PBMC (5%) <sup>1</sup> | = | (\$1,250.00) |
| Less funds for Flower Basket/Tree well Landscaping        | = | (\$2,000.00) |
| Less funds for Art Walk event(s)                          | = | (\$1,000.00) |
| Less funds allocated for decorative holiday garlands      |   |              |
| + Installation + Removal + Storage (11/19 – 1/20)         | = | (\$7,500.00) |
| Unallocated as of 9/10/2019                               | = | \$23,131.76  |

**BUDGET FOR THE SOLANO BID FOR 2020 (Calendar Year)**

|                                         |   |             |
|-----------------------------------------|---|-------------|
| Estimated new revenue                   | = | \$25,000.00 |
| Carryover from 2019 (estimated)         | = | \$23,131.76 |
| Total available for expenditure in 2020 | = | \$48,131.76 |

*PROPOSED EXPENDITURES FOR 2020 (Calendar Year)*

|                                                                     |   |                    |
|---------------------------------------------------------------------|---|--------------------|
| Landscaping installation/tree well porous pavement                  | = | \$3,000.00         |
| Watering and Maintenance for hanging flower baskets                 | = | \$3,700.00         |
| Installation, removal and storage of holiday decor 2020-21 season   | = | \$8,000.00         |
| <u>Other marketing expenditure (Art Walk/Holiday Campaign etc.)</u> | = | <u>\$ 3,000.00</u> |
| Total projected expenditure                                         | = | \$17,700.00        |

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<sup>1</sup> \$1,250.00 is the anticipated the “not-to-exceed” amount of the fiscal agent fee (5%) of the total contract amount for the time period 1/1/20 to 12/31/2020. This may change slightly depending on the size of the collected new revenue for 2020 (which is currently estimated at \$25,000.00).

**Recommendations**

The Advisory Board recommends that the Council approve the Annual Report and Budget for 2020.

The Advisory Board recommends that the Council make no changes in the boundaries of the Solano Business Improvement District or in the two Benefit Zones, A & B.

The recommended improvements and activities for 2020 are those stated in the Report. The cost for providing them is stated in the Budget for 2020.

The method and basis for the assessment is as stated in Exhibit A2.

The estimate for surplus revenues to be carried over from 2019 is as stated in the Budget for 2020.

Exhibit A1

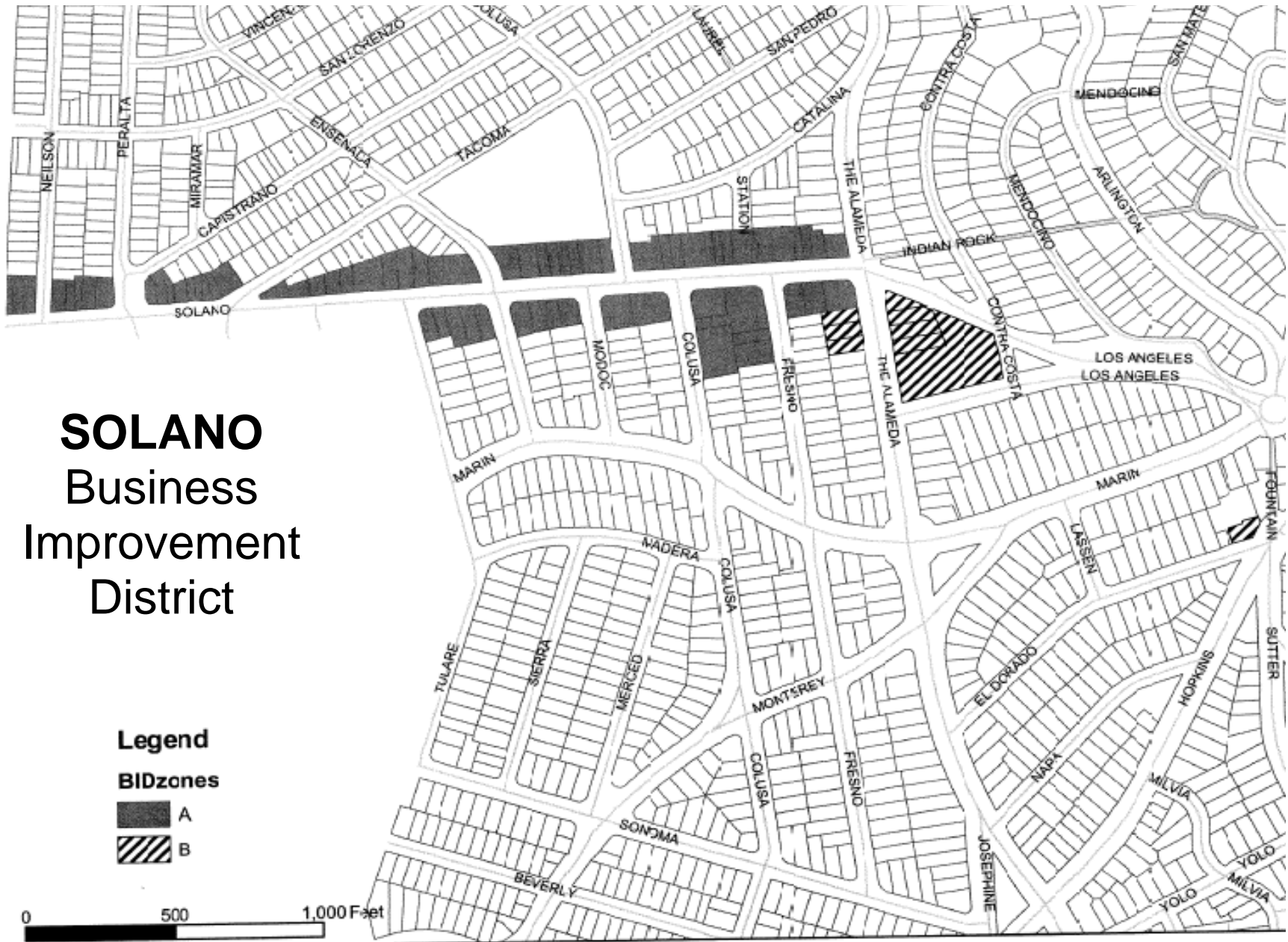




Exhibit A2

**Berkeley Solano Avenue Business Improvement District Annual Assessment Formula**

| Type of Business             |               | Annual Assessments |        |
|------------------------------|---------------|--------------------|--------|
|                              |               | Zone A             | Zone B |
| a. Retailers and Restaurants | 1-5 employees | \$200              | \$125  |
|                              | 6-9 employees | \$300              | \$175  |
|                              | 10+ employees | \$400              | \$225  |
| b. Service Businesses        |               | \$175              | \$100  |
| c. Professional Services     |               | \$100              | \$65   |
| d. Financial Institutions    |               | \$500              | \$500  |





Office of the City Manager

CONSENT CALENDAR

October 15, 2019

To: Honorable Mayor and Members of the City Council

From: Berkeley Peace & Justice Commission

Submitted by: Igor Tregub, Chairperson

Subject: Resolution: Protect from deportation beneficiaries of DACA, TPS, and DED

RECOMMENDATION

Adopt a resolution in support of protections from deportation and a path to permanent residency for beneficiaries of DACA, TPS, and DED.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

More than 1.1 million hardworking men and women stand to lose their work authorization and legal status in this country unless Congress takes steps to defend Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS), and Deferred Enforced Departure (DED), whose protections have been canceled by the Trump Administration, although federal judges have issued temporary injunctions blocking the terminations.

At its regular meeting on July 15, 2019, the Peace and Justice Commission recommended that the Council of the City of Berkeley adopt a resolution in support of protections from deportation and a path to permanent residency for beneficiaries of DACA, TPS, and DED. The vote for the attached resolution was as follows:

M/S/C: Bohn/ al-Bazian

Ayes: al-Bazian, Bohn, Gussmann, Lippman, Meola, Morizawa, Tregub, Askary, Maran

Noes: None

Abstain: None

Absent: Rodriguez, Han

Excused: Pancoast, Pierce

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Without legislative action for permanent solution, more than 300,000 TPS and DED holders could be uprooted this year, including those from Haiti in July and El Salvador in September. TPS is a successful program that serves important humanitarian purposes while helping to raise wages, support a stable workforce and reduce exploitation. Studies have shown that TPS holders have a workforce participation rate of 88.5 percent, with particular concentrations in construction and service industries.

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER

City Manager takes no position.

CONTACT PERSON

Igor Tregub, Chairperson, Peace and Justice Commission  
Breanne Slimick, Commission Secretary, City Manager's Office (510) 981-7018  
Attachment:

1. Resolution in support of protections from deportation and a path to permanent residency for beneficiaries of DACA, TPS and DED

RESOLUTION NO. ##,###-N.S.  
PROTECT FROM DEPORTATION AND A PATH TO PERMANENT RESIDENCY FOR  
BENEFICIARIES OF DACA, TPS, AND DED

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code Chapter 3.68.070); and

WHEREAS, more than 1.1 million hardworking men and women stand to lose their work authorization and legal status in this country unless Congress takes steps to defend Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS), and Deferred Enforced Departure (DED), whose protections have been canceled by the Trump Administration, although federal judges have issued temporary injunctions blocking the terminations;<sup>i</sup> and

WHEREAS, our entire workforce benefits from these programs that allow people to live and work without fear in our country, and we will all be harmed if these workers lose their status;<sup>ii</sup> and

WHEREAS, there are more than 800,000 DACA recipients in this country who have grown up and gone to school here. There are more than 320,000 TPS holders who have been working, paying taxes, contributing to our economy and belong to our unions. Many have lived here for decades, purchased homes and raised families that include U.S.-born children; and

WHEREAS, without legislative action for permanent solutions, more than 300,000 TPS and DED holders could be uprooted this year;<sup>iii</sup> and

WHEREAS, TPS is a successful program that serves important humanitarian purposes while helping to raise wages, support a stable workforce and reduce exploitation. Studies have shown that TPS holders have a workforce participation rate of 88.5 percent, with particular concentrations in construction and service industries;<sup>iv</sup> and

WHEREAS, terminating these protections would separate families, force workers into the shadows, and cause far-reaching harm in worksites and industries across the country. Termination of TPS would lead to an estimated \$45 billion reduction in gross domestic product, an immediate \$69 billion reduction in tax contributions and an estimated \$1 billion in employer costs; and

WHEREAS, ending TPS protections will only serve to expand the pool of vulnerable workers in our labor market and force a growing number of immigrants and union members to work under a cloud of fear. Stripping status and work permits from long-term, taxpaying members of our society is not in the interests of working people; and

WHEREAS, on June 4, the House of Representatives passed the American Dream and Promise Act of 2019, H.R. 6, which would provide protections from deportation and offer a well-earned path to permanent residency to hardworking people who have played by the rules for decades.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley stands in solidarity with beneficiaries of DACA, TPS and DED by endorsing House Resolution (H.R. 6), "American Dream and Promise Act of 2019."<sup>v</sup>

BE IT FURTHER RESOLVED that the Council of the City of Berkeley urges United States Senators Diane Feinstein and Kamala Harris to do all that they can in the U.S. Senate to pass similar protections and a path to permanent residency for DACA, TPS and DED.

BE IT FURTHER RESOLVED, the Council of the City of Berkeley encourages all residents to contact their senators to urge them to take leadership in fighting for protections from deportation and a path to permanent residency for DACA, TPS, and DED.

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<sup>i</sup> <https://immigrationforum.org/article/fact-sheet-deferred-enforced-departure-ded/>

<sup>ii</sup> "Overcoming the Odds: The Contributions of DACA-Eligible Immigrants and TPS Holders to the U.S. Economy," June 3, 2019, <https://research.newamericaneconomy.org/report/overcoming-the-odds-the-contributions-of-daca-eligible-immigrants-and-tps-holders-to-the-u-s-economy/>

<sup>iii</sup> "Executive Order: Enhancing Public Safety in the Interior of the United States," January 25, 2017, <https://www.whitehouse.gov/presidential-actions/executive-order-enhancing-public-safety-interior-united-states/>

<sup>iv</sup> "Terminating TPS to affect a quarter million U.S. born children," Jaya Padmanabhan, Sep. 6, 2018, [www.sfoxaminer.com/terminating-tps-affect-quarter-million-u-s-born-children/](http://www.sfoxaminer.com/terminating-tps-affect-quarter-million-u-s-born-children/)

<sup>v</sup> "H.R.6, The American Dream and Promise Act of 2019," <https://www.congress.gov/bill/116th-congress/house-bill/6>

**BACKGROUND:**

Nor Cal TPS Coalition is endorsing the resolution. <https://www.facebook.com/NorCalTPS/>

Participants: African Advocacy Network, Arab Resource and Organizing Center, Asociación de Hondureños de Norte California (AHNCA), Bay Area Chapter of the Committee in Solidarity of People of El Salvador (CISPES), Bay Resistance, Central American Resource Center (CARECEN), Centro Latino Cuscatlan, East Bay Sanctuary Covenant, Faith In Action, Global Exchange, Haiti Action Committee, Immigrant Legal Resource Center, Interfaith Movement for Human Integrity, Jobs with Justice-SF, Labor Council for Latin American Advancement-SF, Nicaragua Center for Community Action, Oakland Catholic Worker, Red Nacional Salvadoreña en el Exterior (RENASA), San Francisco Labor Council, SF Living Wage Coalition, Services, Immigrant Rights and Education Network (SIREN), United Service Workers West-SEIU, TPS Committee Fighting for Our Rights, TPS Committee for Permanent Residency Now, Labor Center for Immigrant Justice/We Rise S.F.

Endorsers: Clínica Martín-Baró, Council on American-Islamic Relations, International ANSWER, International Action Center, Marin Task Force on the Americas, Network in Solidarity with the People of Guatemala (NISGUA), School of the Americas Watch West, SHARE Foundation, UNITE HERE Local 2



Office of the Mayor

CONSENT CALENDAR

October 15, 2019

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín and Councilmember Cheryl Davila

Subject: Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin to the Berkeley Holiday Fund's annual campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

BACKGROUND

The Berkeley Holiday Fund has helped make the holiday season happier for hundreds of Berkeley's neediest residents for 106 years. An all-volunteer organization, the Berkeley Holiday Fund has been partnering with over 30 Berkeley service agencies, such as the Center for Elder Independence, the YMCA, Berkeley Food and Housing Project, and the Berkeley Health Department. By keeping operating costs to a minimum, the Berkeley Holiday Fund ensures that all contributions go directly to help those who need it the most. Last year, they were able to bring a little cheer into the lives of over 1,000 Berkeley citizens distributing over \$73,000.

The Mayor's office has actively participated in this program for over 25 years by providing application cards and first class postage to Berkeley Holiday Fund recipients. This year the Berkeley Holiday Fund anticipates distributing 1,000 request forms. This item requests the City Council approve an expenditure, not to exceed \$500 of funds from the from the Mayor's office budget to cover reproduction costs and postage.

FINANCIAL IMPLICATIONS

No General Fund impact. \$500 is available from the Mayor's office budget discretionary account.

ENVIRONMENTAL SUSTAINABILITY

No adverse effects to the environment



Berkeley Holiday Fund 2018

CONSENT CALENDAR  
October 15, 2019

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

1: Resolution

2: Letter from Holiday Fund

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

BERKELEY HOLIDAY FUND 2019

WHEREAS, the Berkeley Holiday Fund has been making small grants to Berkeley's neediest citizens for 106 years; and

WHEREAS, last year, the Berkeley Holiday Fund distributed about \$73,000 to over 1,000 Berkeley residents; and

WHEREAS, Berkeley Holiday Fund partners with over 30 Berkeley service agencies including the Center for Elder Independence, the YMCA, Berkeley Food and Housing Project, and the Berkeley Health Department; and

WHEREAS, the Berkeley Mayor's Office has supported the Berkeley Holiday Fund's efforts for over 25 years by reproducing request forms and providing first class postage costs; and; and

WHEREAS, Mayor Arreguin has surplus funds in his office expenditure account; and

WHEREAS, the Berkeley Holiday Fund seeks funds in the amount of \$500 to provide application cards and first class postage to Berkeley Holiday Fund recipients; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose of providing services to low income residents of the City of Berkeley.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$500 per office shall be granted to the Berkeley Holiday Fund for providing application cards and first class postage to Berkeley Holiday Fund recipients.

# BERKELEY HOLIDAY FUND

Post Office Box 9779 ♦ Berkeley, California 94709

www.BerkeleyHolidayFund.org

HONORARY CHAIRPERSON  
Jesse Arreguin, Mayor of Berkeley

EXECUTIVE BOARD  
Andrew T. Williams, Co-Chairman  
Linda V. Williams, Co-Chairman  
Virginia Meyer, Secretary  
Judith L. Bloom, CPA, Treasurer  
Schuyler Bailey  
Jo Bradley  
Bob Dixon  
Jill L'Esperance  
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Richard and Valerie Herr  
Susan and David Hodges  
Ann-Marie Hogan  
Janice Kelly  
Norman and Florence Lind  
Tom and Susan Luten  
Linda Maio  
Ruth Muschel and Gillies McKenna  
Jane and Bill Neilson  
Martin and Muriel Paley  
J. Park  
James and Ruth Reynolds  
Marc A. Rieffel  
Bruce and Teddy Schwab  
Margaret and Contee Seely  
Robert Smith and Janet Huseby  
Timothy Stokes and Andrea Lewis  
Guy Tiphane  
Susan Wengraf  
Kriss Worthington  
E. William and Mary Alice Yund

August 28, 2019

The Honorable Jesse Arreguin  
Mayor of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704

Dear Mayor Arreguin:

On behalf of the Board of the Berkeley Holiday Fund, I want to thank the Mayor's office for its continuing, generous support for the Fund's annual disbursement of holiday gifts to Berkeley's neediest citizens. And to you personally for serving as the Honorary Chair Person of the Fund. For 106 years the Fund has solicited donations from the citizens of Berkeley and now partners with more than thirty local social service agencies to identify Berkeley citizens in need of help during the holidays.

Last year, with your help we were able to offer much needed cheer during the holiday season by sending checks totaling over \$73,000 and to more than 1,000 individuals and families in Berkeley.

We are requesting that you continue your longstanding support for our efforts. For at least the last twenty-five years the Mayor's office has provided assistance by funding the printing of the cards we distribute to the agencies and by providing first class stamps to mail the checks to recipients. Since the Holiday Fund is an all volunteer organization, this much appreciated support reduces our costs and assures that the maximum amount goes to the recipients.

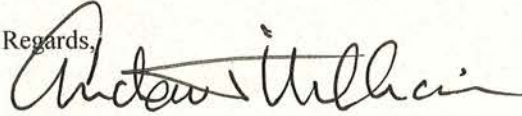
We are grateful for your support of the Berkeley Holiday Fund as our Honorary Chairman and the support of the City Council members as Sponsors.

This year we anticipate distributing over 1,000 cards to the agencies and needing first class postage for about 950 letters (this figure includes the 501(c) 3 letters we send to donors acknowledging their tax free contributions). While we fund every request we receive, the number of requests from agencies varies from year to year, and we only send one check to individuals or families recommended by multiple agencies.

Since this expenditure requires Council approval, we are formally requesting \$500 in support and are asking for your help in obtaining that approval.

In past years some council members have added funds from their office accounts. We deeply appreciate their support.

Thank you again for all of the support you have provided in the past to this truly unique Berkeley institution.

Regards,  
  
Andrew T. Williams  
Co-Chairperson



Office of the Mayor

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Mayor Arreguin and Councilmembers Kesarwani and Davila  
 Subject: Grant Referral for Capoeira Arts Foundation

RECOMMENDATION

Refer a Grant of \$150,000 for the benefit of the Capoeira Arts Foundation (CAF) to the mid-year budget process to support their purchase of the Casa De Cultura-1901 San Pablo Ave-in partnership with BrasArte to create a permanent home for their organizations, their school, the United Capoeira Association (UCA) Berkeley, and for other Brazilian art forms.

FINANCIAL IMPLICATIONS

\$150,000 to be allocated from excess equity in consideration with other council referrals for the mid-year budget process.

CURRENT SITUATION AND ITS EFFECTS

The Capoeira Arts Foundation INC, (CAF) is a California 501(c)(3) not for profit Corporation located at 1901 San Pablo Avenue, Berkeley CA 94702. CAF has operated out of Berkeley California, led by Ubirajara Almeida, "Mestre Acordeon" for the last 38 years. Mestre Acordeon has been teaching here for 41 years. His school, as well as being a "second home" to local capoeiristas, attracts visitors from all over the world and is considered an icon in the national and international Capoeira community

The Mission of CAF is to create awareness of the depth and breadth of the African-Brazilian experience, with a strong focus on capoeira. To achieve its mission, CAF teaches capoeira and other related traditional art forms; presents artistic, social and musical, and cultural events that aim to strengthen the community; publishes written works, and produces musical recordings and documentary films.

Mestre Acordeon has been in Berkeley since 1997, and CAF was initially located at 2026 Addison St (now the Freight and Salvage). Upon moving to CAF has operated at 1901 San Pablo, at their Casa De Cultura (Brazilian Cultural Center), in partnership with [BrasArte](#) since 2008, another non-profit organization with a similar goal of preserving African Brazilian culture and arts. BrasArte had a studio for many years on Solano Ave called the World Dance Center. These organizations have more than a 70 year history in Berkeley. The organizations have made the Casa De Cultura a destination for local and

international musicians, capoeiristas, dancers, instrument makers, students of these cultural manifestations and the artists who visit to celebrate their craft in the space.

The lease on the Casa De Cultura (1901 San Pablo Ave) is up in December 2019. At a time when renter evictions are common, the owner of 1901 San Pablo has offered the organizations the unique opportunity to purchase the building and would like to facilitate this process. A grant from the City will go toward the \$600,000 down payment (\$200,000 has already been raised), with the balance to be raised through additional donations and an innovative community investment model. Without support from the City, the organizations risk losing their home and the City risks losing historic Berkeley arts non-profits and a longstanding cultural community center.

The building, Casa De Cultura, is uniquely developed to support the activities of both organizations. In 2008, the organizations made \$400,000 in capital investments at the signing of the initial lease. CAF and BrasArte engaged in a large scale remodel, adding four bathrooms, two changing rooms with showers, new doors, floors and storage space. They are unlikely to find another location in Berkeley, let alone the Bay Area that is as well suited to their needs. Even if they could identify a space, moving to another location in this real estate market would likely be prohibitive to one or both organizations. The opportunity to purchase the building stems from the owner's desire to support the continued presence of CAF and BrasArte in Berkeley, and the creativity and commitment of the organizations to make it happen.

Opportunities for the City to support the permanent preservation of historic cultural centers are rare. The purchase of their building would guarantee CAF and BrasArte's long term presence in Berkeley and would enable the organizations to expand their operations. Additionally, purchasing the building would open the door to further capital improvements, such as the development of onsite workforce housing that would provide much needed affordable housing for artists.

### BACKGROUND

The Casa De Cultura and the organizations it houses, CAF and BrasArte, is a cultural and community anchor providing world class education in dance, capoeira, arts and music. Their celebrations, like the annual Levagem, bring the culture and spirit of Brazil to the streets of Berkeley. The Foundation in Berkeley is the flagship location and "Home Base" of their global capoeira community. They offer classes for adults and children of all ages, gender and ethnic backgrounds, regardless of ability to pay. Students come from around the world and make pilgrimages to the Mestre Acordeon's school as he is one of the most highly respected capoeira teachers in the world. He has been teaching in Berkeley for 41 years and in 2009 the City of Berkeley declared October 18th to be "Mestre Acordeon Day." Local students come from Alameda, Contra Costa, San Francisco and Marin Counties with many coming from the cities of Berkeley, El Cerrito, Richmond, Oakland, San Francisco, San Rafael, Walnut Creek, Santa Cruz, El Sobrante, Hayward and Alameda. ‘



The updated Arts and Culture Plan cites a Vision where:

- The City of Berkeley is a place where the arts are fully integrated into civic life and community identity.
- Our public spaces inspire, promote dialogue and serve to engage all who live and work in Berkeley, and all who visit our city.
- The city provides a supportive environment for artists and arts organizations to prosper and thrive. The arts are inclusive and empowering and serve to strengthen collaboration within our community
- Quality arts education for all ages inspires creativity, builds community and facilitates cross-cultural understanding.
- The economic contributions of local artists and arts organizations are valued, prioritized and supported.
- Berkeley is known regionally, nationally and internationally as a place where anyone can experience the transformative power of the arts in a variety of settings and locations.

The non-profits' purchase of the Casa De Cultura completely embodies this vision. Additionally, the organizations have expressed a commitment to expand their collaboration with local schools for education and workshop experiences, which would contribute to goal 3 of the Arts and Culture Plan to "expand high quality and equitable arts education"<sup>1</sup>. Currently, they have programs in Malcolm X and Cragmont, and over the years have run capoeira programs in nearly all Berkeley public schools.

Grants like this to support non-profit arts organizations have precedent in Berkeley. In 2015 the City Council voted to allocate similarly sized grants to Kala Art Institute and the UC Theater. At the time, both organizations needed support from the City to upgrade their facilities that would make their operations viable and sustainable for a long time.<sup>2</sup>

#### ENVIRONMENTAL SUSTAINABILITY

No environmental effects.

#### CONTACT PERSON

Mayor Jesse Arreguin      510-981-7100

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<sup>1</sup> City of Berkeley Arts and Culture Plan, 2018-2027 Update, Page 32

<sup>2</sup> [November 3, 2015 Berkeley City Council Agenda, Allocation of Grant Funds to U.C. Theatre and Kala Art Institute](#)







Office of the Mayor

CONSENT CALENDAR  
October 15, 2019

To: Honorable Members of the City Council  
 From: Mayor Jesse Arreguín, Councilmembers Kate Harrison and Lori Droste  
 Subject: Health Impact Assessment Outreach Coordinator

RECOMMENDATION

Refer to the Mid-Year Budget Process an amount of \$25,000 for Berkeley's contribution towards a budget of \$50,000 to support an Outreach Coordinator for the purpose of community education about the health impacts associated with the proposed closure of Alta Bates Hospital as indicated in the Health Impact Analysis completed by the Institute of Urban and Regional Development, University of California Berkeley in December 2018.

BACKGROUND

In 2016, Sutter Health announced its intention to close Alta Bates hospital, the only full service acute care hospital between Richmond and Oakland, by 2030. This is in spite of Sutter's pledge to the community to keep the hospital open after its merger with Summit in 1999. Ostensibly this is to avoid the cost of retrofitting the hospital per SB 1953 requirements.

On July 12, 2016, City Council passed Resolution No, 67,615–N.S, opposing the plans to close the hospital resolving, among other things, that the Mayor and City Council would establish open forums to inform and educate Berkeley residents and ensure that the residents would be notified of any and all forums to ensure a full service acute care general hospital for future generations. The Resolution further resolved that the Mayor, City Council and City Departments pledged to cooperate fully to facilitate this process (Attachment 1).

The Alta Bates Task Force, a group of elected officials and health experts was formed in 2017, with the purpose of investigating options that would maintain a full-service acute care hospital in Berkeley and educating the public around the impacts of a potential closure. Following over two years of task force meetings, community events, and futile outreach to Sutter Health, a formal request was sent to Sutter Health on February 7, 2019 requesting that they provide a plan, in writing, for the retrofitting/rebuild of the hospital or provide their future plans for the property (Attachment 2). As of September 23, 2019, a written reply has not been received.

Alta Bates, colloquially known as the Birthplace of the East Bay, served 66,268 patients in 2016, including 5,863 live births. With a capacity of 347 beds, it is the third largest

general acute care facility in the region. Its service area includes almost 850,000 residents, of whom 44% are people of color and 36% are below 200% of the federal poverty level.

The Health Impact Assessment report provides highlights of the likely health impacts of the closure of Alta Bates (Attachments 3 and 4). With the hospital serving as a regional hub for pregnancy and birthing, there would be reduced high quality prenatal, birthing & neonatal care, which is alarming in a country that already has an increasing rate of maternal mortality - higher than any other developed country. A potential closure would disproportionately impact people of color and low-income/uninsured residents, many of whom are already at a higher risk of having health complications. Emergency departments in hospitals throughout the region would see increased crowding, leading to longer wait times, longer travel times, and placing additional strains on ambulances, negatively impacting both the Berkeley Fire and Police Departments. It also places the entire I-80 corridor at additional risk in the event of a disaster such as an earthquake or wildfire, with victims having less access to emergency services.

The Alta Bates Task Force, has been developing its work plan for 2020, which focuses on the engagement of an Outreach Coordinator. The role of the Outreach Coordinator would be to raise awareness and educate residents along the I-80 corridor based on the Health Impact Assessment findings. They would also work on community engagement that would include organizational outreach such as faith-based organizations, neighborhood associations, students, seniors, labor, the disability community, and businesses. They would also be responsible for an overarching communications plan, among other tasks.

To help fund this position, the City of Berkeley as the host city will provide \$25,000 for this position, with other jurisdictions (Oakland, Emeryville, Albany, El Cerrito, and Richmond) contributing \$5,000 each for a total of \$50,000. In 2017, a similar action was taken to fund the research and development of the Health Impact Assessment report.

FINANCIAL IMPLICATIONS

\$25,000 from excess equity available in the November Annual Appropriations Ordinance.

ENVIRONMENTAL SUSTAINABILITY

Not Applicable

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

- 1: Resolution 67,615
- 2: Letter to Sutter
- 3: Health Impact Assessment Findings
- 4: Health Impact Assessment of the Proposed Closure of Alta Bates Recommendation

RESOLUTION NO. 67,615–N.S.

OPPOSE SUTTER HEALTH CORPORATION'S PLAN TO CEASE ACUTE CARE HOSPITAL OPERATIONS AT ALTA BATES HOSPITAL IN BERKELEY, FURTHER REQUESTING CITY DEPARTMENTS TO IDENTIFY PENDING OR FUTURE APPLICATIONS SOUGHT IN FURTHERANCE OF SUCH CLOSURE AND REPORT SUCH APPLICATIONS

WHEREAS, Alta Bates Summit Medical Center, has been providing "full service" Acute Care hospital services in Berkeley, the East Bay and in Alameda and other counties for decades, and

WHEREAS, Alta Bates Summit Medical Center is licensed for 944 acute care beds with more than half of them in Berkeley, and 347 of those at the Ashby facility; and

WHEREAS, Alta Bates Summit Medical Center's Ashby facility is crucial for providing timely healthcare services for the people of Berkeley and cities beyond Berkeley's border; and

WHEREAS, from 2002 through 2015, records from CA's Office of Statewide Health Planning and Development, OSHPD, revealed very high utilization of acute care services at Alta Bates' Berkeley facility, including over one million total days that hospital beds were occupied; which consisted in part of the following:

- 559,136 days patients were treated in Medical units;
- 228,498 days babies treated in Neonatal Intensive Care;
- 103,157 babies delivered;
- 111,946 admissions through the Emergency Departments;
- 73,612 adult Critical Care patients treated; and

WHEREAS, these numbers do not reflect the full scope of the amount of patients treated at the Berkeley facility because census data reported to CA's OSHPD agency does not include patients in "observation" status despite stays of up to 48 hours with "observation" patients; and

WHEREAS, these numbers reflect only the Ashby facility and not the Alta Bates Summit census data at the Oakland Summit site; and

WHEREAS, Sutter Health Corporation has announced its intention to dramatically reduce services by closing the Alta Bates' Berkeley facility in light of SB 1953; and

WHEREAS, the consolidation of hospital services results in loss of services as happened when Alta Bates Hospital merged with Summit Medical Center in 2000, and despite Sutter Health arguing that services would be enhanced, not reduced, when many in the community opposed the merger at that time, Alta Bates Summit afterwards experienced

the loss of many services in the past 15 years, overwhelmingly at the Alta Bates and Herrick campuses; and

WHEREAS, the national average for bed capacity per 1000 residents is 2.9 beds according to World Bank statistics. In Alameda County, the bed capacity is at 1.8 beds and neighboring Contra Costa at 1.4 beds, a figure that does not reflect the final phase of the 2015 closure of Doctor's Medical Center in San Pablo; and

WHEREAS, many hospital departments are often at capacity, and all of the local Emergency Departments already have large delays in service, which will only be exacerbated by the merging of the two full-service Acute Care Hospitals with their Emergency Departments to one Oakland location, increasing even further wait and admission times; and

WHEREAS, the University of California, has 37,581 Undergraduate and Graduate students who depend heavily on hospital services at the Alta Bates campus, including the Alta Bates Emergency Department in close proximity to campus, to address the students' life-threatening illnesses and injuries, and need for medical care; and

WHEREAS, the Berkeley, North Alameda, West Contra Costa area recently suffered the closure of an acute care hospital in San Pablo, and the loss of acute care hospital services as a result, and further, is subject to severe earthquakes, frequent urban interface with wild fires, industrial chemical releases and mass traffic casualties—all of which require emergency services; and

WHEREAS, when Berkeley's first responders are mandated to travel to Summit Campus in Oakland, they are unavailable for service for the rest of Berkeley for prolonged periods of time presenting a significant danger to the lives of Berkeley residents, and forcing an unacceptable standard of healthcare upon them; and

WHEREAS, closures and relocations of corporations on the community, impacting an array of businesses including family-owned businesses, with losses often doubling or tripling those who either lost jobs or had to relocate; and

WHEREAS, when access to healthcare is made more difficult, patients often delay healthcare but also stop seeking the care that is necessary; and

WHEREAS, the stated mission of corporate Sutter Health is to "enhance the well-being of people in the communities we serve through a not-for-profit commitment to compassion and excellences" in health care services; and

WHEREAS, Sutter Health as a non-profit corporation pays little or no property taxes for operations which are non-profit, such as its non-profit hospitals (as opposed to its for-profit operations) and is a highly profitable healthcare corporation whose total assets in the billions grow substantively each year, as shown:

- 2011: \$11,820,000,000
- 2012: \$12,390,000,000
- 2013: \$14,215,000,000
- 2014: \$14,290,000,000
- 2015: \$14,344,000,000

WHEREAS, Sutter Health needs to live up to its stated mission, be held accountable for its actions, and provide the necessary healthcare for Berkeley residents, and must not be allowed to put profits before lives nor endanger the residents of Berkeley; and

WHEREAS, the Berkeley City Council has a role and responsibility to provide resources to the public to promote and protect its health with no regional body researching the health needs of the greater community.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Berkeley oppose Sutter Health Corporation's plan to close its acute care services at Alta Bates Hospital and calls upon Sutter Health to cease and desist all actions in furtherance of any and all plans to close Alta Bates hospital.

BE IT FURTHER RESOLVED that the Mayor and City Council shall establish open forums to inform and educate Berkeley residents of the possibility of Sutter Health's seismically retrofitting Berkeley's Alta Bates facility; shall ensure the residents of Berkeley are notified of any and all forums under the City of Berkeley's purview; and ensure a full service acute care general hospital for future generations.

BE IT FURTHER RESOLVED that the Mayor, City Council, and City Departments pledge to cooperate fully to facilitate this process such that it is expedited as much is legally permitted.

The foregoing Resolution was adopted by the Berkeley City Council on July 12, 2016 by the following vote:

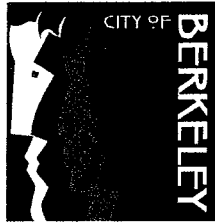
Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington and Bates.

Noes: None.

Absent: None.

  
 \_\_\_\_\_  
 Tom Bates, Mayor

Attest:   
 \_\_\_\_\_  
 Mark Numairville, City Clerk



Office of the City Manager

February 7, 2019

Ms. Sarah Crevans  
Chief Executive Officer, President and Director  
Sutter Health  
2200 River Plaza Drive  
Sacramento, CA 95833

Dear Ms. Crevans:

On December 11, 2018, the Berkeley City Council voted unanimously to send the following letter:

The City of Berkeley is committed to retaining a full service acute and emergency care hospital in Berkeley to serve residents, students, workers and visitors of the City of Berkeley and UC Berkeley, and of neighboring I-80 Corridor cities including Emeryville, Albany, El Cerrito and Richmond. This letter is requesting that Sutter Health open formal discussions with the City of Berkeley to create a timeline and determine needs to retain Alta Bates Hospital as a full service acute and emergency care hospital in Berkeley. We would also like updated information on current plans for the future of the Alta Bates Summit Ashby Campus.

Recent waves of devastating fires in the North Bay and other California communities have resulted in evacuated or destroyed hospitals. Berkeley and the East Bay is at serious risk of wildfires, earthquakes, chemical releases and other potential manmade and natural disasters. These events, and the reality that there will be more like them, is of great concern. "Without functioning hospitals, it takes much longer for a community to recover ..... This prolonged recovery seriously retards the area's economic and social renewal", stated the Office of Statewide Health Planning and Development (OSHPOD) in highlighting the critical role hospitals occupy when disaster strikes.

Additionally, a 2018 University of California Health Impact Assessment found that the proposed closure of Alta Bates Campus at Berkeley would likely:

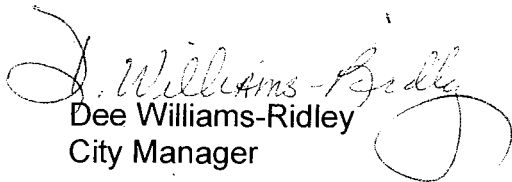
- Create a harmful cascade effect on remaining hospitals and emergency services, exacerbating already overcrowded ERs
- Lengthen wait times for hospital beds

Page 2  
February 7, 2019  
Ms. Sarah Crevans, Sutter Health

- Reduce the ability of first responders and emergency service vehicles to respond due to increased transport times through the East Bay's congested roadways
- Disproportionally affect marginalized communities; and
- Impact acute care services in this region that need to be expanded, not consolidated.

The City of Berkeley very much wants to work in collaboration with Sutter Health to develop a plan to keep a full service, acute care hospital in Berkeley. We are committed to exploring all options. We would like to engage in dialogue with you. Please provide a response to this letter by March 1, 2019, with a goal of working with the City and retaining Alta Bates as a full-service, acute-care hospital. The City of Berkeley is looking forward to participating with Sutter in these conversations.

Sincerely

  
Dee Williams-Ridley  
City Manager

cc: Mayor Jesse Arreguin and City Councilmembers, City of Berkeley  
Deputy City Manager Paul Buddenhagen, City of Berkeley  
Governor Gavin Newsom  
Congresswoman Barbara Lee  
Attorney General Xavier Becerra  
State Senator Nancy Skinner  
Assemblymember Buffy Wicks



| <b>Figure 2: Likely Health Impacts from the Closing of Alta Bates Medical Center, Berkeley, CA</b><br>(Magnitude: 1 = less likely to 3 = highly likely) |                                                                                                                                                                     |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Key Issue</b>                                                                                                                                        | <b>Likely Health Impact</b>                                                                                                                                         | <b>Magnitude of impact</b> | <b>Examples of Supportive Data</b>                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Birthing/obstetrics</b>                                                                                                                              | Reduced access to high quality prenatal, birthing & neonatal care                                                                                                   | <b>***</b>                 | Over 5,000 births per year at Alta Bates - highest in the region<br>Current birthing center has excellent maternal & infant outcomes                                                                                                                                                                                                                                                                                                                                            |
| <b>Elderly care</b>                                                                                                                                     | Delayed care, increased severity of disease & likely avoidable hospitalizations                                                                                     | <b>*</b>                   | Already high % Medicare serving facility; senior population increasing<br>Hospital closures have resulted in delayed care & increased mortality for elderly                                                                                                                                                                                                                                                                                                                     |
| <b>Uninsured &amp; homeless</b>                                                                                                                         | Delayed care, increased unnecessary hospitalizations, increased care costs & potential spread of infections                                                         | <b>**</b>                  | About 41% of patients in 2016 were Medi-Cal or uninsured<br>600% increase in homeless patients at Alta Bates between 2016 - 2017                                                                                                                                                                                                                                                                                                                                                |
| <b>People of color</b>                                                                                                                                  | Delayed care, increased unnecessary hospitalizations, increased care costs & some increase in unnecessary deaths                                                    | <b>***</b>                 | Over 63% of patients at Alta Bates were people of color (PoC) in 2016<br>West Contra Costa County has high % PoC utilizing Alta Bates & will experience greatest increased travel times to reach Summit campus                                                                                                                                                                                                                                                                  |
| <b>People with Disabilities</b>                                                                                                                         | Accessibility barriers due to increased distance and unfamiliarity with relocated services                                                                          | <b>**</b>                  | 12% of the population in the HSA are living with a disability, of which at least 61% are racial/ethnic minorities                                                                                                                                                                                                                                                                                                                                                               |
| <b>UC Berkeley Students</b>                                                                                                                             | Loss of familiar ED & in-patient care; loss of some emergency mental health & suicide prevention                                                                    | <b>**</b>                  | Estimated 4,000 UCB student visits to Alta Bates ED per year<br>About 2 ambulance transfer per day from Tang Health Ctr. to Alta Bates<br>Loss of familiarity & proximity of care may adversely impact students                                                                                                                                                                                                                                                                 |
| <b>Emergency Department</b>                                                                                                                             | Increased crowding at EDs across the region, increasing wait times; Increase travel times to ED for some; Increased 'time-on-task' for many regional EMS providers. | <b>***</b>                 | Loss of 22 ED treatment stations at Alta Bates<br>Increase private vehicle travel times to Summit hospital during PM peak rush hour, with some areas needing over 50 minutes to reach ED.<br>Summit will need to double current ED capacity to accommodate all Alta Bates patients<br>Berkeley EMS reports 10-12 min. increase in transport times to Summit compared to Alta Bates, which would add on average 2 extra hours of EMS 'time-on-task' per day if Alta Bates closes |
| <b>Disaster preparedness</b>                                                                                                                            | Loss of ED capacity to treat earthquake & fire victims, potential increase in avoidable deaths & hospitalizations; likely increased cost of long-term care.         | <b>***</b>                 | Est. 900 people needing ED care in first days of HayWired scenario earthquake & 1,000-1,200 from a major fire at Chevron in Richmond w/out Alta Bates.<br>Regional ED capacity in an emergency/disaster will be significantly compromised without Alta Bates<br>Concentrating ED capacity in fewer locations may limit access during a disaster if roadway network to those facilities is compromised.                                                                          |
| <b>Economics</b>                                                                                                                                        | Local government EMS spending increase; low wage workers disproportionately lose jobs; Nurses may also be adversely impacted; local service economy suffers         | <b>*</b>                   | Potential increased cost to local governments to provide additional EMS services due to longer time on task<br>Potential loss of nurses out of region, increasing shortage of skilled practitioners<br>Potential loss of \$1.5B in local economic activity                                                                                                                                                                                                                      |



Office of the City Manager

ACTION CALENDAR  
September 26, 2017

To: Honorable Mayor and Members of the City Council  
 From: Community Health Commission  
 Submitted by: Holly Wertman, Chairperson, Community Health Commission  
 Subject: Health Impact Assessment of the Proposed Closure of Alta Bates

RECOMMENDATION

Adopt a Resolution supporting the preparation of a Health Impact Assessment, incorporating a proposed scope, and referring to the City Manager a request that the Public Health Division assist with (1) interagency arrangements such as contracting with the University of California, Berkeley, Alameda County, and/or another governmental entity or consultant(s) to conduct the Assessment, (2) sharing access to existing data for researchers conducting the HIA, and (3) supporting educational opportunities for community members.

FISCAL IMPACTS OF RECOMMENDATION

Short-term minor costs to assist with the Assessment. Long-term savings to the Police, Fire, and Health, Housing, Community Services Departments.

CURRENT SITUATION AND ITS EFFECTS

Alta Bates Summit Medical Center has been providing “full service” Acute Care hospital services in Berkeley, serving the East Bay I-80 corridor at the Herrick Campus since 1904, and at the Alta Bates Campus since 1905, and from their merger in 1984. Alta Bates’ Berkeley facility is crucial for providing timely health care services for residents of Berkeley and neighboring communities. In spite of this, Sutter Health Corporation has announced its intention to close Alta Bates’ Berkeley facility. Sutter has also closed the Cardiac Catheterization Unit and the Pulmonary Sub-Acute Unit at Alta Bates, requiring cardiac and stroke cases to be rerouted to further locations such as Summit.

BACKGROUND

Many hospital departments are often at capacity, and all of the local Emergency Departments reportedly have long delays in service. These delays will only be exacerbated by the merging of the two full-service Acute Care Hospitals, Alta Bates and Summit, to one Oakland location, increasing even further wait and admission times. The increased travel time to a more distant location raises questions about the potential for negative health outcomes, particularly for cardiac, stroke, and pulmonary patients. Further, when Berkeley’s first responders are mandated to travel to Summit Campus in Oakland, they may take longer to respond to subsequent emergencies in Berkeley,

raising questions about the impact that the closure of Alta Bates may have on public safety.

On July 27, 2017, the Community Health Commission moved to approve the proposed Health Impact Assessment of the Proposed Closure of Alta Bates:

M/S/C (Katz/Lingas) Motion to approve Health Impact Assessment of the Proposed Closure of Alta Bates.

**Ayes:** Commissioners Carter, Smart, Chen, Wong, Speich, Stein, Katz, Morales, Chin, Lingas and Kesarwani

**Noes:** None

**Abstain:** None

**Absent from vote:** Commissioners Wong, Teunis, Kim and Engelman

**Excused:** Commissioners Franklin, Brosgart, and Wertman

**Motion passed.**

#### ENVIRONMENTAL SUSTAINABILITY

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

#### RATIONALE FOR RECOMMENDATION

A Health Impact Assessment (HIA) is an analysis and community education tool for the community to learn about the health impacts and participate in actions affecting public health. Discussions are in progress with the U.C. Berkeley School of Public Health to identify researchers to conduct the assessment.

#### ALTERNATIVE ACTIONS CONSIDERED

Do not conduct the Health Impact Assessment. This is not recommended since the City and Community will not have adequate information to respond to the proposed actions regarding hospital closure.

#### CITY MANAGER

The City Manager supports the Commission's work on this matter and reiterates that City of Berkeley staff support will be extremely limited and contingent on available resources and capacity.

#### CONTACT PERSON

Rebecca Day-Rodriguez, Commission Secretary, HHCS, (510) 981-5337

#### ATTACHMENTS

1. Resolution

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

SUPPORTING A HEALTH IMPACT ASSESSMENT OF THE PROPOSED CLOSURE  
OF ALTA BATES

WHEREAS, the Berkeley City Council has previously adopted a resolution in opposition to the proposed closure of Alta Bates Medical Center; and

WHEREAS, the closure of Alta Bates Medical Center is expected to have serious impacts on the health of Berkeley and East Bay residents; and

WHEREAS, the health impacts likely include delay of care for emergency medicine events, impacting patient health outcomes for cardiac and stroke, pulmonary, obstetrics, psychiatric, alcohol and drug poisoning, and trauma emergencies; and

WHEREAS, the health impacts likely include impacts to safe hospital operations, including hospital acquired infections, inpatient bed capacity; and

WHEREAS, the health impacts likely include impacts to community access to primary and specialty care, reduction in services for safety-net and special needs populations; and

WHEREAS, the health impacts likely include impacts to first responder operations and heightened risk in a disaster event; and

WHEREAS, a Health Impact Assessment (HIA) is an analysis and community education tool for the community to learn about the health impacts and participate in actions affecting public health; and

WHEREAS, the Berkeley Mayor's Office has identified faculty at the U.C. Berkeley School of Public Health to conduct a Health Impact Assessment; and

WHEREAS, the Community Health Commission has proposed a Scope of a Health Impact Assessment of the proposed closure of Alta Bates Medical Center.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a Health Impact Assessment (HIA) should be conducted regarding the proposed closure of the Alta Bates Medical Center, including the scope recommended by the Community Health Commission.

BE IT FURTHER RESOLVED that the City Council refers to the City Manager a request that the Public Health Division assist with (1) interagency arrangements such as contracting with the University of California, Berkeley, Alameda County, and/or another governmental entity or consultant(s) to conduct the Assessment, (2) sharing access to existing data for researchers conducting the HIA, and (3) supporting educational opportunities for community members.





Office of the Mayor

CONSENT CALENDAR

October 15, 2019

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Excused Absence for Mayor Jesse Arreguin and Councilmember Rigel Robinson

RECOMMENDATION

Excuse Mayor Jesse Arreguin and Councilmember Rigel Robinson from the September 24, 2019 Council meeting due to attending official business of the City.

BACKGROUND

Pursuant to the City Charter, Article V, § 19, the City Council must approve an absence by a Councilmember from a meeting in order for that absence to be considered excused. Specifically, it states:

*If the Mayor or any member of the Council is absent from one or more regular meetings of the Council during any calendar month, unless excused by the Council in order to attend to official business of the City, or unless excused by the Council as a result of illness from attending no more than two regular meetings in any calendar year, he or she shall be paid for each regular meeting attended during such months in an amount equal to the monthly remuneration divided by the number of regular meetings held during such month.*

Mayor Jesse Arreguin and Councilmember Rigel Robinson were travelling to Gongju, South Korea during the September 24, 2019 Council meeting, to mark the establishment of our recently established Sister City with them during this meeting. A report on that trip will be presented to Council as an Information Report at a later date.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

No environmental impact.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100







Cheryl Davila  
Councilmember  
District 2

CONSENT CALENDAR  
October 15, 2019

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmembers Cheryl Davila, Kate Harrison, Ben Bartlett and Rashi Kesarwani

**Subject:** Referral to City Manager to Authorize Additional Inclement Weather Shelter at Old City Hall from October 15, 2019 - April 30, 2020.

#### RECOMMENDATION

1. Authorize the City Manager to maintain open an as-needed inclement weather shelter from October 15, 2019 - April 30, 2020, to provide safe, indoor locations for our unhoused community during inclement weather, including cold temperatures below 45 degrees, rain, and add extreme heat and atmospheric pollution such as smoke.
2. Approving the allocation of \$140,000 in funding for this inclement weather shelter with funds from the budget appropriations for an expanded Emergency Shelter program or by State Homeless Emergency Aid Program (HEAP) funding.
3. Authorizing the City Manager to amend Contract No. 10577B with Dorothy Day House for the current operation of the as-needed inclement weather shelter, that will include this extension through April 30, 2020, and possible program expansion in order to increase the number of unhoused people served.

#### FINANCIAL IMPLICATIONS

The City Council on June 26, 2018, by adoption of the FY 2019 Mid-Biennial Budget Update approved \$400,000 General Funds for an expanded Emergency Shelter program. Funding for the additional inclement weather shelter will come from this budget allocation or from State Homeless Emergency Aid Program (HEAP) funding. The City of Berkeley is expected to receive over \$3 million in HEAP funding.

#### BACKGROUND

Dorothy Day House (DDH) has operated the Berkeley Emergency Storm Shelter (BESS) for fifteen years. Up until FY17, DDH operated BESS as an overnight shelter on a first-come, first-served basis for up to 45 nights for a maximum capacity of 65 people each night. The BESS would open if rain or temperatures at or below 45 degrees were expected overnight. For the past several years, DDH had operated the BESS at different faith based and City of Berkeley owned sites.

At its October 31, 2017, meeting the City Council extended resolutions passed on January 19, 2016 and November 15, 2016, declaring a homeless shelter crisis in Berkeley through January 19, 2020. The extension authorizes the City Manager to allow homeless people to occupy designated City facilities as shelters during the period of the crisis.

In recognition of the homeless shelter crisis, and the growing number of unhoused persons in the City of Berkeley, the City Council in November 2018 directed the City Manager to utilize unused Old City Hall for uses that included emergency shelter. City Council is allocating funds totaling \$60,000 for BESS at 2134 MLK, Old City Hall under license with DDH.

Currently, the City Manager has been authorized to operate a nightly Emergency Shelter, through December 31, 2019, direction is needed from Council regarding to open shelter services at Old City Hall through December 31, 2019. The City has not been able to identify other locations for an inclement weather shelter which operates only when weather conditions dictate.

The prior year's experience with the shelter was generally positive, with some issues involving objects left in the area surrounding Old City Hall. Over the course of the nine months during which it operated, the shelter housed 298 people on 62 inclement nights.

#### ENVIRONMENTAL SUSTAINABILITY

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

#### CONTACT PERSON

Cheryl Davila  
Councilmember, District 2  
510.981.7120  
[cdavila@cityofberkeley.info](mailto:cdavila@cityofberkeley.info)

#### ATTACHMENTS:

1. Resolution

**RESOLUTION NO. XXXX**

**FY19 EXPANDED EMERGENCY SHELTER: ADDITIONAL ALLOCATION OF FUNDING AND AUTHORIZATION OF CONTRACT AMENDMENT WITH DOROTHY DAY HOUSE FOR INCLEMENT WEATHER SHELTER OPERATIONS AT OLD CITY HALL**

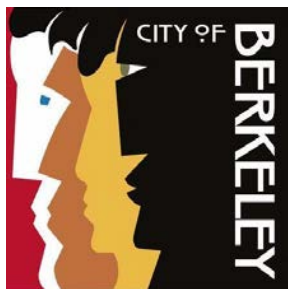
**WHEREAS**, the City of Berkeley is committed to providing a humane response to addressing homelessness; and

**WHEREAS**, on June 26, 2018, City Council allocated \$400,000 to Expanded Emergency Shelter Program efforts in FY20, which included funding for Dorothy Day House and for other costs incurred by City staff; and

**WHEREAS**, \$140,000 in funds are needed to provide expanded inclement weather shelter through April 30, 2020 and will be requested to be brought into the budget in the second Appropriations Ordinance; and

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Berkeley that the City Council authorizes the City Manager or her designee to execute an amendment to Contract No. with Dorothy Day House to add \$140,000 to extend the operation of the Berkeley Emergency Storm Shelter (BESS) through April 30, 2020. A record copy of said agreement is on file with the City Clerk.





## Councilmember Ben Bartlett

City of Berkeley, District 3  
 2180 Milvia Street, 5<sup>th</sup> Floor  
 Berkeley, CA 94704  
 PHONE 510-981-7130  
 EMAIL: [bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)

### CONSENT CALENDAR

October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Ben Bartlett, Cheryl Davila, Kate Harrison  
 Subject: National Association for the Advancement of Colored People (NAACP) Berkeley, Albany and Emeryville (B.A.E) Youth Council Fundraiser to send 15 youth members to the 111th Annual NAACP Youth Convention in Boston, Massachusetts in June 2020: Relinquishment of Council Office Budget Fund to the General Fund & Grant of Such Funds

#### RECOMMENDATION:

Adopt a resolution approving the expenditure of funds, including \$250 from Councilmember Bartlett, to Inter-City Services, Inc. 501(c)3 (organized by the National Association for the Advancement of Colored People (NAACP) Berkeley, Albany and Emeryville (B.A.E.) Youth Council). The funds should be relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Ben Bartlett and any other council members who would like to contribute.

#### BACKGROUND:

The National Association for the Advancement of Colored People (NAACP) is dedicated to securing the political, educational, social, and economic equality of rights in order to eliminate racial discrimination and ensure the health and well-being of all people. Participation in the Annual NAACP Youth Convention is organized by non-profits, like NAACP Berkeley Chapter, NAACP B.A.E Youth Council, and Inter-City Services, Inc. to educate, empower, and inspire young NAACP members to pursue a higher education and become social justice leaders in their community.

The NAACP B.A.E. is currently raising funds to send its members to the 111th Annual NAACP Convention in June 2020 in Boston, Massachusetts. The NAACP is asking councilmembers to make a donation to support this trip and the youth members who will be attending the convention. Their ultimate goal is to raise \$15,000 to send approximately 15 young people to this convention.

#### FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$250 is available from the fund. The cost is as follows: Donation to the NAACP B.A.E. Youth Council Fundraiser (\$250).

ENVIRONMENTAL SUSTAINABILITY: No impact.

#### CONTACT PERSON:

|                            |              |
|----------------------------|--------------|
| Councilmember Ben Bartlett | 510-981-7130 |
| Brian Gan & Katie Ly       | 510-981-7131 |

#### ATTACHMENT:

1. Resolution

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

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmembers Bartlett has surplus funds in his office expenditure account; and

WHEREAS, a California non-profit tax-exempt corporation – Inter-City Services, Inc. (ICS) – will receive the funds; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: National Association for the Advancement of Colored People (NAACP) Berkeley, Albany, and Emeryville (B.A.E.) Youth Council promotes the educational excellence of disadvantaged children and youth, racial harmony, social justice, humanity, and community unity in the City of Berkeley and surrounding environments by educating, empowering, uplifting, and organizing people of color in educational, cultural, and community service activities; and

WHEREAS, the NAACP Council B.A.E. Youth Council, in collaboration with Inter-City Services, Inc., hosts various community service activities including soup kitchens for the homeless and college readiness workshops for disadvantaged and underserved youth in the Berkeley community; and

WHEREAS, educational programming for low-income and underserved children and youth in the city of Berkeley is vital to the healthy development and overall progress of our children and community, and are integrated into NAACP and ICS events.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their council office budget, of an amount to be determined by each Councilmember, shall be granted to Inter-City Services, Inc. for this purpose.



Councilmember Ben Bartlett

City of Berkeley, District 3  
2180 Milvia Street, 5<sup>th</sup> Floor  
Berkeley, CA 94704  
PHONE 510-981-7130  
EMAIL: [bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)

CONSENT CALENDAR

October 15, 2019

To: Honorable Mayor and Members of the City Council  
From: Councilmember Ben Bartlett  
Subject: Relinquishment of Council Office Budget Fund to the General Fund and Grant of Such Funds for Savo Island Cooperative Homes' 40th Anniversary Celebration

RECOMMENDATION:

Adopt a resolution approving the expenditure of funds, including \$250 from Councilmember Bartlett, to Savo Island Cooperative Homes' 40th Anniversary Celebration. The funds should be relinquished to the City's general fund for this purpose from the discretionary Council Office budget of Councilmember Ben Bartlett and any other Councilmembers who would like to contribute.

BACKGROUND:

Savo Island Cooperative Homes, Inc. was built in 1979, one of a large number of HUD-sponsored community affordable housing complexes constructed during the Jimmy Carter administration. There is one like it in almost every city and town in America. For the past 40 years, Savo Island, with the help of both HUD and the City of Berkeley, has provided affordable housing to many families within its 57 units.

This event, which will take place on Saturday, October 19, 2019, will be a block party, a reunion with former residents and a grand occasion for speeches, music and neighborhood cooperation.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$250 is available from fund. The cost is as follows: Donation to the Savo Island Cooperative Homes (\$250).

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON:

Councilmember Ben Bartlett            510-981-7130  
Nathaniel Wall                            510-981-7131

ATTACHMENT:

- 1. Resolution



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

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmembers Bartlett has surplus funds in his office expenditure account; and

WHEREAS, a California non-profit tax-exempt corporation – Savo Island Cooperative Homes, Inc. – will receive the funds; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: Savo Island promotes affordable housing excellence, cooperation, humanity, and community unity in the City of Berkeley by offering a bootstrap chance for a better way of life to its residents and an example of what is possible in the field of affordable housing; and

WHEREAS, Savo Island also continues to enrich the City of Berkeley through its idealism, affordability, and diversity; and

WHEREAS, Savo Island needs help in encouraging and enlightening other members of our community and City to support affordable housing wherever possible.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their council office budget, of an amount to be determined by each Councilmember, shall be granted to Savo Island Cooperative Homes, Inc. for this purpose.



Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Councilmembers Harrison and Davila  
 Subject: Adopt an Ordinance Amending Berkeley Municipal Code Chapter 2.99 to Prohibit City Use of Face Recognition Technology

RECOMMENDATION

Adopt an ordinance amending Berkeley Municipal Code Chapter 2.99 to prohibit the City from acquiring, retaining, requesting, accessing, or using: (1) any face recognition technology, or (2) any information obtained from face recognition technology.

POLICY COMMITTEE RECOMMENDATION

On September 16, 2019, the Public Safety Committee adopted the following action: M/S/C (Robinson/Bartlett) to send the item, as revised and amended, with a Positive Recommendation to the City Council. The amended language is as follows:

Amend 2.99.030 City Council Approval Requirement:

4. Evidence received to the investigation of a specific crime that may have been generated from Face Recognition Technology but was not intentionally solicited shall not be a violation of this Ordinance.
5. Notwithstanding any other provision of this Chapter, it shall be a violation of this Ordinance for the City Manager or any person acting on the City Manager's behalf to obtain, retain, request, access, or use: i) any Face Recognition Technology; or ii) any information obtained from Face Recognition Technology, except for personal communication devices as defined by Section 2.99.020 or section 2.99.030(4). The inadvertent or unintentional receipt, access to, or use of any information obtained from Face Recognition Technology shall not be a violation of this subsection provided that the City Manager or any person acting on the City Manager's behalf does not request or solicit the receipt, access to, or use of such information, and all copies of the information are promptly destroyed upon discovery of the information, and the information is not used for any purpose.

Vote: All Ayes.

BACKGROUND

The City of Berkeley was the first City in California to adopt a comprehensive Ordinance regulating City Departments' acquisition of surveillance technology (Ord. 7592-NS, 2018). The legislation, adopted unanimously, recognizes that surveillance technology is

inherently dangerous to civil liberties, and establishes a requirement that the City proactively establish why proposed surveillance technology is in the public interest and request Council permission to acquire it.

In adopting its own Acquisition of Surveillance Technology Ordinance modeled upon Berkeley's, the San Francisco Board of Supervisors recently became the first city in the United States to also prohibit city departments' from acquiring, retaining, requesting, accessing, or using of face recognition technology, except at the federally regulated San Francisco Airport and Port. Face recognition technology means "an automated or semi-automated process that assists in identifying or verifying an individual based on an individual's face."<sup>1</sup>

It is in the public interest for the City of Berkeley to amend its existing Surveillance Technology Ordinance to include a ban of City use of face recognition technology. There are a number of essential constitutional reasons why government use of this specific technology is incompatible with the people's civil liberties:

1. Government use of face recognition technology for identifying or tracking individuals or groups *en masse* for criminal and civil purposes flies in the face of the fundamental principle underlying the Fourth Amendment to the United States Constitution. The amendment clearly prohibits federal, state and local governments from engaging in mass surveillance of their citizens.<sup>2</sup>

Facial recognition technology differs from stationary surveillance cameras in that it eliminates the human and judicial element behind the existing warrant system by which governments must prove that planned surveillance is both constitutional and sufficiently narrow to protect targets' and bystanders' fundamental rights to privacy while also simultaneously providing the government with the ability to exercise its duties.

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<sup>1</sup> City and County of San Francisco, Board of Supervisors, "Administrative Code - Acquisition of Surveillance Technology," May 21, 2019, <https://sfgov.legistar.com/LegislationDetail.aspx?ID=3850006&GUID=12FC5DF6-AAC9-4F4E-8553-8F0CD0EBD3F6>.

<sup>2</sup> The Fourth Amendment reads:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

See Fourth Amendment to the United States Constitution, Cornell Law School Legal Information Institute, [https://www.law.cornell.edu/constitution/fourth\\_amendment](https://www.law.cornell.edu/constitution/fourth_amendment).

Facial recognition technology automates the search, seizure and analysis process that was heretofore pursued on a narrow basis through stringent constitutionally-established and human-centered oversight in the judiciary branch. Due to the inherent dragnet nature of facial recognition technology, governments cannot reasonably support by oath or affirmation the *particular* persons or things to be seized. The programmatic automation of surveillance fundamentally undermines the community's liberty.

With respect to the Fourth Amendment, in practice, facial recognition technology's sweeping nature has already proven extremely ineffective at applying narrowly tailored surveillance. For example, according to the American Civil Liberties Union, in 2018 Amazon's technology "incorrectly matched 28 members of Congress, identifying them as other people who have been arrested for a crime...[t]he false matches were disproportionately of people of color, including six members of the Congressional Black Caucus, among them civil rights legend Rep. John Lewis (D-Ga.)."<sup>3</sup>

While it is easy to write off the Amazon example, along with other examples of the grave issues of facial recognition technology by looking at the technology's shortcomings as merely an engineering or temporary problem, in fact, the technology poses a fundamental Fourth Amendment constitutional problem.

2. Government acquisition and use of mass surveillance presents a fundamental threat to the community's First Amendment right to exercise their freedom of speech, including through assembly, and petitions to the government for a redress of grievances.<sup>4</sup>

Brian Hofer, the Executive Director of Secure Justice, and Matt Cagle, a Technology and Civil Liberties Attorney at the ACLU of Northern California, point out in a recent editorial that there is evidence from the 1970s of local Bay Area governmental entities, such as the San Francisco Police Department, amassing "intelligence files on over 100,000 people, including civil rights demonstrators, union members, and anti-war activists." They note that while these intelligence

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<sup>3</sup> Jacob Snow, "Amazon's Face Recognition Falsely Matched 28 Members of Congress With Mugshots," American Civil Liberties Union, July 26, 2018, <https://www.aclu.org/blog/privacy-technology/surveillance-technologies/amazons-face-recognition-falsely-matched-28>.

<sup>4</sup> See Fourth Amendment to the United States Constitution, Cornell Law School Legal Information Institute, [https://www.law.cornell.edu/constitution/first\\_amendment](https://www.law.cornell.edu/constitution/first_amendment).

files took decades to collect, authorities using face recognition technology today, “can stockpile information on 100,000 residents in a few hours.”<sup>5</sup>

Government face recognition surveillance will likely have a chilling effect on public engagement. The City of Berkeley can ill-afford to acquire and use technology that has the potential to circumscribe citizens’ essential First Amendment rights.

These fundamental constitutional deficiencies with regard to government acquisition and use of face recognition technology necessitates that the Council move proactively to prohibit use of such technology by the City of Berkeley.

#### FINANCIAL IMPLICATIONS

The Ordinance will prevent investment in expensive face recognition technology.

#### ENVIRONMENTAL SUSTAINABILITY

The Ordinance is in line with the City’s Climate goals by preventing the use of carbon-intensive computing resources for processing bulk facial data.

#### CONTACT PERSON

Councilmember Kate Harrison, Council District 4, 510-981-7140

#### ATTACHMENTS

1. Proposed Ordinance Amending Berkeley Municipal Code Chapter 2.99 to Prohibit City Use of Face Recognition Technology

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<sup>5</sup> Matt Cagle and Brian Hofer, “New surveillance oversight law keeps communities safe and redefines tech leadership,” San Francisco Examiner, May 8, 2019, <https://www.sfexaminer.com/opinion/new-surveillance-oversight-law-keeps-communities-safe-and-redefines-tech-leadership/>.

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 2.99 TO PROHIBIT CITY USE  
OF FACE RECOGNITION TECHNOLOGY

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

Section 1. That the Berkeley Municipal Code Section 2.99.020 is amended to read as follows:

**2.99.020 Definitions**

The following definitions apply to this Chapter:

1. "Surveillance Technology" means an electronic device, system utilizing an electronic device, or similar technological tool used, designed, or primarily intended to collect audio, electronic, visual, location, thermal, olfactory, biometric, or similar information specifically associated with, or capable of being associated with, any individual or group. Examples of covered Surveillance Technology include, but are not limited to: cell site simulators (Stingrays); automatic license plate readers; body worn cameras; gunshot detectors (ShotSpotter); facial recognition software; thermal imaging systems, except as allowed under Section 1(d); social media analytics software; gait analysis software; and video cameras that record audio or video and can remotely transmit or can be remotely accessed.

"Surveillance Technology" does not include the following devices or hardware, unless they have been equipped with, or are modified to become or include, a Surveillance Technology as defined in Section 1 (above):

- a. Routine office hardware, such as televisions, computers and printers, that is in widespread public use and will not be used for any surveillance functions;
- b. Handheld Parking Citation Devices, that do not automatically read license plates;
- c. Manually-operated, portable digital cameras, audio recorders, and video recorders that are not to be used remotely and whose functionality is limited to manually capturing, viewing, editing and downloading video and/or audio recordings, but not including body worn cameras;
- d. Devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles or thermal imaging cameras used for fire operations, search and rescue operations and missing person searches, and equipment used in active searches for wanted suspects;

e. Manually-operated technological devices that are not designed and will not be used to surreptitiously collect surveillance data, such as two-way radios, email systems and city-issued cell phones;

f. Municipal agency databases;

g. Medical equipment used to diagnose, treat, or prevent disease or injury, including electrocardiogram machines;

h. Cybersecurity capabilities, technologies and systems used by the City of Berkeley Department of Information Technology to predict, monitor for, prevent, and protect technology infrastructure and systems owned and operated by the City of Berkeley from potential cybersecurity events and cyber-forensic based investigations and prosecutions of illegal computer based activity;

i. ~~i.~~—Stationary security cameras affixed to City property or facilities.

j. Personal communication device, which means a cellular telephone, a personal digital assistant, a wireless capable tablet or similar wireless two-way communications and/or portable Internet accessing device, that has not been modified beyond stock manufacturer capabilities, whether procured or subsidized by a City entity or personally owned, that is used in the regular course of conducting City business.

2. "Surveillance Technology Report" means an annual written report by the City Manager covering all of the City of Berkeley's Surveillance Technologies that includes all of the following information with regard to each type of Surveillance Technology:

a. Description: A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing;

b. Geographic Deployment: Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically;

c. Complaints: A summary of each complaint, if any, received by the City about the Surveillance Technology;

d. Audits and Violations: The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response;

e. Data Breaches: Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance



technology, including information about the scope of the breach and the actions taken in response;

f. Effectiveness: Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes;

g. Costs: Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.

3. "Surveillance Acquisition Report" means a publicly-released written report produced prior to acquisition or to proposed permanent use after use in Exigent Circumstances pursuant to Section 2.99.040 (2), of a type of Surveillance Technology that includes the following:

a. Description: Information describing the Surveillance Technology and how it works, including product descriptions from manufacturers;

b. Purpose: Information on the proposed purpose(s) for the Surveillance Technology;

c. Location: The general location(s) it may be deployed and reasons for deployment;

d. Impact: An assessment identifying potential impacts on civil liberties and civil rights including but not limited to potential disparate or adverse impacts on any communities or groups;

e. Mitigation: Information regarding technical and procedural measures that can be implemented to appropriately safeguard the public from any impacts identified in subsection (d);

f. Data Types and Sources: A list of the sources of data proposed to be collected, analyzed, or processed by the Surveillance Technology, including "open source" data;

g. Data Security: Information about the steps that can be taken to ensure adequate security measures to safeguard the data collected or generated from unauthorized access or disclosure;

h. Fiscal Cost: The fiscal costs for the Surveillance Technology, including initial purchase, personnel and other ongoing costs, including to the extent practicable costs associated with compliance with this and other reporting and oversight requirements, as well as any current or potential sources of funding;

i. Third Party Dependence and Access: Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis, and whether a third party may have access to

such data or may have the right to sell or otherwise share the data in aggregated, disaggregated, raw or any other formats;

j. Alternatives: A summary and general assessment of potentially viable alternative methods (whether involving the use of a new technology or not), if any, considered before deciding to propose acquiring the Surveillance Technology; and

k. Experience of Other Entities: To the extent such information is available, a summary of the experience of comparable government entities with the proposed technology, including any unanticipated financial or community costs and benefits, experienced by such other entities.

4. "Surveillance Use Policy" means a publicly-released and legally-enforceable policy for use of each type of the Surveillance Technology that shall reflect the Surveillance Acquisition Report produced for that Surveillance Technology and that at a minimum specifies the following:

a. Purpose: The specific purpose(s) that the Surveillance Technology is intended to advance;

b. Authorized Use: The uses that are authorized, the rules and processes required prior to such use, and the uses that are prohibited;

c. Data Collection: Information collection that is allowed and prohibited. Where applicable, list any data sources the technology will rely upon, including "open source" data;

d. Data Access: A general description of the title and position of the employees and entities authorized to access or use the collected information, and the rules and processes required prior to access or use of the information, and a description of any and all of the vendor's rights to access and use, sell or otherwise share information for any purpose;

e. Data Protection: A general description of the safeguards that protect information from unauthorized access, including encryption and access control mechanisms, and safeguards that exist to protect data at the vendor level;

f. Civil Liberties and Rights Protection: A general description of the safeguards that protect against the use of the Surveillance Technology and any data resulting from its use in a way that violates or infringes on civil rights and liberties, including but not limited to potential disparate or adverse impacts on any communities or groups;

g. Data Retention: The time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention period is appropriate to further the purpose(s), the process by which the information is regularly

deleted after that period lapses, and the specific conditions that must be met to retain information beyond such period;

h. Public Access: How collected information may be accessed or used by members of the public;

i. Third Party Data Sharing: If and how other City or non-City Entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information;

j. Training: Training required for any employee authorized to use the Surveillance Technology or to access information collected;

k. Auditing and Oversight: Mechanisms to ensure that the Surveillance Use Policy is followed, technical measures to monitor for misuse, and the legally enforceable sanctions for intentional violations of the policy; and

l. Maintenance: The mechanisms and procedures to ensure maintenance of the security and integrity of the Surveillance Technology and collected information.

5. "Exigent Circumstances" means the City Manager's good faith belief that an emergency involving imminent danger of death or serious physical injury to any person, or imminent danger of significant property damage, requires use of the Surveillance Technology or the information it provides.

6. "Face Recognition Technology" means an automated or semi-automated process that assists in identifying or verifying an individual based on an individual's face.

Section 2. That the Berkeley Municipal Code Section 2.99.030 is amended to read as follows:

### **2.99.030 City Council Approval Requirement**

1. The City Manager must obtain City Council approval, except in Exigent Circumstances, by placing an item on the Action Calendar at a duly noticed meeting of the City Council prior to any of the following:

a. Seeking, soliciting, or accepting grant funds for the purchase of, or in-kind or other donations of, Surveillance Technology;

b. Acquiring new Surveillance Technology, including but not limited to procuring such technology without the exchange of monies or consideration;

c. Using new Surveillance Technology, or using Surveillance Technology previously approved by the City Council for a purpose, or in a manner not previously approved by the City Council; or

d. Entering into an agreement with a non-City entity to acquire, share or otherwise use Surveillance Technology or the information it provides, or expanding a vendor's permission to share or otherwise use Surveillance Technology or the information it provides.

2. The City Manager must present a Surveillance Use Policy for each Surveillance Technology to the Police Review Commission, prior to adoption by the City Council. The Police Review Commission shall also be provided with the corresponding Surveillance Acquisition Report that had been presented to council for that Surveillance Technology. No later than 30 days after receiving a Surveillance Use Policy for review, the Police Review Commission must vote to recommend approval of the policy, object to the proposal, recommend modifications, or take no action. Neither opposition to approval of such a policy, nor failure by the Police Review Commission to act, shall prohibit the City Manager from proceeding with its own review and potential adoption.

3. The City Manager must submit for review a Surveillance Acquisition Report and obtain City Council approval of a Surveillance Use Policy prior to engaging in any of the activities described in subsections (1) (a)-(d).

4. Evidence received relating to the investigation of a specific crime that may have been generated from Face Recognition Technology but was not intentionally solicited shall not be a violation of this ordinance.

5. Notwithstanding any other provision of this Chapter, it shall be a violation of this ordinance for the City Manager or any person acting on the City Manager's behalf to obtain, retain, request, access, or use: i) any Face Recognition Technology; or ii) any information obtained from Face Recognition Technology, except for personal communication devices as defined by Section 2.99.020 or section 2.99.030(4). The inadvertent or unintentional receipt, access to, or use of any information obtained from Face Recognition Technology shall not be a violation of this subsection provided that the City Manager or any person acting on the City Manager's behalf does not request or solicit the receipt, access to, or use of such information, and all copies of the information are promptly destroyed upon discovery of the information, and the information is not used for any purpose.

The City Manager shall log the receipt, access to, or use of any such information in its Annual Surveillance Technology Report. The Surveillance Technology Report shall identify measures taken by the City to prevent the further transmission or use of any information inadvertently or unintentionally obtained through the use of Face Recognition Technology; provided, however, that nothing in this Chapter shall limit the ability to use such information in connection with a criminal investigation.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of 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.





Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
From: Councilmembers Kate Harrison and Cheryl Davila  
Subject: Resolution in Support of the 2019 United Auto Workers General Motors Strike

RECOMMENDATION

Adopt a resolution in support of the United Auto Workers General Motors strike for fair wages, affordable quality healthcare, and job security.

BACKGROUND

On September 16, 2019, 50,000 United Auto Workers (UAW) went on strike. The labor union, one of the largest in the nation, is fighting for fair wages, affordable and quality healthcare, and job security. The strike is the largest of any union in over 12 years and is expected to continue into the foreseeable future.<sup>1</sup>

In 2018, General Motors (GM) made billions in profits and was bailed out by the American people in 2009. However, GM is in the process of closing a number of U.S. assembly plants. In recent decades, GM has shifted substantial production to Mexico and temporary and hourly workers still face significant job and wage insecurity under the tiered system.<sup>2</sup> CEO Mary Barra is the world's top paid auto CEO bringing in roughly \$21 million annually. That breaks down to \$281 for every \$1 the average GM employee earns.<sup>3</sup>

The Berkeley City Council stands in solidarity with UAW workers in their struggle for living wages, job security and a just climate transition. The Council also recently

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<sup>1</sup> Chris Isidore, "Nearly 50,000 UAW workers go on strike against GM, America's biggest automaker," CNN Business, September 16, 2019, <https://www.cnn.com/2019/09/16/business/uaw-gm-strike-general-motors/index.html>.

<sup>2</sup> Graham Rapiere, "The General Motors strike could cost the automaker \$75 million per day if it continues," Business Insider, September 21, 2019, <https://www.businessinsider.com/uaw-strike-cost-general-motors-75-million-every-day-jpmorgan-2019-9>.

<sup>3</sup> Ben Klayman, "GM CEO Barra's pay dipped slightly to just under \$22 million in 2018," Reuters Business News, April 18, 2019, <https://www.reuters.com/article/us-gm-compensation/gm-ceo-barras-pay-dipped-slightly-to-just-under-22-million-in-2018-idUSKCN1RU2AY>.



committed to electrifying the City's municipal vehicle fleet by 2030 and recognizes and appreciates the critical role auto workers play in building carbon-free vehicles.<sup>4</sup>

FISCAL IMPACTS OF RECOMMENDATION

No impact. Clerk time necessary to send letter.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Kate Harrison, Berkeley City Councilmember, (510) 981-7140

ATTACHMENTS

1. Resolution
2. Letter

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<sup>4</sup> Berkeley City Council, "An Action Plan for Greening the City of Berkeley Fleet of Vehicles," June 25, 2019, [https://www.cityofberkeley.info/Clerk/City\\_Council/2019/06\\_June/Documents/2019-06-25\\_Item\\_36\\_An\\_Action\\_Plan\\_for\\_Greening.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/06_June/Documents/2019-06-25_Item_36_An_Action_Plan_for_Greening.aspx).

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

RESOLUTION IN SUPPORT OF THE 2019 UNITED AUTO WORKERS GENERAL  
MOTORS STRIKE

WHEREAS, on September 16, 2019, 50,000 United Auto Workers (UAW) went on strike against General Motors for fair wages, affordable and quality healthcare, and job security; and

WHEREAS, UAW is one of the largest labor unions in the nation and the 2019 strike represents the largest of any union in 12 years and is expected to continue into the foreseeable future; and

WHEREAS, General Motors (GM) makes billion in profits and was bailed out by the American people in 2009; and

WHEREAS, despite significant profitability, GM is in the process of closing a number of U.S. assembly plants and temporary and hourly workers under a tiered system continue to face significant job and wage insecurity; and

WHEREAS, CEO Mary Barra is the world's top paid auto CEO bringing in roughly \$21 million annually, or about \$281 for every \$1 earned by an average GM employee.

WHEREAS, the Council recently committed to electrifying the City's municipal vehicle fleet by 2030 and recognizes and appreciates the critical role auto workers play in building carbon-free vehicles.

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Berkeley stands in solidarity with UAW workers striking for better wages, benefits and working conditions.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Mr. Eric Heggie, National Field Director, UAW.

Mr. Eric Heggie  
National Field Director, United Auto Workers  
8000 E. Jefferson Ave.  
Detroit, MI 48214

**Re: Resolution in Support of the 2019 United Auto Workers General Motors Strike**

Dear Mr. Heggie,

We, the Berkeley City Council, wish to express our solidarity with the United Auto Workers during their 2019 General Motors (GM) strike.

The Council supports UAW workers in their struggle for living wages, job security and a just climate transition. We recently committed to electrifying the City's municipal vehicle fleet by 2030 and recognize and appreciate the critical role that auto workers play in realizing a carbon-free transportation future.<sup>5</sup>

Please find enclosed a Resolution in support.

Sincerely,

Berkeley City Council  
Mayor Arreguin,  
Councilmembers

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<sup>5</sup> Berkeley City Council, "An Action Plan for Greening the City of Berkeley Fleet of Vehicles," June 25, 2019, [https://www.cityofberkeley.info/Clerk/City\\_Council/2019/06\\_June/Documents/2019-06-25\\_Item\\_36\\_An\\_Action\\_Plan\\_for\\_Greening.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/06_June/Documents/2019-06-25_Item_36_An_Action_Plan_for_Greening.aspx).



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

CONSENT CALENDAR

October 15, 2019

To: Honorable Mayor and Members of the City Council  
From: Councilmembers Sophie Hahn and Rigel Robinson  
Subject: Berkeley City Club Conservancy Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION

Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$250 from Councilmember Hahn, to the Berkeley City Club Conservancy, a 501(c)(3) non-profit organization, to preserve the landmark Julia Morgan Berkeley City Club building and to celebrate its upcoming centennial in 2030, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn, and any other Councilmembers who would like to contribute.

BACKGROUND

The Berkeley City Club Conservancy is a nonprofit organization dedicated to preserving the historic Berkeley City Club building and to promoting the legacy of Julia Morgan, its extraordinary architect.

Built in 1930 to honor the need for a women's activity center, the Berkeley Women's City Club became a center for social, cultural, recreational, and family activities in the East Bay. At the height of its legacy as a social club, the club had 4,000 female members. Thousands of children learned to swim at the club at a time when there were few community pools. In 1963, the club opened its doors to both men and women and was renamed the Berkeley City Club, which continues to thrive as a hub for social activity in Berkeley.

Julia Morgan, the architect of Berkeley Women's City Club, was born in 1872 in San Francisco. She graduated as the only woman in her engineering class from UC Berkeley, and then studied architecture at Ecole des Beaux-Arts in Paris. In 1904, Morgan obtained a license to practice architecture in California and went on to design more than 700 buildings. In 1929, ground was broken to build the Berkeley Women's City Club, which was constructed in 11 months and fully funded by Berkeley women.

Today, the Berkeley City Club is endangered. If the building is not restored, it will not see another century of community service. The all-volunteer Berkeley City Club Conservancy is dedicated to preserving this beloved Berkeley and California historical asset.

On Sunday, October 27, 2019, from 11:00am to 4:00pm, the Berkeley City Club Conservancy will host a Chocolate & Coffee Faire to inaugurate a 10-year, \$10 million fundraising effort to

preserve the Berkeley City Club building and to celebrate its upcoming centennial in 2030. More information can be found at <https://berkeleycityclubconservancy.org/chocolate-coffee-faire/>.

FISCAL IMPACTS

A total of up to \$4,500 from Councilmembers' discretionary budgets.

ENVIRONMENTAL SUSTAINABILITY

This item is consistent with the City's vision on sustainability.

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

ATTACHMENTS:

1: Resolution

RESOLUTION #####-N.S.

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM  
THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS  
FOR A GRANT TO PROVIDE SUPPORT FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, the Berkeley City Club Conservancy is a nonprofit organization dedicated to preserving the historic Berkeley City Club building and to promoting the legacy of its architect Julia Morgan; and

WHEREAS, the Berkeley Women's City Club was built in 1930, and fully funded by Berkeley women, to honor the need for a women's activity center, and has served for nearly a century as a center for social, cultural, recreational, and family activities in the East Bay; and

WHEREAS, Julia Morgan, the architect of Berkeley Women's City Club, graduated as the only woman in her engineering class from UC Berkeley, obtained a license to practice architecture in California and went on to design more than 700 buildings, and became the first woman to receive the American Institute of Architects (AIA) Gold Medal, considered the profession's highest honor; and

WHEREAS, the Berkeley City Club will be endangered if is not restored; and

WHEREAS, the Berkeley City Club Conservancy will inaugurate a 10-year, \$10 million fundraising effort to preserve the Berkeley City Club building and to celebrate its centennial in 2030, on Sunday, October 27, 2019; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by Councilmember Hahn of \$250 and any funds, up to \$500 per Council Office Budget, from the Mayor and other Councilmembers shall be granted to the Berkeley City Club Conservancy to fund the preservation of the Julia Morgan Berkeley City Club building and to celebrate its upcoming centennial.







Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
From: Councilmember Wengraf  
Subject: Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley

RECOMMENDATION

Adopt a Resolution declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley

FINANCIAL IMPLICATIONS

None

BACKGROUND

The East Bay hills are home to extremely high fire hazards due to proximity to park land where the fuel load is high; narrow, curvy roads, hampering access by first responders and obstructing efficient evacuation routes; and steep topography and changing weather conditions. On April 23, 2019 Governor Newsom held a press conference in Berkeley, at the edge of Tilden Park, restating his declaration of a state of emergency regarding wildfires in California. Historically, California is at high risk of wildfire and the Governor was dedicating new resources to wildfire prevention. The Governor, in choosing the location for his press conference, was no doubt aware of Berkeley's history.

In 1923, a wildfire swept through north Berkeley, ultimately destroying approximately 600 homes, including churches, schools, libraries, and student living quarters. At that time, the population of Berkeley was 52,000. Today, the population density has more than doubled. In 1980, a fire in Berkeley's Wildcat Canyon destroyed 5 homes and then, on October 17, 1991, a fierce and destructive wildfire consumed southeast Berkeley and Oakland, claiming 25 lives and reducing approximately 3,000 structures to ashes. Had the wind direction not shifted, it is likely that many more people would have died and more of Berkeley would have been destroyed.

Since 1991, due to climate change, wildfires have become larger, hotter, more destructive, and more difficult to control. Vulnerable communities throughout the state have been ravaged. Potentially greater risk exists today not only in the Berkeley Hills but to neighborhoods between the hills and the Bay, as evidenced by the total destruction of Coffey Park in the 2017 Tubbs Fire. Berkeley is ranked at the same risk

level of many of the cities that have already been decimated by fire. Berkeley's risk is ranked as the highest designation in the state.

Berkeley is also at extreme risk for a devastating earthquake on the Hayward Fault, which cuts right through Berkeley's high fire severity zone; when fire ensues it will cause even further destruction to life, property and further challenge the City's resiliency.

It is time for Berkeley to acknowledge our risk and make wildfire prevention and safety a top priority. Our full commitment, by resolution, will allow us to move forward with projects and programs to achieve our shared goals of wildfire prevention and safety; ensure wildfire prevention and safety are reflected in allocation of resources and city policies; and make certain wildfire prevention and safety are addressed as the highest priority in the next updates to the City's General Plan, Climate Action Plan, Local Hazard Mitigation Plan, Resiliency Strategy, 2050 Vision and any other plans where it may be appropriate.

ENVIRONMENTAL SUSTAINABILITY

This item supports the City's environmental sustainability goals. Fire prevention is critical for environmental sustainability. In 2018, California wildfires emitted as much carbon dioxide as an entire year's worth of California's electricity according to a November 30, 2018 press release from the U.S Department of the Interior.

CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

Attachments:

1: Resolution

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

Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley

WHEREAS, wildfires have grown larger and increased in intensity over the last several decades due to climate change and increased density in the wildland/urban interface (WUI), and

WHEREAS, areas of the City of Berkeley are designated by CAL FIRE as having the highest rating of "very high severity" risk to wildfire, and

WHEREAS, on March 22, 2019, Governor Newsom declared a state of emergency in of California with regard to wildfire risk, and

WHEREAS, since 1922, more than a dozen major wildfires have impacted the Berkeley hills, resulting in extensive damage, economic harm and loss of life. The 1991 Oakland/Berkeley firestorm, considered the third most deadly fire in California, burned over 1,500 acres, caused the deaths of 25 people and injured over 150 people, and

WHEREAS, wildfires in this decade are larger, faster and more destructive than in 1991, potentially causing greater risk to not only the Berkeley Hills but to neighborhoods between the hills and the Bay, as evidenced by the total destruction of Coffey Park in the 2017 Tubbs Fire, and

WHEREAS, Berkeley is also at extreme risk for a devastating earthquake on the Hayward Fault, which cuts right through Berkeley's high fire severity zone; when fire ensues it will cause even further destruction to life, property and further challenge the City's resiliency, and

WHEREAS, when a wildfire destroys a neighborhood, the short and long-term economic impact multiplies exponentially. The 1991 Berkeley/Oakland Tunnel Fire resulted in the loss of 2,900 structures and 25 lives. The 1923 North Berkeley fire destroyed about 600 homes and burned all the way to the corner of Hearst and Shattuck, before the winds shifted.

WHEREAS, major disasters such as the 2017 Tubbs Fire and the 2018 Camp Fire severely strain the limited housing stock in a community when survivors are forced to replace housing destroyed in the wildfire. Berkeley already has an affordable housing crisis, and nearby communities would be hard pressed to accommodate thousands of residents displaced by a wildfire or other major disaster, and

WHEREAS, a wildfire in the Berkeley hills threatens the entire City of Berkeley, both hill areas and flat areas and impacts air quality, loss of housing, injury as well as the tragic loss of life.

NOW, THEREFORE, BE IT RESOLVED, that the City Council pass this resolution making wildfire prevention and safety a stated top priority for the City of Berkeley.

BE IT FURTHER RESOLVED, that wildfire prevention and safety be addressed as the highest priority in the next updates to the City's General Plan, Climate Action Plan, Local Hazard Mitigation Plan, Resiliency Strategy, 2050 Vision and any other plans where it may be appropriate; and be reflected in city policies and allocation of resources.



CONSENT CALENDAR

October 15, 2019

*(Continued from September 24, 2019)*

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Rigel Robinson  
 Subject: Budget Referral: RFP for a Freestanding Public Restroom Facility

RECOMMENDATION

Refer to the budget process to set aside up to \$100,000 to issue an RFP for a freestanding, 24/7 public restroom facility in the Telegraph Business Improvement District.

BACKGROUND

Access to a public restroom is crucial for a livable, equitable city. A study by the National Coalition for the Homeless showed that 65 percent of unhoused individuals have been denied access to a restroom in a private business.<sup>1</sup> As homelessness continues to increase in Berkeley and throughout the Bay Area, cities must take action to protect the human dignity of their unhoused population.<sup>2</sup> Public restrooms also benefit those who are “restroom-challenged” as defined by the American Restroom Association, such as pregnant people, young children, and seniors.<sup>3</sup>

Furthermore, public restrooms serve as a boost for tourism and foot traffic. People are more likely to bike, walk, and explore a public space if they know that a restroom is available.<sup>4</sup> Attracting visitors to Telegraph Avenue by providing restroom access is essential for supporting our small businesses and maintaining the vibrancy of our commercial districts.

Other cities are also recognizing the importance of 24/7 public restroom access. In April 2017, the Washington D.C. City Council passed the Public Restroom Facilities Installation and Promotion Act to identify up to ten sites for installing public restrooms.<sup>5</sup> The City of Denver recently added two new mobile restroom facilities, which are used equally by tourists, downtown workers, and unhoused individuals, and have reduced complaints about human waste in the surrounding area.<sup>6</sup> In August 2019, the San

<sup>1</sup> <https://pffcdc.org/wp-content/uploads/2016/04/DiscriminationReport2014.pdf>

<sup>2</sup> <https://www.berkeleyside.com/2019/07/23/berkeleys-homeless-population-jumped-13-in-past-two-years>

<sup>3</sup> <https://pffcdc.org/wp-content/uploads/2017/03/The-restroom-challenged.pdf>

<sup>4</sup> <https://consumerist.com/2017/09/05/the-future-of-tourism-is-public-toilets/>

<sup>5</sup> <http://lms.dccouncil.us/Download/37807/B22-0223-Introduction.pdf>

<sup>6</sup> [https://www.huffpost.com/entry/cities-look-to-public-restrooms-to-clean-up-downtowns\\_b\\_59aea6b3e4b0c50640cd61d2](https://www.huffpost.com/entry/cities-look-to-public-restrooms-to-clean-up-downtowns_b_59aea6b3e4b0c50640cd61d2)

Francisco Department of Public Works rolled out a pilot program to keep three of their busiest public toilet locations open for 24/7 use.

One notable example of a public restroom is the Portland Loo, which was originally developed in partnership with Portland city officials, police, fire, and park staff. It is designed to address the problems cities encounter with such facilities, such as vandalism, drug use, and upkeep. Emeryville, Davis, Seattle, Salinas, Monterey, Charleston, and Waterloo are among the cities that have installed Portland Loos. The City of Berkeley should follow in these cities' footsteps in providing restroom access as a basic human right.

#### FINANCIAL IMPLICATIONS

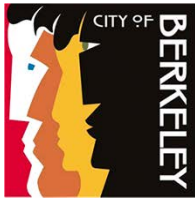
The developer of the Enclave is contributing \$83,428 and a grant from the UC Berkeley Chancellor's office is contributing \$10,000, bringing total outside funding to \$93,428. This budget referral is intended to fund the remaining amount, including ongoing maintenance costs and staff time to create and review RFP applications.

#### ENVIRONMENTAL SUSTAINABILITY

Human waste can be a major environmental pollutant when it enters our waterways. Increasing the availability of public restrooms will reduce the volume of human waste that ends up in our watershed and eventually the Bay.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170



CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR  
 October 15, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson, Mayor Jesse Arreguin, and  
 Councilmember Kate Harrison

Subject: Referral: Telegraph Shared Streets

RECOMMENDATION

Refer to the City Manager to develop and return to Council with a plan to implement the shared streets proposal outlined in the Telegraph Public Realm Plan, including identification of potential regional funding sources for the project.

BACKGROUND

The Telegraph Public Realm Plan (TPRP), approved by the Council in 2016 after extensive input from community members such as vendors, merchants, property owners, and representatives from UC Berkeley and AC Transit, establishes a vision and provides guidance for a shared street on the first four blocks of Telegraph Avenue.

Telegraph Avenue serves as a hub for shopping, dining, music, and nightlife, attracting everyone from students to long-time residents to tourists. Yet, the poor condition of its sidewalks and other public realm elements show that infrastructure improvements have not kept pace. The streetscape has not seen a comprehensive overhaul since the 1970s, demonstrating the need for renewed investment in the area.

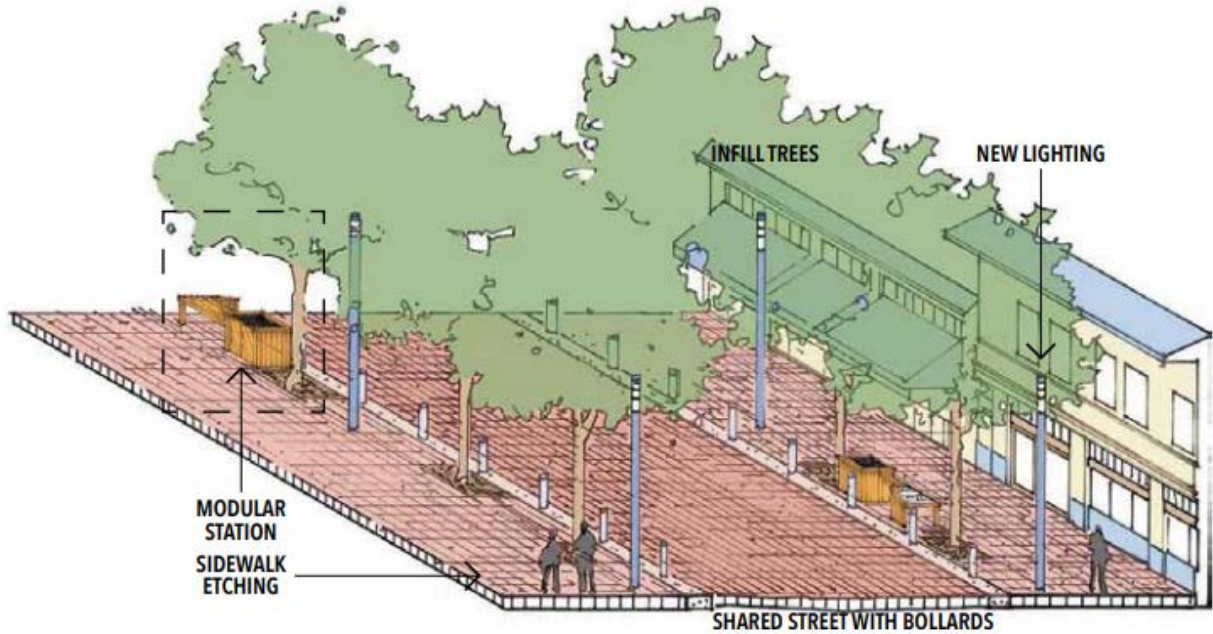
The concept of shared streets dates back to before the twentieth century, prior to the invention of modern cars. Most streets were shared between bicycles, carriages, and pedestrians, with minimal delineation between areas for separate transportation modes. As cars became the primary mode of transportation for the majority of Americans, street design standards shifted to prioritize drivers at the expense of bicyclists and pedestrians. Starting in the 1960s, the livable streets movement began to grow as a pushback to auto-centric design. While shared streets are more ubiquitous in European countries, similar projects are becoming more common in the United States. Perhaps most famously, New York City's Times Square was recently transitioned to a pedestrian plaza.<sup>1</sup>

As proposed in the TPRP, the stretch of Telegraph Avenue between Dwight and Bancroft is an ideal location for a shared street because of its high foot traffic. Telegraph serves as both one of the main entrances to the UC Berkeley campus and a major commercial hub, complete with restaurants, retailers, and more. In a May 2016 study,

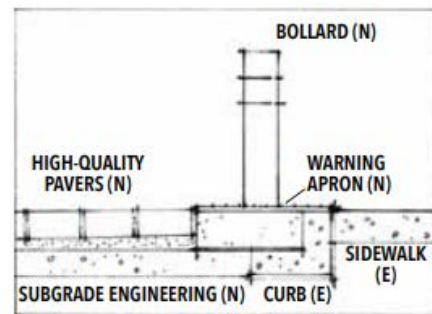
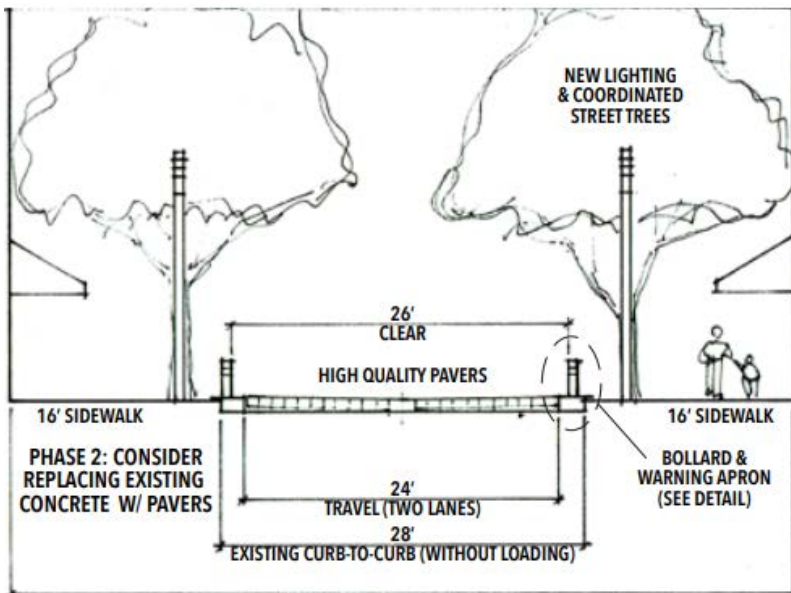
<sup>1</sup> <https://ny.curbed.com/2017/4/19/15358234/times-square-snohotta-before-after-photos>



UC Berkeley found that only 6 percent of students drive to school, while 77 percent walk and 17 percent bike or use public transit.<sup>2</sup> Merchants on Telegraph would also benefit from a shared street layout, which encourages foot traffic and emphasizes interactions with local businesses and street vendors over through traffic.



*Ultimate Condition.* TRPR proposes a plaza-like shared street and new lighting as a final phase. Sidewalk etching may remain or, if necessary, sidewalks can be replaced.

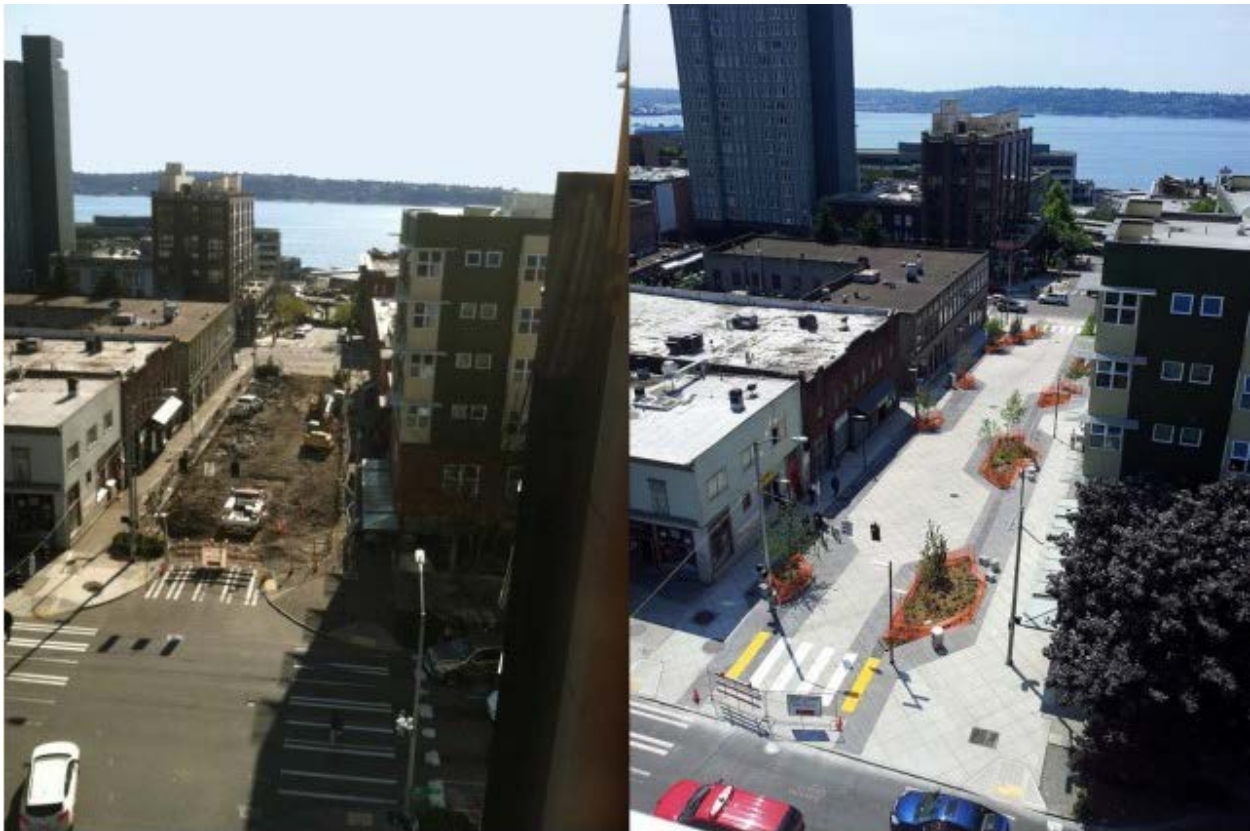


*Shared Street Cross Section.* Shared streets will be accompanied by bollards to delimit vehicles and tactile warning strips so visually-impaired persons can distinguish where motor vehicles may be present. In phase 2, the existing sidewalk concrete can be replaced with pavers.

<sup>2</sup> [https://opa.berkeley.edu/sites/default/files/where\\_berkeley\\_students\\_live\\_0.pdf](https://opa.berkeley.edu/sites/default/files/where_berkeley_students_live_0.pdf)



This shared streets initiative is deeply similar to what the City of Seattle implemented with its Bell Street Park project in 2014. The City of Seattle's Department of Parks and Recreation and Department of Transportation converted Bell Street, one of the busiest avenues in the city, into a shared street, with similar aesthetic and pedestrian-focused changes to those proposed in the TPRP. In order to further incentivize public transit usage, the City does not allow cars to travel more than one block on Bell Street, while buses can travel straight through unhindered.<sup>3</sup>



Bell Street, during and shortly after construction.

Additionally, the City of Los Angeles' Great Streets initiative has adopted multiple aspects of shared streets into its renovations of major thoroughfares, seeing both fiscal and popular success. One of the most prominent examples of this has been the Venice Boulevard Great Streets project. In 2016, the city refurbished a 0.8 mile stretch of Venice in Mar Vista with bollard-protected bike lanes, restored and decorated sidewalks, commissioned murals, and parklets on the sidewalks and in medians.

In the first year of the Venice Boulevard Great Street, business and popular opinion have improved, with minimal impact on traffic. Economic activity increased by \$3.3 million and transactions in which customers spent ten dollars or more jumped from 50

<sup>3</sup> <https://nacto.org/case-study/bell-street-park-seattle/>

percent to 70 percent.<sup>4</sup> A 2018 survey of the community showed an uptick in public opinion of the neighborhood after the renovation, as the following statistics--which refer to the number of respondents answering “strongly agree” to the statements given--illustrate:

- “The neighborhood is safe” increased from 10% to 46%
- “The neighborhood is active and lively” increased from 6% to 45%
- “The neighborhood is clean and well-maintained” increased from 7% to 35%.<sup>5</sup>

Additionally, the busiest intersection in the Great Streets stretch, Venice Boulevard and Centinela Avenue, saw a 75 percent reduction in collisions since the project’s completion.<sup>6</sup>

Converting Telegraph Avenue into a shared street would make the corridor more appealing to consumers and safer for pedestrians. This vision has similarities to other successful projects, such as the Bell Street Park shared street and the Venice Boulevard Great Street. These case studies highlight additional benefits of a shared street, such as improvements in public opinion and increases in economic activity. The City of Berkeley should move forward with the recommendations made in the TPRP and begin securing the funding needed to put this plan into action by assessing potential regional grant opportunities and partnerships with relevant entities such as UC Berkeley.

#### FINANCIAL IMPLICATIONS

\$5,787,150 for all four blocks according to the 2016 Telegraph Public Realm Plan, with adjustments for inflation and rising construction costs. The City should explore all funding options, including and especially regional grant opportunities.

#### ENVIRONMENTAL SUSTAINABILITY

The Telegraph Public Realm Plan shared streets proposal aligns with the City of Berkeley Climate Action Plan to reduce emissions and make “sustainable mobility modes...the primary means of transportation for Berkeley residents and visitors.”<sup>7</sup> In prioritizing pedestrians, bicyclists, and public transit, this initiative directly works towards these goals.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Liam Howell, Intern

#### Attachments:

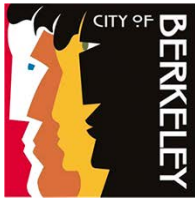
1: Telegraph Public Realm Plan: <https://www.berkeleyside.com/wp-content/uploads/2016/09/Telegraph-Public-Realm-Plan-Final-Low-Res.pdf>

<sup>4</sup>[https://static1.squarespace.com/static/595fd8fa5016e119d794e4b1/t/5c1c0c3fcd836656561d106f/1545342048197/VeniceBlvd\\_1-Year\\_Report\\_FINAL\\_.pdf](https://static1.squarespace.com/static/595fd8fa5016e119d794e4b1/t/5c1c0c3fcd836656561d106f/1545342048197/VeniceBlvd_1-Year_Report_FINAL_.pdf)

<sup>5</sup> ibid

<sup>6</sup> ibid

<sup>7</sup> <https://www.cityofberkeley.info/climate/>



CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR  
 October 15, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmembers Rigel Robinson, Cheryl Davila, Ben Bartlett, and Sophie Hahn

Subject: Ban Racial, Ethnic, Cultural, and Religious Discrimination on the Basis of Hairstyle or Headwear

RECOMMENDATION

Adopt a new Section of the Berkeley Municipal Code: Chapter 13.23 DISCRIMINATION ON THE BASIS OF HAIRSTYLE OR HEADWEAR IN EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS, prohibiting grooming or appearance policies which target natural or traditional hair, hairstyles, or headwear, and refer to the City Manager to consider the operational requirements of enforcement of the ordinance, including what effective and appropriate enforcement would entail or what amendments to the Chapter would be necessary to perform such enforcement.

POLICY COMMITTEE RECOMMENDATION

On September 9, 2019, the Health, Life Enrichment, Equity & Community Committee adopted the following action: M/S/C (Bartlett/Kesarwani) to send the item to Council with a Qualified Positive Recommendation as author needs to develop language with City Attorney's Office for enforcement and a provision to recover attorney's fees. Vote: All Ayes.

BACKGROUND

In February 2019, the New York City Commission on Human Rights (NYCCHR) issued new Legal Enforcement Guidance on Race Discrimination on the Basis of Hair, under the New York City Human Rights Law (NYCHRL). In New York, the NYCCHR found the contemporary manifestation of racial bias to include discrimination based on characteristics and cultural practices associated with being African American, including prohibitions on natural hair. In the 2019 Enforcement Guide, NYCCHR states current anti-discrimination law should be interpreted to give people of color "the right to maintain natural hair, treated or untreated hairstyles such as locs, cornrows, twists, braids, Bantu knots, fades, Afros, and/or the right to keep hair in an uncut or untrimmed state."

On July 3<sup>rd</sup>, Governor Newsom signed into law the CROWN Act, authored by State Senator Holly Mitchell. The California response to New York's regulations, the CROWN Act similarly clarifies in state law that discrimination on the basis of hairstyle that has an adverse impact on racial minorities is a form of unlawful racial discrimination.

The City of Berkeley should follow in the footsteps of both these reforms, and take similar but more expansive and comprehensive action to expressly prohibit discriminatory hair styling and headwear appearance requirements in the areas of employment, housing, school, and other areas of daily living.

This falls under the range of human rights issues which The Berkeley Municipal Code (BMC) identifies as its mission to solve. As stated in BMC Section 1.22.010, “the City of Berkeley shall promote: (1) Higher standards of living, full employment, and conditions of economic and social progress and development; (2) Solutions of local economic, social, health and related problems; and regional cultural and educational cooperation; and (3) Universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.”

To achieve these goals, the Council should adopt a new ordinance, BMC Chapter 13.23, (Attachment 1). Chapter 13.23 would prohibit racial, ethnic, cultural, or religious discrimination on the basis of hair, hair styling, or headwear, and enumerate the rights of all persons to maintain natural, untreated, and traditional hairstyles and headwear in all sectors of employment, housing, and public accommodations. Chapter 13.23 is modeled after other sections of the code under Title 13 (PUBLIC PEACE, MORALS AND WELFARE), including Chapters 13.20, 13.27, 13.28, 13.30, and 13.101.

This item also refers consideration of appropriate enforcement measures to the City Manager. The ordinance as written will establish the prohibition on discriminatory practices and grant private right of action to remedy violations, but does not set up a system for the City to receive complaints and administratively address violations. Such an enforcement system is important to ensure that all Berkeley residents are able to access justice, as private legal action is outside of financial feasibility for many. Staff should consider what form and scope of enforcement is appropriate for the ordinance, the resources necessary to conduct such enforcement, and what, if any, changes need to be made to the ordinance to facilitate such enforcement. One specific form of enforcement that should be considered is the mandatory posting of a notification of rights in workplaces.

#### ALTERNATIVE ACTIONS CONSIDERED

An alternative considered was to issue local legislative interpretation guidelines regarding both the illegality of disparate impact grooming or appearance policies under the Fair Employment and Housing Act, and the illegality of refusing public services on the basis of mutable characteristics under California Civil Code Section 51. It was found that adopting new code language to codify these findings would be more enforceable and legally defensible, as City staff have greater leeway in interpreting local statute than state or federal law.

FINANCIAL IMPLICATIONS

Staff time to craft exemptions pursuant to Section 13.23.050. Enforcement costs would be dependent on the volume of complaints received by the City, and the level and type of enforcement that the City Manager finds is feasible and necessary.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Mars Svec-Burdick, Intern to Councilmember Rigel Robinson

Attachments:

- 1: Ordinance
- 2: NYC Commission on Human Rights Legal Enforcement Guidance on Race Discrimination on the Basis of Hair  
<https://www1.nyc.gov/assets/cchr/downloads/pdf/Hair-Guidance.pdf>
- 3: Unruh Civil Rights Act, California Civil Code Section 51  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CIV&sectionNum=51](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=51)
- 4: Fair Employment and Housing Act  
[https://leginfo.legislature.ca.gov/faces/codes\\_displayexpandedbranch.xhtml?tocCode=GOV&division=3.&title=2.&part=2.8.&chapter=&article](https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=GOV&division=3.&title=2.&part=2.8.&chapter=&article)
- 5: CROWN ACT  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB188](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB188)

ORDINANCE NO. -N.S.

ADOPT BERKELEY MUNICIPAL CODE CHAPTER 13.23 TO PROHIBIT  
DISCRIMINATION ON THE BASIS OF HAIRSTYLE OR HEADWEAR IN  
EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS

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

Section 1. That Berkeley Municipal Code Chapter 13.23 is added to read as follows:

**Chapter 13.23**  
**DISCRIMINATION ON THE BASIS OF HAIRSTYLE OR HEADWEAR IN**  
**EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS**

**13.23.010 Purpose**

It is the policy of the City to eliminate all forms of racial, ethnic, cultural, and religious discrimination within the City. It is the intent of the City Council to ban grooming and appearance policies which have the effective result of discrimination on the basis of racial, ethnic, cultural, or religious identity, both for policies impacting City employees and for private employers.

**13.23.020 Findings**

The City Council of the City of Berkeley finds and determines as follows:

- A) Discrimination against racial, ethnic, cultural, and religious minorities in employment, housing, and public accommodations exists within the City. The council further finds that the existence of such discrimination poses a substantial threat to the economic and social welfare of the community.
- B) Racial, ethnic, cultural, and religious based discriminatory grooming or appearance policies exist in places of employment, housing, and public accommodations within the City. These policies exacerbate inequality in the workplace and housing market.
- C) The overall effect of grooming or appearance policies which target the natural or traditional hair styles and headwear of racial, ethnic, cultural, and religious minority groups is to require a disproportionate outlay of monetary and time resources from members of these groups in order to participate in daily living, and to restrict these groups from fully and freely participating in public life.
- D) Discrimination through grooming and appearance policies falls most heavily on low income communities, but cuts across all racial, ethnic, cultural, religious, and economic groups.

**13.23.030 Definitions**

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this subsection:

A) "Grooming or appearance policies" or "appearance policies" means any code of dress, grooming, or appearance, written or unwritten, under which an individual is in any way penalized for noncompliance.

B) "Natural hair" means all natural patterns of hair growth across all racial and ethnic groups, including but not limited to treated or untreated hairstyles such as locs, cornrows, twists, braids, Bantu knots, fades, Afros, and/or the right to keep hair in an uncut or untrimmed state. This shall include all hair grown on the head and face.

C) "Place of public accommodation" or "public accommodations" means providers, whether licensed or unlicensed, of goods, services, facilities, accommodations, advantages or privileges of any kind, and places, whether licensed or unlicensed, where goods, services, facilities, accommodations, advantages or privileges of any kind are extended, offered, sold, or otherwise made available. This unambiguously includes schools, due to the historical proliferation of racially discriminatory grooming and appearance policies in educational settings.

D) "Traditional hair" means styles of maintaining hair of cultural or religious significance to any racial, ethnic, cultural, or religious group, including keeping hair uncut or completely shaven. This shall include all hair grown on the head and face.

E) "Traditional headwear" means clothing that is worn on the head that is culturally or religiously significant to any racial, ethnic, cultural, or religious group.

### **13.23.040 Unlawful activities**

It is unlawful for any employer, business owner, property owner, provider of public accommodation, or any agent or employee thereof to discriminate in the conditions or enforcement of a grooming or appearance policy. Such prohibited discrimination includes but is not limited to the following:

A) Publish, verbally state, or otherwise communicate an explicitly or implicitly mandatory appearance policy which includes any condition prohibiting natural or traditional hair or headwear, either textually or in practice;

B) Require, in order to access employment opportunities, housing accommodations, public accommodations, or the negotiation or carrying out thereof, individual adherence to a grooming or appearance policy which explicitly or implicitly bans any natural or traditional hair style or headwear.

C) Refuse to enter into negotiations regarding hiring, employment, compensation, lease or rental of property, or otherwise withhold from any person any provision of public accommodations because of their natural or traditional hair style or headwear;

D) Represent to any person because of their natural or traditional hair style or headwear that employment opportunities, housing accommodations, or public

accommodations are not available when such opportunities or accommodations are in fact available;

E) Include a clause or provision in any legal document or agreement that the employee, tenant, or recipient of public accommodations shall adhere to a grooming or appearance policy which compromises their ability to maintain a natural or traditional hair style or headwear;

F) Penalize an employee, tenant, or recipient of public accommodations for violating an appearance policy which unlawfully bans natural or traditional hair or headwear, in any manner including financial penalties, termination, withholding of wage increases, or denial of services, housing or access.

G) Enforce grooming or appearance policies inconsistently between similarly situated employees, tenants, or recipients of public accommodations or groups of employees, tenants, or recipients of public accommodations, to the effect of enacting unequal and discriminatory grooming standards.

#### **13.23.050 Exemptions – Health and Safety**

A. The City Manager shall draft and maintain a list of exemptions from the requirements of this ordinance based upon operational requirements related to health and safety. The exemptions shall be of job categories and work environments, not for organizations as a whole.

B. Exemptions shall only be made with respect to section 13.23.040 A, B, C, and E.

C. No exemption shall be made with respect to the provision of housing, including short term housing.

D. The criteria for exemption shall be limited to only the advancement of health and safety, and exemptions shall be eliminated when the health and safety basis for the exemption no longer exists.

#### **13.23.060 Enforcement**

A) Any aggrieved person may enforce the provisions of this chapter by means of a civil action.

B) Any person who commits, or proposes to commit, an action in violation of this chapter may be enjoined therefrom by any court of competent jurisdiction.

C) Action for injunction under this subsection may be brought by any aggrieved person, by the City Attorney, by the district attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class.

#### **13.23.070 Liability for costs and damages**



Any person who violates the provisions of this chapter shall be liable to each person injured by such violation for reasonable attorney's fees and costs as determined by the court, plus damages equaling three times the amount of actual damages or a minimum of five hundred dollars.

**13.23.080 Criminal penalties**

Any person who is found by a court of competent jurisdiction to be guilty of a willful violation of the provisions of this chapter shall be guilty of a misdemeanor as set forth in Chapter 1.20 of this code.

**13.23.090 Limitation on action**

Actions under this chapter must be filed within 3 years of the alleged discriminatory acts.

**13.23.100 Effective date**

The effective date of this ordinance shall be January 1st, 2020 or when the City Manager has released the list of exemptions pursuant to Section 13.23.050, whichever is later.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of 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.





Lori Droste  
Councilmember District 8

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmembers Lori Droste, Mayor Jesse Arreguin, Councilmembers Rashi Kesarwani and Rigel Robinson

Subject: Adopt Resolution to Support Seamless Transit Principles

RECOMMENDATION

Adopt a Resolution to support Seamless Transit Principles in order to pursue an integrated reliable regional transit system connecting the Bay Area.

FINANCIAL IMPLICATIONS

Limited.

BACKGROUND

By adopting the Seamless Transit Principles, the City of Berkeley can help move towards an integrated, reliable regional transit system connecting the Bay Area.

The Seamless Transit Principles are a set of seven guiding principles developed to guide local, regional, and state decision-makers to pursue a seamlessly integrated, world-class transit system that works for people. They are:

1. Run all Bay Area transit as one easy-to-use system
2. Put riders first
3. Make public transit equitable and accessible to all
4. Align transit prices to be simple, fair, and affordable
5. Connect effortlessly with other sustainable transportation
6. Plan communities and transportation together
7. Prioritize reforms to create a seamless network

They were compiled by Seamless Bay Area, a non-profit 501(c)3 group that advocates for a unified, world class public transit system, with the input of cities and transit advocacy groups, including SPUR, SFTR, Friends of Caltrain, and TransForm.

Through adoption of the Seamless Transit Principles, Seamless Bay Area aims to:

1. Build broad support among cities, transit agencies, employers, advocacy groups, mayors, local elected officials to the vision of seamless transportation.

2. Build public awareness and public support for reforms that promote greater regional transit integration; overcome resistance to change within transit agencies.
3. Support a strong and robust MTC Business Case Analysis of Fare Integration.
4. Support provisions for seamlessly integrated transit to be included in future regional funding measure or other future legislation addressing transit governance or funding.

ENVIRONMENTAL SUSTAINABILITY

Transportation is the single largest sector for carbon emissions in the City of Berkeley. Supporting public transit improvements encourages fewer trips by car, significantly lowering greenhouse gas emissions.

CONTACT PERSON

Councilmember Lori Droste      510-981-7180

Attachments:

- 1: Draft Resolution  
    Exhibit A: Seamless Transit Principles

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

SHORT TITLE OF RESOLUTION HERE

WHEREAS, The San Francisco Bay Area, despite being an exceptional place to live, faces an uncertain future due to several interrelated crises -- decreasing housing affordability, increasing congestion, rising pollution, and widening inequality -- which are exacerbated by an inadequate and poorly-performing public transportation system; and

WHEREAS, Despite billions of dollars of investments in new transportation infrastructure over the past five decades, public transit in the Bay Area has failed to attract large numbers of new riders, and has never been used by more than 12% of the population for commute trips since 1970; by contrast automobiles have always been used for over 75% of commute trips; and

WHEREAS, The quality of and usage of public transit in the Bay Area has declined in recent years, with transit trips per capita declining by 10%, average bus speeds declining by 9%, and transit commute times increasing by 11% between 2001 and 2016; and

WHEREAS, The California Air Resources Board reported in 2018 that no California regions, including the Bay Area, are on track to meet their greenhouse gas reduction targets, with increasing Vehicle Miles Travelled (VMT) and declines in transit ridership cited as a primary factors; and

WHEREAS, Using public transit in the Bay Area is inconvenient and costly for many types of trips, requiring riders to: use multiple transit systems operated independently with little coordination; pay multiple separate fares; experience unpredictable transfers; and navigate different wayfinding systems and brand identities; and

WHEREAS, Low income people, many of whom have experienced displacement and have long commutes requiring multiple transit services, are among the most adversely affected the Bay Area's poorly integrated public transportation system, experiencing a significant financial burden from needing to pay multiple separate transit fares or being forced into costly vehicle ownership; and

WHEREAS, Regions with high-ridership public transportation systems are, by contrast, characterized by highly integrated networks of quality local and regional transit services that make traveling without a private automobile convenient and easy for all types of trips, featuring aligned routes and schedules, coordinated transfers, high quality transit hubs, common branding and customer information, and other common regional customer experience standards; and

WHEREAS, Regions that have successfully integrated and simplified transit fares have experienced many broad social benefits, including a shift in travel from private cars to public transit, an increase in overall public transit usage, and expanded mobility options and cost savings for riders.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley commits to working collaboratively with state agencies, the MTC, neighboring municipalities and other public agencies to develop a highly integrated regional transportation system that provides convenient, seamless, and affordable transit for customers.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley supports the Seamless Transit Principles listed in Attachment (2), and agrees for the City of Berkeley to be publicly listed as a supporter.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley supports the MTC and local transit agencies working together to undertake a Business Case Analysis of fare integration. The business case should include exploration of options for implementation, governance, and additional funding sources that may be needed for implementation.

Exhibits

A: Seamless Transit Principles

## Exhibit A: Seamless Transit Principles

The Seamless Transit Principles Draft is also viewable at: [www.seamlessbayarea.org/seamless-transit-principles](http://www.seamlessbayarea.org/seamless-transit-principles)

- 1) Run all Bay Area transit as one easy-to-use system  
Public transit should work as one seamless, connected, and convenient network across the San Francisco Bay Area and beyond. Getting around on transit should be as fast and easy as driving a car. Coordinated bus, rail, and ferry routes and schedules should encourage effortless transfers. Consistent and clear customer information, branding, and maps should make using transit simple and dignified.
- 2) Put riders first  
Riders should feel comfortable when using transit and be treated like valued customers. Public transit agencies must do more to listen to riders and continuously improve service. They must be prioritize riders' needs above all else, and overcome all operational, political and bureaucratic barriers to provide an excellent and seamless customer experience.
- 3) Make public transit equitable and accessible to all  
People of all income levels, ages, abilities, genders, and backgrounds should have access to world-class public transit. People who are the most reliant on transit are best served by a universal, inclusive, regionally integrated, connected system that is used by all. People with limited means to pay for transit should be provided with discounts.
- 4) Align transit prices and passes to be simple, fair, and affordable  
Transit should provide good value for money. Fares across the region's 27 public transit agencies must be aligned into a consistent, fair, and affordable system that encourages using transit for all types of trips and doesn't punish riders for transferring. Cost-effective monthly passes should work across the Bay Area and should be widely available to individuals, employers, and schools.
- 5) Connect effortlessly with other sustainable transportation  
A person's journey does not end when they get off a bus or exit a station. Excellent pedestrian, bicycle, and other pollution-free transportation options should seamlessly connect public transit to communities and destinations, supporting door-to-door trips that don't require a car.
- 6) Plan communities and transportation together  
High quality public transit should be at the heart of communities across the Bay Area. Transportation should be closely aligned with our region's land use, promoting a connected network of transit-oriented, walkable communities that expands access to affordable housing and job opportunities, and reduces car travel and greenhouse gas emissions.

7) Prioritize reforms to create a seamless network

A regionally integrated, world-class transit system won't happen on its own -- it will take leadership, unprecedented levels of cooperation, and changes to existing local, regional, and state policies. The cities, counties, public transit agencies, regional authorities, business leaders, advocacy groups and elected representatives of the San Francisco Bay Area and Northern California megaregion must prioritize the broad public interest and urgently work together collaboratively to advance critical reforms. Our future depends on it!





Office of the City Manager

## ACTION CALENDAR

October 15, 2019

*(Continued from September 10, 2019)*

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Kelly Wallace, Interim Director, Health, Housing & Community Services

Subject: Authorization to Execute a Revised Programmatic Agreement with the California State Historic Preservation Officer (SHPO)

### RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a revised Programmatic Agreement (PA) with the California State Historic Preservation Officer (SHPO) to clarify which rehabilitation activities would not require SHPO's review.

### FISCAL IMPACTS OF RECOMMENDATION

The proposed changes will streamline the environmental review process by reducing staff time for certain projects, thereby allowing accessibility improvements for disabled residents to be completed more quickly.

### CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley administers federal funding from the Department of Housing and Urban Development (HUD) to carry out various types of projects, including major and minor rehabilitation. Federal regulations (24 CFR Part 58) require that recipients of HUD funds conduct an environmental review before undertaking any of these rehabilitation projects. One component of this review is to comply with federal and state laws governing historic preservation. To streamline the review process for historic preservation, the City entered into a Programmatic Agreement (PA) on February 3, 1993 with the California State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP). The PA allows the City, the SHPO (a state agency), and the ACHP (a federal agency) to mutually agree that certain types of projects will not be reviewed by either agency because the projects are too minor to warrant such a review. ACHP recommends executing a PA for programs that have similar or repetitive effects on properties to avoid the need for a separate historic preservation review for each project.

Under the current PA, the City sends approximately 15 projects to SHPO annually for their concurrence with staff's documented determination of "no effects on historic properties." About half of these projects consist of exterior alterations to improve accessibility for disabled residents of the properties, such as the installation of lifts and

construction of wheelchair ramps. SHPO has not objected to any of these determinations and these types of projects do not rise to the level of ACHP review. Staff is proposing to modify the existing PA in order to include additional types of accessibility improvements and landscaping changes to be excluded from state review. The proposed revisions are modeled after San Francisco's PA and will allow the City to move these types of accessibility projects to completion more quickly than could be accomplished currently.

The Landmark Preservation Commission (LPC) and the City's Historic Preservation Planner have reviewed the proposed changes and do not object. SHPO has reviewed the revised PA several times and notably requested the removal of ACHP as a signatory since none of the projects covered by the PA would require ACHP review. ACHP requested that the City include stipulations that address emergencies and public outreach.

#### BACKGROUND

Under 24 CFR Part 58, the City of Berkeley is the Responsible Entity and assumes the responsibility of HUD for environmental review, decision-making, and action. A component of the environmental review is historic preservation. Section 106 of the National Historic Preservation Act (NHPA) requires that a federal agency take into account the effect of their undertaking on historic properties. The PA streamlines that process by laying out the agreed upon terms and conditions to resolve potential adverse effects of undertakings and programs affected by the use of funding from HUD.

The City has several programs that use the following HUD funding sources: Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), and HOME Investment Partnerships (HOME) program. The City's Housing Trust Fund (HTF), which provides loans and grants to create, maintain, or expand the City's affordable housing stock, contains CDBG and HOME funds. The City also provides HUD funds to several programs where community agencies conduct home repairs for low income households and construction of access ramps and lifts for disabled households.

In 2012, staff submitted a revised PA for the LPC and general public to review and comment and in 2015, Council adopted Resolution No. 67,260–N.S. to authorize the City Manager's execution of a revised PA. However, due to changing priorities and conflicting schedules, the revised PA was not executed. When staff attempted to execute the PA in 2018, ACHP recommended staff reach out to consulting parties and the public again. In December 2018, a modified draft of the PA was reviewed by LPC and the general public. Since the current version of the revised PA differed from the version submitted to Council in 2015, a new authorization is requested.

In addition to the proposed revisions already mentioned in the report, the new PA also contains the following notable changes:

- Clarifies the use of any revenue from HUD is subject to Section 106 and not just programs previously listed in the PA;
- Includes stipulations that address emergencies and public outreach as requested by the ACHP;
- Changes the usage of several terms for consistency (e.g. “COB” changed to “City”);
- Includes a “definitions” section; and
- Eliminates poor drafting errors, such as an erroneous reference to federal law.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

The PA delegates certain decision making responsibilities to the City of Berkeley by allowing all parties to mutually agree that certain activities will not require review by SHPO. The proposed revisions to the PA will reduce the amount of time it takes for the City to complete its environmental review and this will allow the rehabilitation projects to occur sooner, thereby assisting disabled Berkeley residents quicker.

ALTERNATIVE ACTIONS CONSIDERED

If the Council does not authorize the execution of the revised PA, staff would continue using the existing PA which requires requesting concurrence with SHPO on projects containing exterior modifications associated with improving accessibility for disabled City of Berkeley residents. This adds the cost of staffing time and delays implementation of projects that SHPO and ACHP think are unnecessary.

CONTACT PERSON

Be Tran, Associate Planner, HHCS, (510) 981-5422

Attachments:

1: Resolution

Exhibit A: Proposed Programmatic Agreement (with strike-out)

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

REVISED PROGRAMMATIC AGREEMENT WITH THE CALIFORNIA STATE  
HISTORIC PRESERVATION OFFICER

WHEREAS, the City is a recipient of the Community Development Block Grant Program, the HOME Investment Partnerships Program, and the Emergency Shelter Grant Program administered by the Department of Housing and Urban Development (HUD); and

WHEREAS, the City is the Responsible Entity and assumes the responsibility of HUD to comply with the environmental review procedures under the National Environmental Policy Act and Section 106 review requirements under the National Historic Preservation Act; and

WHEREAS, the City executed a Programmatic Agreement with the California State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) on February 3, 1993 to allow for expedited review of HUD funded projects affecting historic properties; and

WHEREAS, the City proposes to revise the Programmatic Agreement to include undertakings that would not require SHPO or ACHP review such as modifications associated with accessibility for disabled people; and

WHEREAS, the City Council previously approved Resolution No. 67,260–N.S. authorizing the City Manager to execute the revised PA in 2015 but the PA was not executed; and

WHEREAS, a new resolution is sought because the current version of the PA differs from the version previously submitted to Council.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute the new revised Programmatic Agreement with SHPO, including any additional changes proposed by SHPO and ACHP.

Exhibits

A: Proposed Programmatic Agreement (with strike-out)

PROGRAMMATIC AGREEMENT  
BY AND AMONG  
THE CITY OF BERKELEY,  
~~THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,~~  
AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER

REGARDING HISTORIC PROPERTIES AFFECTED BY USE  
OF ~~REVENUE FROM THE DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT PART 58 PROGRAMS COMMUNITY DEVELOPMENT BLOCK  
GRANTS; RENTAL REHABILITATION BLOCK GRANTS; AND MCKINNEY ACT  
HOMELESS PROGRAMS INCLUDING  
THE EMERGENCY SHELTER GRANTS PROGRAM, TRANSITIONAL HOUSING,  
PERMANENT HOUSING FOR THE HOMELESS HANDICAPPED,  
AND SUPPLEMENTAL ASSISTANCE FOR FACILITIES TO ASSIST THE HOMELESS;  
THE HOPE II PROGRAM; THE HOME PROGRAM; THE HOPWA PROGRAM  
AND THE SHELTER PLUS CARE PROGRAM~~

WHEREAS, the City of Berkeley (~~COB~~ City), a “Responsible Entity” under 24 CFR Part 58, proposes to administer and fund projects and programs (hereinafter referred to as “Undertakings,” as defined in 36 CFR 800.16y) in the City of Berkeley, California with monies from the U.S. Department of Housing and Urban Development (“HUD”) programs (“Programs”) delegated to the City pursuant to 24 CFR Part 58 or any other pertinent HUD regulations; and Community Development Block Grant program (CDBG) of the Department of Housing and Urban Development under Title I of the Housing and Community Development Act of 1974; the McKinney Homeless Programs including the Emergency Shelter Grants Program, Transitional Housing, Permanent Housing for the Homeless Handicapped, and Supplemental Assistance for Facilities to Assist the Homeless; the Hope II program; the HOME program; and the Shelter Plus Care program; and

WHEREAS, ~~COB~~ the City has determined the administration of these ~~projects~~ Undertakings and ~~p~~Programs may have an effect on properties included in or eligible for inclusion in the National Register of Historic Places (“h~~Historic~~ p~~Properties~~”) and has consulted with the California State Historic Preservation Officer (“SHPO”) ~~and the Advisory Council on Historic Preservation (Council) (“ACHP”)~~ pursuant to 36 CFR Part 800.13 of the regulations implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (“Act”); and

WHEREAS, pursuant to the Advisory Council on Historic Preservation’s (“ACHP”) Section 106 regulations, “Protection of Historic Properties” (“Regulations”) [36 CFR Part 800], the City has requested the comments of the ACHP; and

WHEREAS, pursuant to ACHP’s Section 106 regulations, the City has conducted outreach and has actively sought and requested the comments and participation of Indian tribes that attach religious and cultural significance to historic properties that may be affected by Undertakings funded under the terms of this Agreement; and these Tribes did not respond to our requests to engage in such consultation; and

WHEREAS, the City will continue to conduct outreach and will actively seek and request the comments and participation of Indian tribes that attach religious and cultural significance to historic properties that may be affected by Undertakings funded under the terms of this Agreement; and

WHEREAS, pursuant to ACHP's Section 106 Regulations, the City has considered the nature of the program and its likely effects on historic properties and has taken steps to involve individuals, organizations and entities likely to be effected by the Undertaking; and

WHEREAS, pursuant to ACHP's Section 106 Regulations, the City has arranged for public participation appropriate to the subject matter and scope of the Programmatic Agreement by providing notice to the public and has held meetings before the Landmarks Preservation Commission concerning the Undertaking for the purpose of informing the public and including them in the consultation process; and

WHEREAS, subrecipients receiving Part 58 funds, which are the subject matter of this agreement, by, from, or through the City agree as a condition of receiving funding to comply fully with the requirements of the National Historic Preservation Act of 1966 (16 USC 470) and the procedures set forth in 36 CFR Part 800 on the Historic Preservation Procedures for Protection of Historic Properties; and

NOW, THEREFORE, ~~COB~~the City, and the SHPO, ~~and the Council~~ ACHP agree that the ~~programs~~Undertakings shall be administered in accordance with the following stipulations to satisfy ~~SHRA's~~ the City's Section 106 responsibilities under Section 106 for all individual ~~u~~Undertakings of the ~~p~~Programs, ~~involving rehabilitation.~~

#### **STIPULATIONS**

The City of Berkeley shall ensure the following measures are carried out:

I. TERMINATION OF EXISTING PROGRAMMATIC AGREEMENT

The Programmatic Agreement ("PA") entered into on December 3, 1992 by the Advisory Council on Historic Preservation, the California State Historic Preservation Officer and the City of Berkeley is hereby terminated by mutual agreement and is no longer in effect as of the effective date of this Programmatic Agreement. The stipulations agreed to in the PA are replaced in their entirety by the stipulations agreed to in this PA.

II. APPLICABILITY OF THE PROGRAMMATIC AGREEMENT

~~COB~~The City shall comply with the stipulations set forth in this ~~Agreement~~PA for all ~~u~~Undertakings within the City of Berkeley, California, which involve the exterior or interior rehabilitation of residential and commercial structures and is assisted entirely or in part by monies from the ~~p~~Programs of the U.S. Department of Housing and Urban Development ~~listed above~~subject to 24 CFR Part 58. This agreement is also applicable to ~~u~~Undertakings which involve solely acquisition and rehabilitation of structures provided that such ~~u~~Undertakings do not involve demolition or new construction. The review process established by this ~~Agreement~~PA shall be completed prior to ~~COB's~~ the City's final approval of any application for assistance under these ~~p~~Programs, and prior to ~~COB~~ the City or the property owner altering the property, or initiating construction or making irrevocable commitment for construction that may affect a property that is fifty (50) years of age or older. Any ~~u~~Undertaking that does not qualify for review under the terms of this ~~Agreement~~PA shall be reviewed in accordance with the procedures outlined in 36 CFR Part 800.

III. COORDINATION WITH OTHER FEDERAL AGENCIES—36 CFR § 800.2(c)(4)

Other Federal agencies providing permits, licenses, or financial assistance for Program activities covered under the terms of this PA may, with the concurrence of the City and SHPO, satisfy their Section 106 responsibilities by accepting and complying with the terms of this PA. In such situations, the City and the Federal Agency shall notify the SHPO in writing of their intent to use this PA to achieve compliance with Section 106 requirements. If the SHPO does not respond within 21 days of receipt of such a notice of intent, the City and other Federal agency will assume SHPO's concurrence, as referenced above. Copies of all such notification letters shall be maintained in the files established by the City for each such Undertaking.

IV. UNDERTAKING NOT REQUIRING REVIEW BY SHPO ~~OR THE COUNCIL~~  
The following Undertakings do not require review by SHPO and no signatory is required by this PA to determine the National Register of Historic Places ("NRHP") eligibility of properties affected by these Undertakings.

- A. Undertakings not requiring review by the SHPO ~~or the Council~~ are enumerated in Attachment "A." An Undertaking consisting of activities ~~enumerated in Attachment "A" as well as activities~~ not listed in Attachment "A" shall be reviewed pursuant to the terms of this ~~Agreement~~PA. ~~An undertaking, unless exempt from review under the provisions of Stipulation II.B. below, which is exempted from review under Attachment "A" nevertheless will be designed to be in conformity~~ Undertakings involving Historic Properties but nevertheless exempt from review pursuant to Attachment "A" shall be designed to conform with the California State Historic Building Code [State of California, Title 24 Building Standards, Part 8 ("SHBC")]; ~~as well as the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Building ("Standards").~~
- B. Undertakings affecting only properties that are less than fifty (50) years of age do not require review pursuant to the terms of this ~~Agreement~~PA.
- C. Undertakings which are limited to the rehabilitation of interior spaces with in single family residential structures where such work will not be visible ~~from~~ from the exterior of the structure do not require review pursuant to the terms of this ~~Agreement~~PA.

#### ~~III~~V. AREA OF POTENTIAL EFFECTS

It is agreed for the purposes of this ~~Agreement~~PA, with the exception of Stipulation ~~VII~~.B., that the Area of Potential Effects ("APE") will be limited to the individual building when a proposed project is limited to the rehabilitation of its existing interior or exterior features.

#### ~~IV~~I. IDENTIFICATION OF HISTORIC PROPERTIES

- A. ~~COB~~ The City shall review all existing information on any property within the APE that may be affected by the use of these funds, including the



National Register of Historic Places and lists of ~~h~~Historic ~~p~~Properties maintained by the City of Berkeley.

1. If the property proposed for rehabilitation is listed in the National Register or has already been determined eligible for inclusion in the National Register, ~~COB~~the City shall proceed with the review of the project pursuant to Stipulation ~~VII~~I, unless exempted under Stipulation ~~III~~IV.
  2. If the property has been determined by ~~COB~~the City, in written consultation with the SHPO, within the last five (5) years prior to the current ~~u~~Undertaking to be ineligible for inclusion in the National Register, then the ~~u~~Undertaking may proceed without further review under the terms of this ~~Agreement~~PA.
- B. If the property proposed for rehabilitation is not listed in the National Register, has not been evaluated for the National Register eligibility within the last five (5) years, and is at least 50 years of age, then ~~COB~~the City shall submit the documentation required pursuant to 36 CFR 800.4 plus a completed California Historic Resources Inventory form (DPR523) to the SHPO for review, ~~included in Attachment "B" to this Agreement~~. Other information may be requested by the SHPO if necessary. ~~COB~~The City shall apply the National Register ~~e~~Criteria and notify the SHPO of its determination in the submittal.
1. If the SHPO agrees with ~~COB~~the City that a property is eligible under the criteria, the property shall be considered eligible for the National Register for purposes of this ~~Agreement~~PA, and shall hereinafter be referred to as a ~~h~~Historic ~~p~~Property. The ~~COB~~City shall continue consultation in accordance with the terms of this ~~Agreement~~PA for all such properties.
  2. If the SHPO agrees with the ~~COB~~City that the criteria are not met, the property shall be considered ineligible for the inclusion in the National Register for a period of five (5) years from the date of the SHPO's review. Such properties need not be reevaluated during this five (5) year period, unless a party to this ~~Agreement~~PA notifies the ~~COB~~City in writing of changing perceptions of significance warrants a property reevaluation. Such properties require no further review under this ~~Agreement~~PA.
  3. If the SHPO disagrees with the ~~COB's~~City's determination regarding eligibility, ~~COB~~the City shall consult further with the SHPO to reach agreement. If agreement cannot be reached, ~~COB~~the City shall obtain a final determination from the Secretary of the



Interior pursuant to the applicable National Park Services regulations, 36 CFR Part 63.

## VII. ASSESSMENTS OF EFFECTS

- A. Prior to undertaking any activities that are not exempt under Stipulation ~~IV~~, ~~GOB the City~~ shall provide the SHPO with clear, unobstructed photographs of the historic property and a general work description which adequately details the scope of work for each rehabilitation project that may affect a ~~h~~Historic ~~p~~Property, including work write-ups, working drawings and specifications, as appropriate, and any additional documentation necessary to understand the ~~u~~Undertaking. The ~~GOB City~~ shall ensure that the SHBC will be employed to the greatest extent feasible in all rehabilitation projects. The ~~GOB City~~ shall apply Criteria of Effect and Adverse Effect (36 CFR 800.9) to any ~~h~~Historic ~~p~~Property that may be affected by an ~~u~~Undertaking, and will review the scope of work to determine if the ~~u~~Undertaking conforms to the SHBC as well as the recommended ~~approached approaches~~ contained in the The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Standards) Standards.
1. If the ~~GOB City~~ determines that an ~~u~~Undertaking will have no effect, the ~~GOB City~~ shall notify the SHPO in writing of this finding. If SHPO does not object to this written notice within fifteen (15) days, the Undertaking may proceed without further review.
  2. If the ~~GOB City~~ determines that an ~~u~~Undertaking conforms to the Standards and complies with SHBC, ~~GOB the City~~ shall notify the SHPO in writing of this finding. If the SHPO does not object in writing to this determination within thirty (30) days after receipt, the Undertaking shall be considered to not adversely ~~effect affect~~ ~~h~~Historic ~~p~~Properties and may proceed as submitted without further review.
  3. If the ~~GOB City~~ or the SHPO find that an ~~u~~Undertaking does not conform to the Standards or comply with SHBC, the Undertaking will be considered to adversely affect ~~h~~Historic ~~p~~Properties. The SHPO may recommend modifications to the scope of work or conditions under which the Undertaking would be found to conform to the Standards and the SHBC in its response to ~~SHRA the City~~. ~~SHRA The City~~ shall consult further with the SHPO to seek ways to avoid, minimize, or mitigate the adverse effect. If all adverse effects cannot be avoided, the ~~GOB City~~ shall initiate consultation with the SHPO and Council in accordance with 36CFR 800.56.
  4. The ~~GOB City~~ will notify the SHPO of any changes to the scope of work and shall provide the SHPO with the opportunity to review and approve such changes. If the changes do not conform to the Standards or comply with the SHBC, the parties shall consult

further and the ~~COB-City~~ will initiate consultation with the SHPO ~~and Council~~ in accordance with 36 CFR 800.5~~(e)~~6 if an adverse effect cannot be avoided.

5. The ~~COB-City~~ shall provide completion photographs on each rehabilitation project to the SHPO and shall retain documentation of the rehabilitation, including the work write-ups and photographs as part of its permanent records.
- B. Additionally, the ~~COB-City~~ shall consult in writing with the SHPO to determine if an ~~u~~Undertaking which includes ground disturbing activities has the potential to affect ~~an a~~Archeological ~~properties-Resource~~ (as defined by the Archaeological Resources Protection Act of 1979) that may be eligible for inclusion in the National Register. ~~COB-The City~~ shall investigate historical records and pertinent information available at the ~~North-Central Information Center at California State University, Sacramento-Northwest Information Center of the California Historical Resources Information System at Sonoma State University~~ or some institution containing similar records acceptable to SHPO. The ~~COB-City~~ also shall complete any further studies recommended by the SHPO to determine if the ~~u~~Undertaking has the potential to affect ~~a~~Archeological ~~propertiesResources~~ that may be eligible for inclusion in the National Register. It is agreed that the following ground disturbing activities have the potential to affect ~~historic properties~~Archeological Resources: excavation for footings and foundations; installation of utilities such as sewer, water, storm drains, electrical, gas, leach lines and septic tanks except where installation is restricted solely to areas previously disturbed by the installation of these utilities and ~~installation is restricted to areas previously disturbed by the installation of such~~ systems.
1. If an ~~u~~Undertaking has the potential to affect any ~~a~~Archeological ~~property-Resource~~ that may be eligible for inclusion in the National Register, ~~COB-the City~~ shall redesign the project to avoid the ~~a~~Archeological ~~property-Resource~~ and shall provide the SHPO with documentation regarding the property and the steps it has taken to avoid such property.
  2. If the Undertaking cannot be redesigned to avoid the ~~a~~Archeological ~~propertyResource~~, ~~COB-the City~~ shall develop a plan in consultation with the SHPO to complete the identification, evaluation and, if necessary, mitigation of the impact on the propertyArcheological Resource. If ~~COB-the City~~ and the SHPO cannot agree that whether the potential to affect ~~a~~Archeological ~~properties-Resources~~ exists or cannot agree on a plan for the consideration of such ~~propertiesresources~~, ~~COB-the City~~ will initiate

consultation with the SHPO ~~and Council~~ in accordance with 36 CFR 800.5~~(e)~~6.

**VIII. COMBINED REVIEW OF ELIGIBILITY AND EFFECT**

~~COB~~ The City may elect to submit the documentation set out in Stipulations ~~IV-VI~~ and ~~V-VII~~ above in one package for the SHPO's review. The SHPO will provide comments on the ~~COB's~~ City's determinations of eligibility and effect within thirty (30) days after receipt of such submission. ~~COB~~ The City will review any such comment of the SHPO and refer to the detailed procedures set out in Stipulations ~~IV-VI~~ and ~~V-VII~~ to determine if additional review by the SHPO ~~or the Council~~ is required to fulfill the terms of this Agreement PA.

**VIII. SHPO RESPONSIBILITIES**

- A. The SHPO is permitted thirty (30) calendar days after receipt of any submitted documentation to review and comment on such material, with the exception of Stipulation VII.A.1. If the SHPO does not provide comments within this time period, the ~~COB~~ City may assume that the SHPO does not object to its determination.
- B. The SHPO will provide technical assistance and training on the application of the Standards and the SHBC to the ~~COB~~ City to the extent possible.

**X. EMERGENCY UNDERTAKINGS**

- A. This Stipulation shall apply only to situations in which a duly authorized local official has determined in accordance with applicable law, that an imminent threat to the public health and safety exists and that such threat must be removed forthwith ("Emergency Conditions").
- B. When the City determines that Emergency Conditions require immediate demolition of a Historic Property in connection with an activity subject to this PA, the City shall in writing concurrently notify the ACHP, the Landmarks Preservation Commission (LPC), the State Historic Preservation Officer and any Indian Tribe that may attach religious and cultural significance of the proposed removal and afford these parties a maximum of seven (7) days to comment on the proposed demolition. Any notification by the City shall be accompanied by documentation that includes, but is not limited to, a description of the Emergency Conditions, the name, location, and significance of the affected Historic Property, an assessment of the historic Property's current condition supplemented by photographs, and the date by which the Emergency Conditions must be abated. If the City determines that circumstances do not permit seven (7) days for comment, the City shall notify the ACHP, the SHPO, the LPC and the Indian tribe and invite any comments within the time available.
- C. The City shall require that any mitigation measures recommended by the ACHP, the LPC, the SHPO and any affected Indian Tribe be implemented if the City deems such measures to be feasible.
- D. The City shall document the actions taken pursuant to this Stipulation in the manner prescribed by Stipulation XIX.A.

E. Immediate rescue and salvage operations conducted to preserve life and property are exempt from the provisions of Section 106 [36 CFR §800.12(d)].

XI. PUBLIC INVOLVEMENT

- A. The City shall identify any public interest in the Undertakings subject to this PA by informing the public about Historic Properties when complying with the public participation requirements set forth in 24 CFR Part 58 and in the regulations for any other Program delegated by HUD to the City as may be applicable.
- B. The City shall, except where appropriate to protect confidentiality concerns of affected parties, provide the public with information about an Undertaking and its effects on historic properties and seek public comment and input. Members of the public may also provide views on their own initiative for the agency official to consider in decision-making. The City may use the agency's procedures for public involvement under the National Environmental Policy Act or other program requirements in lieu of public involvement requirements in sSubpart B of 36 CFR pPart 800, if they provide adequate opportunities for public involvement consistent with that subpart.
- C. At any time during implementation of the measures stipulated in this PA, should a member of the public raise an objection pertaining to delineation of an APE or to treatment of a Historic Property, the City shall notify the SHPO immediately of the objection and then proceed to consider the objection and consult, as needed, with the objecting party and the SHPO, for a period of time not to exceed fifteen (15) calendar days. The City's responsibility to carry out all other actions under this PA that are not the subject of the dispute shall remain unchanged.

~~VIII~~XII. DISCOVERIES AND UNFORESEEN EFFECTS

If, during the implementation of these ~~p~~Programs, a previously unidentified property that may be eligible for the inclusion in the National Register is encountered, or a known ~~h~~Historic ~~p~~Property may be affected in an unanticipated manner, ~~COB~~ the City will assume its responsibility pursuant to 36 CFR 800.41(b)(2)13(b).

~~IX~~XIII. REPORTING

~~COB~~ The City shall forward an annual report of all ~~u~~Undertakings covered by the terms of this ~~Agreement~~ PA to the SHPO, ~~council~~ and the U.S. Department of Housing and Urban Development, San Francisco Regional Office, Region IX [or State of California, Department of Housing and Community Development]. This report will list the ~~u~~Undertakings exempted under Stipulation ~~H~~IV and those that were reviewed under the terms of this ~~Agreement~~ PA. The ~~u~~Undertakings should be listed by property address.

XIV. MONITORING

The SHPO ~~and the Council~~ may monitor any activities carried out pursuant to this ~~Agreement~~ PA ~~and the Council~~ will review such activity if requested. ~~COB~~ The City will cooperate with the SHPO ~~and the Council~~ in carrying out these monitoring and review responsibilities.

XVI. DISPUTE RESOLUTION

If ~~COB~~ the City and the SHPO are unable to resolve any disagreement arising under the provisions of this ~~Agreement~~ PA, ~~COB~~ the City shall, unless the dispute relates to the National Register eligibility of any property, forward full documentation regarding the

project, the basis for the dispute, and request the comments of ~~the Council~~ACHP in accordance with 36 CFR 800.~~5(e)-6(b)(1)(v)~~.

~~XII~~XVI. ~~COB-CITY~~ STAFFING

~~COB~~The City ~~still will~~ assign staff to assure that rehabilitation work is carried out in accordance with the specifications and work descriptions provided to the SHPO for review in determining effect, including any project modifications recommended by the SHPO which were adopted by ~~COB~~the City. Such staff will also monitor ~~u~~Undertakings limited to work items enumerated in Attachment "A" which are exempted from review by the SHPO to assure that only qualifying work items are properly performed.

Responsible ~~COB~~City staff will certify that work was carried out as planned, and will maintain records for each project which document compliance with the terms of this

Agreement~~PA~~.

~~XIII~~XVII. AMENDMENTS

Any party to this Agreement~~PA~~ may request it be amended, whereupon the parties will consult in accordance with 36 CFR 800.~~13-14~~ to consider such amendment. No amendment to this Agreement~~PA~~ will go into effect without written concurrence of all consulting parties.

~~XIV~~XVIII. TERMINATION

Any party to this Agreement~~PA~~ may terminate it by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to the termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, ~~COB~~the City will comply with 36 CFR Part 800.~~4-800.6~~ with respect to individual ~~undertakings~~Undertakings covered by this

Agreement~~PA~~.

~~XIX~~V. FAILURE TO COMPLY WITH TERMS OF THE PROGRAMMATIC AGREEMENT

In the event ~~COB~~the City cannot carry out the terms of this Agreement~~PA~~, it the City shall not take or sanction any action or make any irreversible commitment pursuant to a Program or to carry out an Undertaking that would result in an adverse effect to Historic Properties or would foreclose the Council's SHPO's consideration of modifications or alternatives to the Undertaking, and ~~COB~~the City will comply with 36 CFR Part 800.~~4-800.6~~ with regard to each individual ~~u~~Undertaking covered by this Agreement~~PA~~.

EXECUTION AND IMPLEMENTATION of this Programmatic Agreement evidences that ~~COB~~the City of Berkeley has afforded the ~~Council~~SHPO a reasonable opportunity to commit on the program and that ~~COB~~the City has taken into account the effects of the program on ~~h~~Historic ~~p~~Properties.

CITY OF BERKELEY

By: \_\_\_\_\_ Date \_\_\_\_\_  
~~Director of Housing Department~~Dee Williams-Ridley, City Manager

APPROVED AS TO FORM

By: \_\_\_\_\_ Date \_\_\_\_\_  
Farimah Brown, City Attorney

CALIFORNIA STATE HISTORIC PRESERVATION OFFICER

By: \_\_\_\_\_ Date \_\_\_\_\_  
Julianne Polanco

~~ADVISORY COUNCIL ON HISTORIC PRESERVATION~~

By: \_\_\_\_\_ Date \_\_\_\_\_  
John Fowler, Executive Director



**ATTACHMENT "A"**  
**Programmatic Agreement for Rehabilitation**

~~PROJECT ACTIVITIES NOT REQUIRING REVIEW~~ The following Undertakings require only administrative review by the City and not the SHPO pursuant to Stipulation IV of this PA.

1. Electrical work, limited to upgrading or in-kind replacement;
2. Plumbing work, limited to upgrading or in-kind replacement, with the exception of historic fixtures which shall be repaired when possible;
3. Installation of mechanical equipment which does not affect the exterior of the building or requiring installation of new duct work throughout the interior;
4. Repainting of existing painted surfaces if destructive surface preparation treatments, including, but not limited to waterblasting, sandblasting and chemical removal are not used;
5. Repair or partial replacement of porches, decks, cornices, exterior siding, doors, thresholds, balustrades, stairs or other trim, when the repair or replacement is done in-kind to exactly-closely match existing material and form;
6. Replacement of deteriorated windows when the replacement is done in-kind to exactly-closely match the existing material or form;
7. Replacement of window panes in-kind or with double or triple glazing so long as glazing is clear and untinted and replacement does not alter the existing window material or form;
8. Caulking and weatherstripping with compatibly colored materials;
9. Roof repair or replacement with materials which exactly-closely match the existing material and form;
10. Installation of insulation, with the exception of urea formaldehyde foam insulation or any other type of thermal insulation which contains water in its chemical composition and is installed within wall cavities, provided that decorative interior plaster or woodwork or exterior siding is not altered by this work item;
11. Installation of fire, ~~or~~ smoke, and carbon monoxide detectors;
12. Installation of security devices including dead bolts, door locks, window latches, door peepholes, and the installation of electronic security systems;



13. Repair or replacement of ~~driveways or walkways when work is done in-kind to exactly match the existing materials and form;~~existing roads, driveways, sidewalks, curbs, curb ramps, speed bumps and gutters provided that work is done in-kind to closely match existing materials and forms and provided that there are only minimal changes in the dimensions and configurations of these features;
14. Repair or replacement of fencing, gates, and freestanding exterior walls when work is done in-kind to ~~exactly~~closely match the existing materials and form;
15. Floor refinishing;
16. Repair or replacement of floors when work is done in-kind to ~~exactly~~closely match the existing materials and form;
17. Installation of grab bars, handrails, guardrails and minor interior and exterior modifications for handicapped accessibility;
18. Modifications of and improvements to path of travel for persons with disabilities from, to, and within a building, structure, playground, or park and includes the installation of exterior ramps and chairlifts for handicapped accessibility;
- ~~18-19.~~ 19. Repair or replacement of signs or awnings when work is done in-kind to ~~exactly~~closely match existing materials and form; ~~and~~
20. Repair or replacement of interior stairs when work is done in-kind to ~~exactly~~closely match the existing materials and form.;
21. Repair, replacement, or installation of gutters and down spouts;
22. Repair, replacement, and installation of the following, regardless of their location within or adjacent to an historic district:
  - a. Park furniture, including benches, picnic tables, chairs, planter boxes, barbecue pits and trellises.
  - b. Outdoor yard improvements, including play structure, matting, fencing, gates, play ground lighting, drinking fountain, play ground equipments, path of travel and ramps.
  - c. Landscaping, including tree planting, tree pruning, shrub removal, play court resurfacing or sodding, irrigation, murals and painting of game lines for school play yards and grounds.
23. Repair, replacement or installation of water, gas, storm, and sewer lines when the work qualifies as an exemption pursuant to Stipulation V.5; and
24. Stabilization of foundations and addition of foundation bolts.

**ATTACHMENT "B"**  
**DEFINITIONS**

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>"Act"</u>                             | <u>"Act" means the National Historic Preservation Act of 1966, as amended, 16 USC §470.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <u>"ACHP"</u>                            | <u>"ACHP" means the Advisory Council on Historic Preservation or a Council member or employee designated to act for the Council.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <u>"Archeological Resource"</u>          | <u>"Archeological Resource" means any material remains of past human life or activities which are of archaeological interest as determined under uniform regulations promulgated pursuant to 16 USC §470aa-mm.</u>                                                                                                                                                                                                                                                                                                                                                              |
| <u>"Area of Potential Effects" (APE)</u> | <u>"Area of Potential Effects" means the geographic area or areas within which an Undertaking may cause changes in the character or use of historic properties, if any such properties exist.</u>                                                                                                                                                                                                                                                                                                                                                                               |
| <u>"City"</u>                            | <u>"City" means the City of Berkeley.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <u>"Historic Property"</u>               | <u>"Historic Property" means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places. The term includes, for purposes of this PA, artifacts, records, and remains that are related to and located within such properties. The term "eligible for inclusion in the National Register" includes both properties formally determined as such by the Secretary of the Interior and all other properties that meet National Register of Historic Places listing criteria.</u> |
| <u>"National Register Criteria"</u>      | <u>"National Register Criteria" means the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR Part 60).</u>                                                                                                                                                                                                                                                                                                                                                                             |

|                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>“National Register of Historic Places” (NRHP)</u></p> | <p><u>“National Register of Historic Places” (NRHP) maintained by the Secretary of the Interior and administered by the National Parks Service, is the official list of the Nation's cultural resources worthy of preservation.</u></p>                                                                                                                                                                                                                                                                                            |
| <p><u>“National Register”</u></p>                           | <p><u>“National Register” means the National Register of Historic Places maintained by the Secretary of the Interior.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><u>“Programmatic Agreement” (PA)</u></p>                 | <p><u>“Programmatic Agreement” means the agreement pursuant to 36 CFR § 800.14(b), between the City, and the SHPO to allow for expedited review of HUD funded projects affecting cultural resources.</u></p>                                                                                                                                                                                                                                                                                                                       |
| <p><u>“Secretary”</u></p>                                   | <p><u>“Secretary” means the Secretary of the Interior</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><u>“Standards”</u></p>                                   | <p><u>“Standards” means the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, &amp; Reconstructing Historic Buildings.</u></p>                                                                                                                                                                                                                                                                                                             |
| <p><u>“State Historic Preservation Officer” (SHPO)</u></p>  | <p><u>“State Historic Preservation Officer” means the official appointed or designated pursuant to §101(b)(1) of the Act to administer the State Historic Preservation program or a representative designated to act for the State Historic Preservation Officer.</u></p>                                                                                                                                                                                                                                                          |
| <p><u>“Undertaking”</u></p>                                 | <p><u>“Undertaking” means any project, activity, or Program that can result in changes in the character or use of historic properties, if any such historic properties are located in the area of potential effects. The project, activity, or program must be under the direct or indirect jurisdiction of a Federal agency or licensed or assisted by a Federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements not previously considered under Section 106.</u></p> |





Office of the City Manager

## ACTION CALENDAR

October 15, 2019

*(Continued from September 24, 2019)*

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Economic Development Manager

Subject: IKE Smart City Kiosk Locations, Phase One

### RECOMMENDATION

Approve the locations for the first phase of deployment of 15 IKE Smart City Kiosks in the Downtown, Telegraph and Lorin commercial districts pursuant to Ordinance No. 7,626-N.S. granting the Franchise Agreement with IKE Smart City, LLC.

### SUMMARY

In this report, the locations for the first phase of deployment of 15 IKE Smart City Kiosks in the Downtown, Telegraph and Lorin commercial districts are submitted to the City Council for review and approval.

### FISCAL IMPACTS OF RECOMMENDATION

Once all 15 of the phase I kiosks are deployed, preliminary projections anticipate approximately \$401,310 per year in General Fund Revenue to the City of Berkeley.

### CURRENT SITUATION AND ITS EFFECTS

Interactive Kiosk Experience (IKE) is a relatively new 'smart city' amenity that has been successfully deployed or is planned for deployment in cities across the country including Denver, San Antonio, Oakland, Los Angeles, Detroit, San Diego, and Baltimore. Visit Berkeley, our local destination marketing organization, has partnered with IKE Smart City, LLC to bring IKE in Berkeley. This advertisement-supported platform consists of digital, touchscreen kiosks that serve as information portals, economic development tools, engagement opportunities and safety resources. On October 30, 2018, City Council adopted Ordinance No. 7,626-N.S. granting a Franchise Agreement to IKE Smarty City, LLC, and modified two sections of the Berkeley Municipal Code to exempt IKE kiosks from regulations of signage and encroachments of the public right-of-way.<sup>1</sup>

In April through August 2019, the Office of Economic Development (OED), Visit Berkeley, and IKE Smart City conducted community outreach to determine the specific

<sup>1</sup> [Facilitation of the Installation of IKE Smart City Kiosks; Amending Chapters 20.16 and 16.18 of the Berkeley Municipal Code](#), Item 30, Berkeley City Council Meeting, October 30, 2018

locations for the first phase of deployment of kiosks in the Downtown, Telegraph, and Lorin commercial districts. Those locations are presented here for City Council review (see Attachment 1). City Council approval of the proposed (or modified) locations would allow IKE Smart City to proceed to apply for and obtain engineering permits from the Public Works department, and subsequently to proceed with kiosk installation.

### BACKGROUND

IKE is a communication and advertising platform created to help cities and business improvement districts connect with citizens and visitors in dynamic new ways. Through a system of vivid, durable touchscreen displays, IKE aims to enhance the pedestrian experience in the City of Berkeley. IKE generates revenues through digital advertising, and is a self-sustaining platform that provides a meaningful recurring revenue stream to the city, and requires no capital or operational investment from the City.

IKE was developed in concert with the Downtown Denver Partnership, with the goal of building a wayfinding and city communication system for the digital age, and delivering it in a self-sustaining business model requiring no investment from the city. While originally designed to satisfy common goals of Business Improvement Districts (BIDs), a partnership with Discover Los Angeles has led to the development of functionality benefiting destination marketing organizations, such as our own Visit Berkeley. The implementation of IKE is also a Strategic Plan Priority Project, advancing the city's goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

IKE encourages exploration and discovery of a city through enhanced wayfinding and communication. By presenting relevant information along pedestrians' path, IKE allows cities, BIDs and destination marketing organizations to connect with visitors and residents. IKE Kiosks offer the following information and features for users:

- Directories of local restaurants, stores and other businesses
- Events and attractions
- Turn-by-turn directions, with mobile integration to transfer those directions right to your cell phone or tablet
- Real time information on public transportation, ride sharing services, bike sharing
- Public safety announcements
- Weather updates
- Wi-Fi hotspot
- Job postings
- Shelter and human services information
- Public feedback opportunities through public polling or 'questions of the week'
- Other interactive features, such as a selfie photo booth feature allowing for integration with social media
- Information in multiple languages

The IKE kiosks feature an adjustable screen and are fully compliant with the Americans with Disability Act (ADA). The daylight viewable displays feature a local dimming LED back light for high bright, high contrast picture quality, low power consumption and utilize a fan-less thermal management system for silent 24/7 operation.

The City of Berkeley's Franchise Agreement with IKE Smart City permits thirty (31) IKE digital kiosks throughout the City of Berkeley at major intersections and arteries, key points of interest and heavily foot-trafficked areas.

### *Community Outreach*

Staff collaborated with Visit Berkeley, IKE, commercial district associations, and other stakeholder groups to conduct outreach to members of the community to determine appropriate locations for the kiosks. Community outreach was conducted in accordance with the Franchise Agreement Section 8(A)(B) *Permitting process and prohibited locations*. OED hosted two community meetings in each commercial district where the kiosks are proposed to be installed; the community meeting schedule is summarized in Table 1 below. The meetings provided business owners, residents and other stakeholders the opportunity to give input on the most appropriate locations for the first 15 kiosks.

Table 1. Community Outreach Schedule

| <b>District</b>    | <b>Meeting Location</b>                       | <b>Date</b>     |
|--------------------|-----------------------------------------------|-----------------|
| Telegraph District | Raleigh's Bar & Grille, 2438 Telegraph Ave    | May 1, 2019     |
| Telegraph District | Phở K&K, 2533 Telegraph Ave                   | August 14, 2019 |
| Lorin District     | Ed Roberts Campus, 3075 Adeline St.           | May 9, 2019     |
| Lorin District     | Adelines Lab, 3140 Martin Luther King Jr. Way | August 14, 2019 |
| Downtown Berkeley  | David Brower Center, 2150 Allston Way         | May 23, 2019    |
| Downtown Berkeley  | Au Couquelet, 2000 University Ave             | August 14, 2019 |

### *Proposed Locations*

Attachment 1 includes maps of the proposed locations for installation of IKE Kiosks in Downtown Berkeley, the Telegraph District, and the Lorin. These locations were initially proposed by IKE Smart City based on criteria that included the following:

- In the public right-of-way / public property.
- Commercial areas with active frontages and high pedestrian volume.
- Maintain accessibility, including a minimum path of travel of 6 feet.
- Proximity to power sources, and avoiding conflict with other utilities.
- Avoiding conflict with transportation resources such as bus shelters or bicycle share.
- Proximity to public amenities, civic buildings, and arts and cultural institutions and venues.

Locations were refined based on feedback from community members gathered during the meetings listed above as well as other direct outreach.

*Next Steps*

If Council approves these locations, IKE Smart City may proceed to apply for permits to install the kiosks at these locations in accordance with Berkeley Municipal Code 16.12. Challenges related to accessing power or establishing power service at the proposed locations could cause delays in the installation of kiosks, and could necessitate modifications to the kiosk locations. Any changes to the locations for kiosk installation would be subject to Council review and approval.

ENVIRONMENTAL SUSTAINABILITY

The City of Berkeley's Climate Action Plan has several goals and recommended actions that will be advanced through the implementation of the IKE Smart City Kiosks. IKE Kiosks will feature real time transit information which will reinforce the City's commitment to sustainable transportation services.

RATIONALE FOR RECOMMENDATION

Pursuant to Ordinance No. 7,626-N.S. granting a Franchise Agreement with IKE Smart City, LLC, the City of Berkeley will permit the installation of up to thirty-one (31) IKE digital kiosks throughout the City of Berkeley at major intersections and arteries, key points of interest and heavily foot-trafficked areas. The agreement requires the locations for the first phase of deployment of 15 IKE Smart City Kiosks in the Downtown, Telegraph and Lorin commercial districts to be submitted to the City Council for final review and approval. The attached locations have been vetted by City of Berkeley Office of Economic Development, Visit Berkeley, commercial district associations, and community members. Staff has a high level of confidence for build-out of these fifteen sites during phase one based on the siting criteria noted above.

ALTERNATIVE ACTIONS CONSIDERED

Several other locations throughout the Downtown, Telegraph and Lorin commercial districts were considered.

CONTACT PERSON

Jordan Klein, Manager, Office of Economic Development, 510-981-7534  
Kieron Slaughter, Community Development Project Coordinator, 510-981-2490

Attachments:

- 1: IKE Smart City Kiosk Locations, Phase I
- 2: Public outreach materials



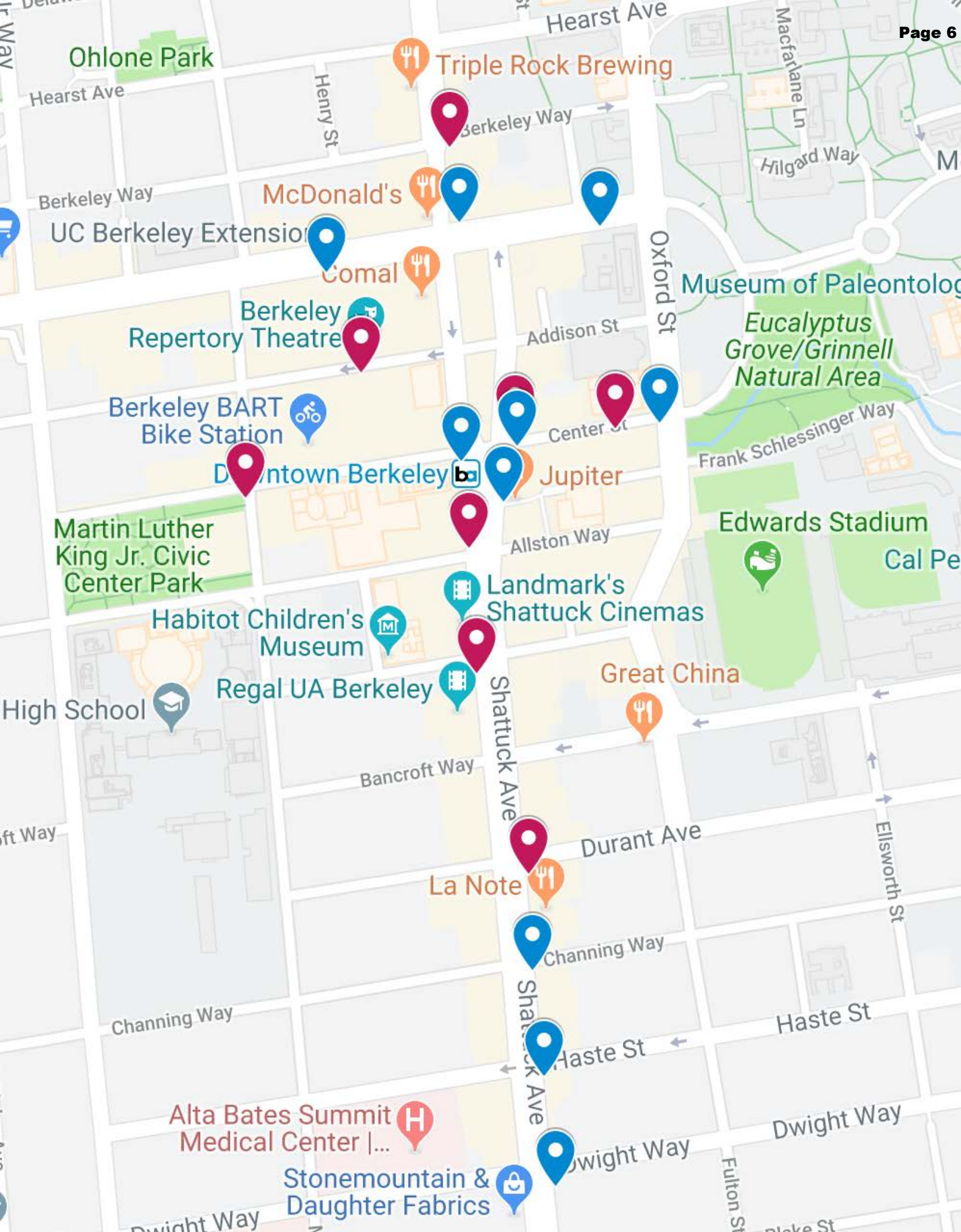
**ike**  
SMART CITY™

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Connecting Cities with People  
City of Berkeley  
Final Location Selection  
8.21.19







**Downtown Berkeley Assoc.**

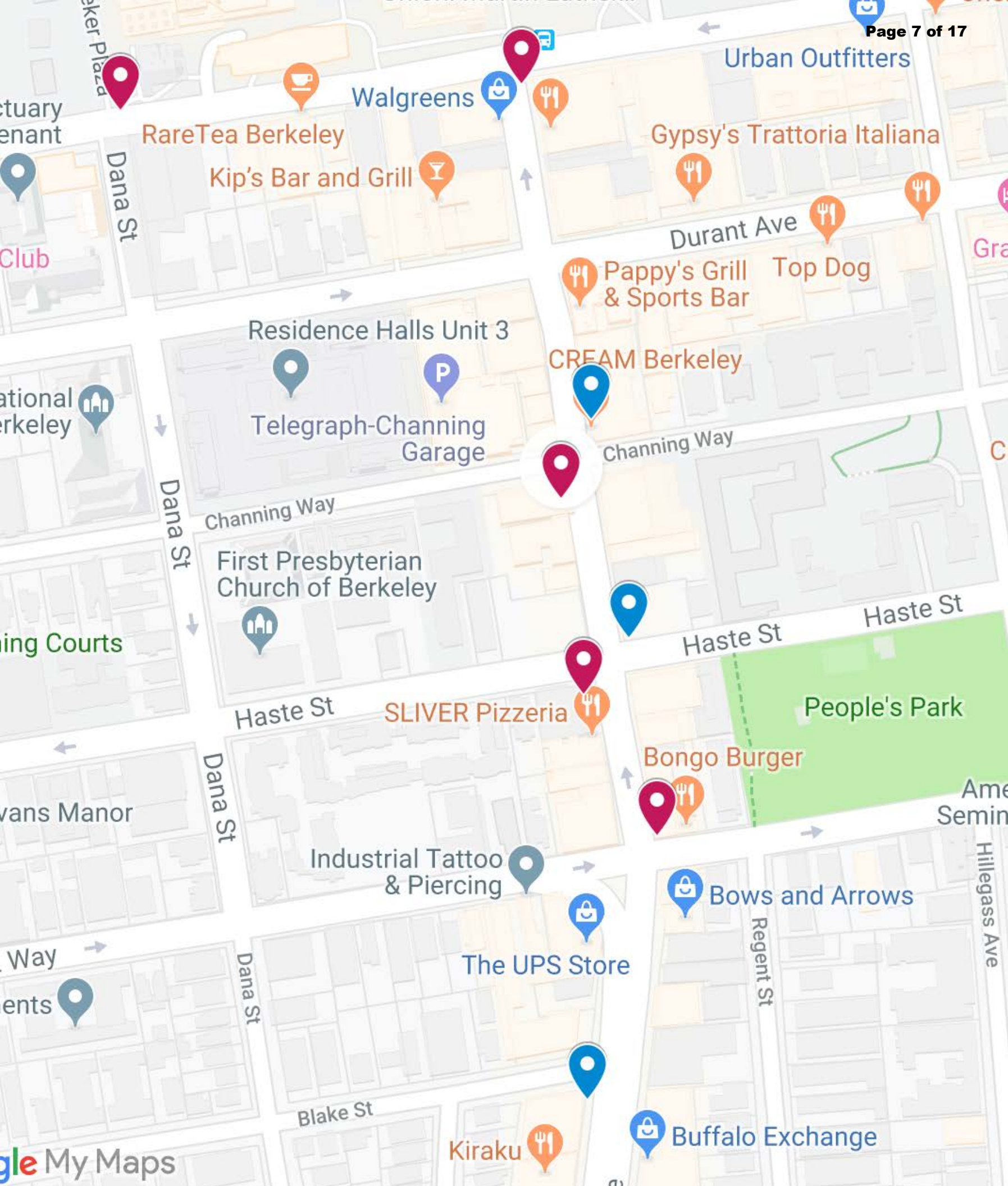
**8 Location Goal**

- 1 Center & Milvia SW (City Hall)
- 2 Shattuck & Durant
- 3 Shattuck & Kittredge
- 4 Shattuck & Allston
- 5 Center & Oxford
- 6 Addison (Shattuck & Milvia)
- 7 Berkeley Way & Shattuck
- 8 Shattuck & Center NE (New Hotel)

University & Shattuck  
 BART Plaza - Shattuck & Center W  
 University (Shattuck & Milvia)  
 Center & Shattuck SE  
 Shattuck & Haste  
 Shattuck & Dwight  
 Shattuck & Channing  
 Shattuck (Allston & Center) E  
 Center & Oxford 2  
 University & Oxford

Phase I Deployment Locations are Highlighted in Red.



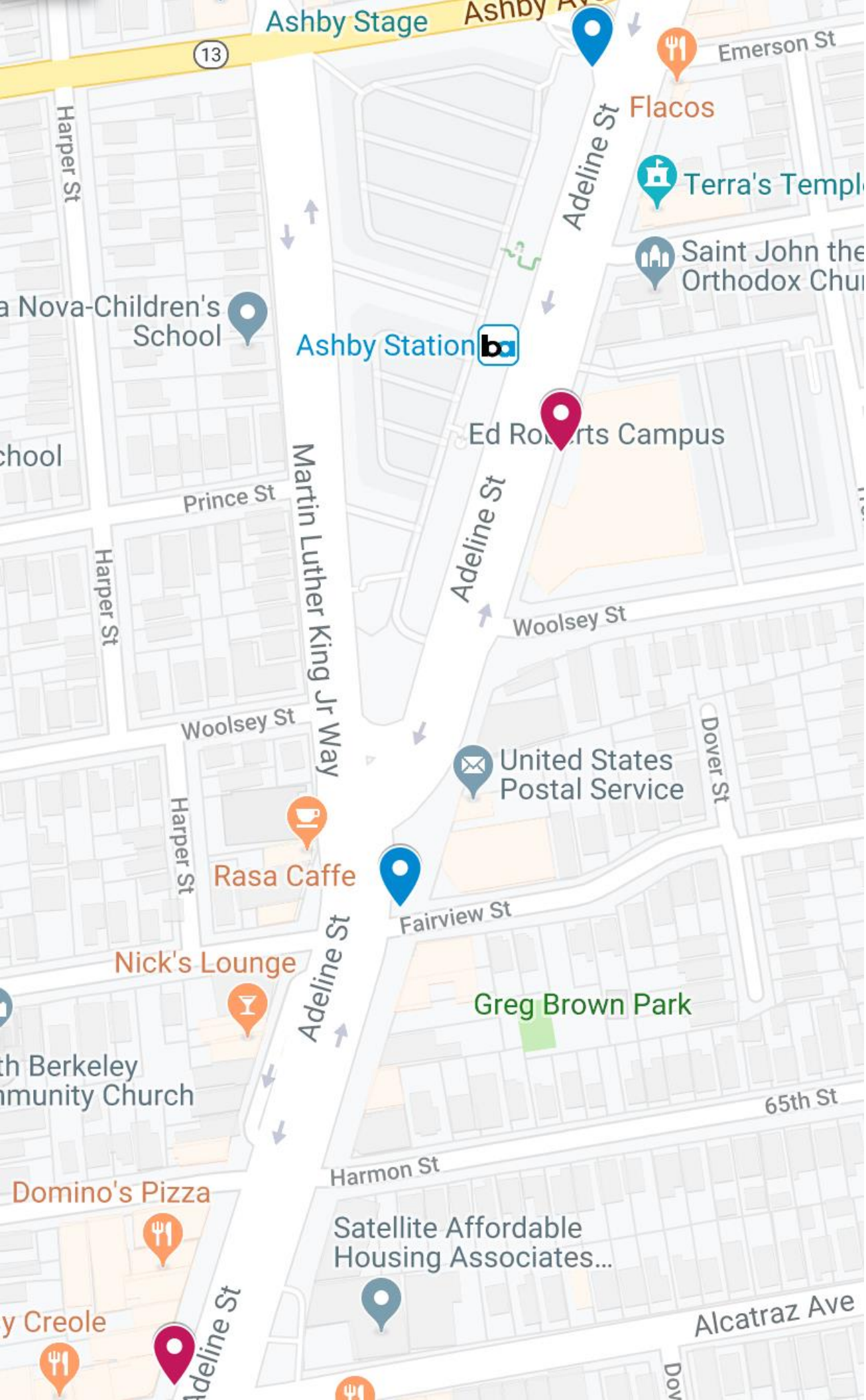


## Telegraph BID 5 Location Goal

- 1 Dana & Bancroft UC Berkeley N
  - 2 Telegraph & Bancroft
  - 3 Telegraph & Channing
  - 4 Telegraph & Haste
  - 5 Telegraph & Dwight
- Telegraph & Haste E  
Telegraph & Haste W  
Telgraph & Blake

Phase I Deployment Locations are Highlighted in Red.



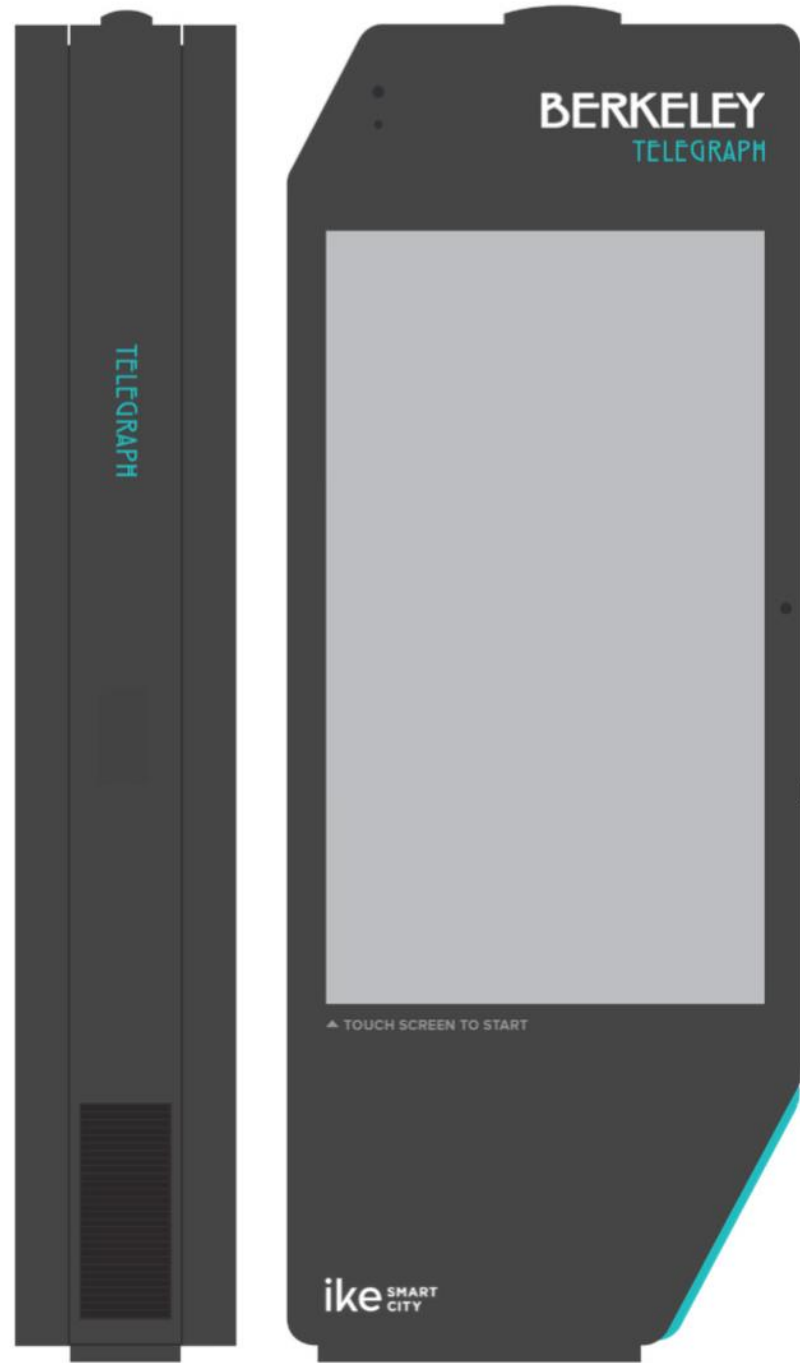


## Lorin District 2 Location Goal

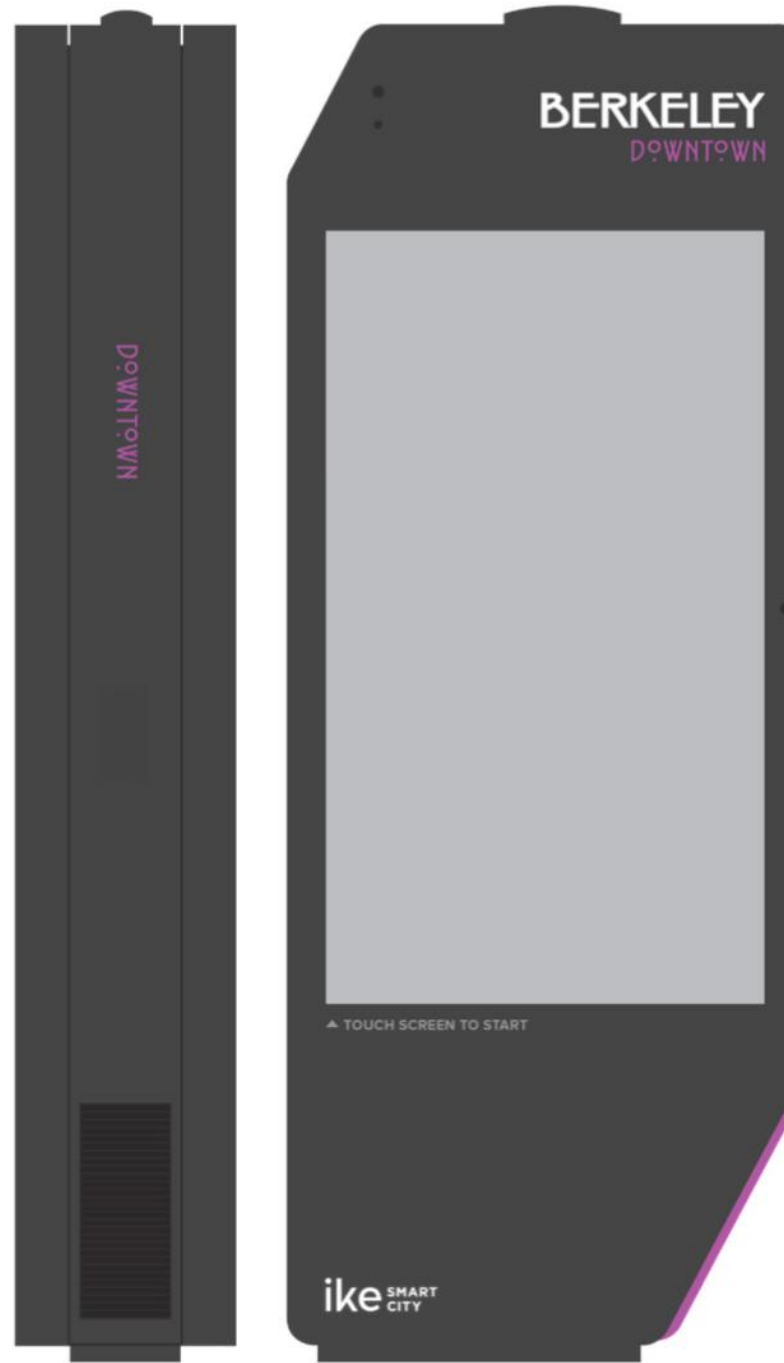
- 1 Adeline & Alcatraz
- 2 Adeline & Woolsey E
- Adeline & Fairview E
- Adeline & Ashby

Phase I Deployment Locations are Highlighted in Red.

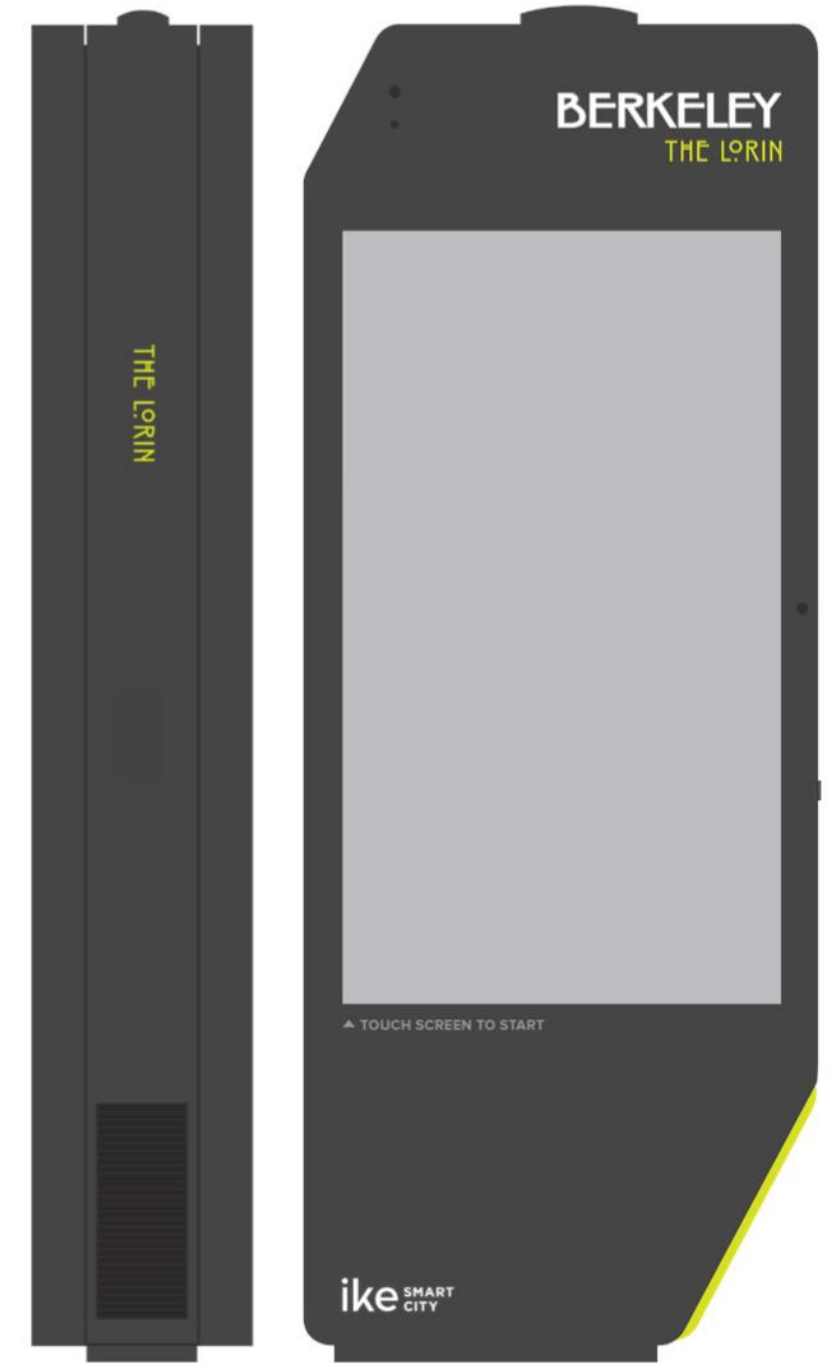
TELEGRAPH



DOWNTOWN



THE LORIN



## Public Outreach Materials



The City of Berkeley Office of Economic Development and Visit Berkeley invite you to learn more about IKE Smart City interactive, wayfinding digital kiosks at upcoming Community Outreach Meetings to be held **Wednesday, August 14, 2019.**

Three meetings are scheduled throughout the city to engage with interested parties in each of the Commercial districts receiving kiosks in the first phase of deployment.

Please join us to hear about the prospective locations for these exciting new interactive kiosks that will be installed throughout the City of Berkeley for use by residents and visitors.

**Downtown Berkeley 9:00 – 10:30am**

**Au Couquelet 2000 University Ave Berkeley, CA 97404**

**Telegraph Business District 2:00 – 3:30pm**

**Phở K & K 2533 Telegraph Ave Berkeley, CA 97404**

**Lorin Business District 5:00 – 6:30pm**

**Adelines Lab 3140 Martin Luther King Jr Way Berkeley, CA 94703**

For more information contact Kieron Slaughter at 510-9812490 or at [kslaughter@cityofberkeley.info](mailto:kslaughter@cityofberkeley.info) or Barbara Hillman at 510-549-7040 or at [bhillman@visitberkeley.com](mailto:bhillman@visitberkeley.com)

To learn more about IKE Smart City visit [www.ikesmartcity.com](http://www.ikesmartcity.com)






**THE DRIN** The Lorin District  
May 8 · 🌐

Hey Lorin folks - Come hear about IKE proposed locations in our neighborhood!

The Lorin Business Association invites you to learn more about IKE Smart City, Thursday, May 9, 4:15PM, Koret Boardroom at Ed Roberts Campus. Hear about the prospective locations for the new interactive kiosks that will be installed throughout the City of Berkeley including the Lorin District.  
[www.IkeSmartCity.com](http://www.IkeSmartCity.com)




4

Like Comment Share

**THE DRIN** The Lorin District  
August 5 at 4:06 PM · 🌐

Join us on August 14th to hear about IKE kiosks and their proposed locations in the Lorin!

The City of Berkeley Office of Economic Development and Visit Berkeley invite you to learn more about IKE Smart City interactive, wayfinding digital kiosks at upcoming Community Outreach Meetings to be held Wednesday, August 14, 2019....  
[See More](#)



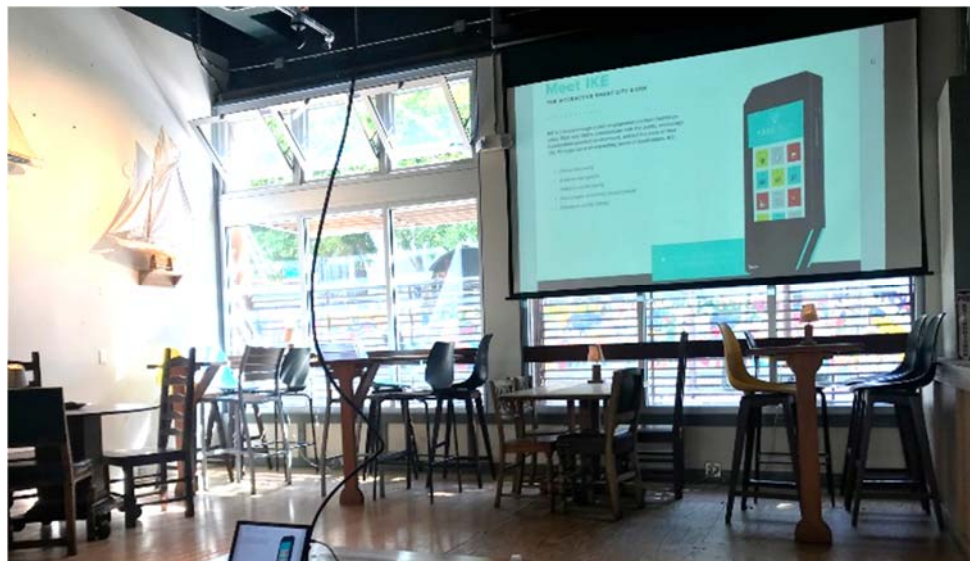
IKE Smart City

IKE Smart City

Telegraph Commercial District - Meeting #1  
 Raleigh's Bar & Grille, 2438 Telegraph Ave  
 May 1, 2019

IKE Smart City  
 Community Outreach Meeting - Sign In Sheet

| First Name | Last Name         | Business Name     | Phone Number | Email Address |
|------------|-------------------|-------------------|--------------|---------------|
| Bonnie     | Gold              |                   |              |               |
| Ali        | Estami            |                   |              |               |
| SWAMI      | BRISANNAT MANAMBE |                   |              |               |
| Kieron     | SHREYAN           | DEB               |              |               |
| Ruben      | Lee               | U.C. Batus        |              |               |
| Rigel      | AL                | Parkeley          |              |               |
| Alexandro  | Robinson          | ANAPURNA          |              |               |
| VERNON     | GELPER            | AMBASSADOR        |              |               |
| Rickey     | ANINA             | AMBASSADOR        |              |               |
| Jeff       | Brown             | AMBASSADOR        |              |               |
| ANWIN      | WICK              | AMBASSADOR        |              |               |
| Kevin      | Gilbert           | AMBASSADOR        |              |               |
| Steve      | Justinmaleya      | The Ink Stone     |              |               |
| Jon        | Gordon            | Gordon Commercial |              |               |
| ANDREW     | RUEGG             | RUC-ELL           |              |               |
| CAROL      | Loy               | UCD GUN           |              |               |
| CHRIS      | Fairbanks         | Graduate Hotel    |              |               |
| Rick       | LIPNICK           | Berkeley Hotel    |              |               |
|            | DUPHAM            | WEITE             |              |               |
|            | PUSCH             | WEITE             |              |               |





Telegraph Commercial District - Meeting #2  
Phở K&K, 2533 Telegraph Ave  
August 14, 2019

IKE Smart City  
City of Berkeley  
Round 2 Community Outreach Meeting Sign In 8.13.19

| First     | Last     | Business         | Phone | Email |
|-----------|----------|------------------|-------|-------|
| KICOM     | SAUNDERS | OPD              |       |       |
| Timothy   | Green    | UC Berkeley      |       |       |
| BARBARA   | HILLMAN  | REID             |       |       |
| LOAN      | REID     | VISIT BERKELEY   |       |       |
| JESSICA   | CHEN     | City of Berkeley |       |       |
| Angie     |          |                  |       |       |
| JACQUETTE |          |                  |       |       |



**Lorin Business District - Meeting #1**  
**Ed Roberts Campus, 3075 Adeline St.**  
**May 9, 2019**

**IKE Smart City**  
**Lorin Business Association**  
**Community Outreach Meeting 1 5.9.19**

| First  | Last      | Business                   | Phone             | Email                                                                      |
|--------|-----------|----------------------------|-------------------|----------------------------------------------------------------------------|
| Gina   | Moreland  | Habitat Children's Museum  | 510-947-1111 x 71 | <a href="mailto:gina@habitat.org">gina@habitat.org</a>                     |
| Kieron | Slaughter | OED                        | 510-981-2460      | <a href="mailto:kieron@edrobertscampus.org">kieron@edrobertscampus.org</a> |
| James  | Chang     | CM Bartlett Office         | 510-981-7130      | <a href="mailto:james@cmbarlett.com">james@cmbarlett.com</a>               |
| Matt   | Napoli    | CM Bartlett Office         | 510-981-2048      | <a href="mailto:matt@cmbarlett.com">matt@cmbarlett.com</a>                 |
| Holly  | Bradford  | Holly Bradford Real Estate | 510-359-0940      | <a href="mailto:hbradford@hbradford.com">hbradford@hbradford.com</a>       |
| Newt   | McDonald  | Ephesian Children's Center | 510-883-2984      | <a href="mailto:newt@ephesiancenter.com">newt@ephesiancenter.com</a>       |





Lorin Business District - Meeting #2  
 Adelines Lab, 3140 Martin Luther King Jr. Way  
 August 14, 2019

Lorin

IKE Smart City  
 City of Berkeley  
 Round 2 Community Outreach Meeting Sign In 8.13.19

| First   | Last       | Business       | Phone | Email |
|---------|------------|----------------|-------|-------|
| Andrew  | Kellogg    | Adelines Lab   |       |       |
| Erin    | Stanley    | OED            |       |       |
| Mark    | Thompson   | IKE            |       |       |
| Jessica | Burton     | IKE            |       |       |
| Holly   | Bradford   | LBA            |       |       |
| DH      | MAYE ROBIN |                |       |       |
| Steve   | Jack       | IKE            |       |       |
| BARBARA | HILLMAN    | VISIT BERKELEY |       |       |
|         |            |                |       |       |
|         |            |                |       |       |



Downtown Berkeley Commercial District – Meeting #1

David Brower Center, 2150 Allston Way  
 May 23, 2019

IKE Smart City  
 Community Outreach Meeting - Sign In Sheet

| First Name   | Last Name     | Business Name     | Phone Number | Email Address |
|--------------|---------------|-------------------|--------------|---------------|
| 2<br>LAVIE   | ZICH          | DAVIDSON          |              |               |
| 3<br>MARK    | RHEADES       | RPG               |              |               |
| 4<br>Mark    | Thompson      | IKE Smart City    |              |               |
| 5<br>MARK    | BUCKER        |                   |              |               |
| 6<br>Anica   | Odell-Smedley | Freight & Salvage |              |               |
| 7<br>Sony    | Barnes        |                   |              |               |
| 8<br>DAVID   | Ushinga       |                   |              |               |
| 9<br>CARISSA | Lee           | AC Transit        |              |               |
| 10<br>Cherie | Hill          | Berkeley Cultural |              |               |
| 11<br>LU     | TIPINING      | TIPINING STUDIO   |              |               |
| 12<br>KIMON  | Shankley      | QED               |              |               |
| 13<br>MATT   | Tascheer      | Tascheer Planning |              |               |
|              | Wang          | citizen           |              |               |
|              | Thompson      | citizen           |              |               |



Downtown Berkeley Commercial District - Meeting #2



Au Couquelet, 2000 University Ave  
August 14, 2019

IKE Smart City  
City of Berkeley  
Round 2 Community Outreach Meeting Sign in 8.13.19

|    | First      | Last     | Business       | Phone | Email |
|----|------------|----------|----------------|-------|-------|
| 1  | KAROL      | SARINJON | OED            |       |       |
| 2  | Sandr      | Bernard  | CB, District 4 |       |       |
| 3  | Eduardo    | Vera     | SLIVER         |       |       |
| 4  | John       | Sanz     | DBA            |       |       |
| 5  | SOH        | Macari   | Berkeley Rep   |       |       |
| 6  | BARBARA    | HILLMAN  | WEST BERKELEY  |       |       |
| 7  | Conis      | Crespo   | IKE            |       |       |
| 8  | Mark       | Thompson | IKE            |       |       |
| 9  | JESSICA    | Burton   | IKE            |       |       |
| 10 | Rayna      | Wojan    | DBA            |       |       |
| 11 | Jacqueline | Moore    | The UC Theatre |       |       |
| 12 | Ryan       | Manning  | DBA            |       |       |
| 13 | Steve      | Tate     | IKE            |       |       |
| 14 | SIMONE     | ARPAIO   | ALNARE GELATO  |       |       |







Office of the City Manager

ACTION CALENDAR

October 15, 2019

*(Continued from September 24, 2019)*

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Economic Development Manager

Subject: Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses

RECOMMENDATION

Refer to the Planning Commission modifications to the Zoning Ordinance that are designed to streamline the zoning review process for new or expanding small businesses in Berkeley.

SUMMARY

In April 2017, City Council referred to the City Manager analysis of a number of policy and programmatic initiatives to support the City's small businesses, including "streamlining of zoning, permitting and licensing requirements and processes." In February of 2019, six changes to the Zoning Ordinance were enacted. Subsequently, staff from the Office of Economic Development (OED) have identified eight additional potential modifications to the Zoning Ordinance for the Council and Planning Commission to consider. These eight changes are proposed in Berkeley's commercial zoning districts to make the permitting review process for small businesses less complex and time consuming:

1. Consider permitting Group Instruction (Dance Studios, Yoga Studios, Martial Arts, Exercise) with a Zoning Certificate.
2. Clarify the threshold for design review and the applicability of design guidelines for sign applications in commercial districts.
3. Consider permitting the sale of Distilled Spirits that are incidental to a Food Service Establishment with an Administrative Use Permit (AUP) subject to performance standards.
4. Consider permitting standalone Beer and Wine Sales (such as Tap Rooms and Wine Bars) with a Zoning Certificate subject to performance standards.
5. Consider modifying the limitation on hours of operations in some commercial districts.
6. Consider the necessity of 'change of use' requirements in commercial districts.
7. Consider the appropriate levels of discretion for Arcades and Automatic Teller Machines (ATMs) commercial districts.



8. Update the Special Use Standards in Section 23E.16.040 for Alcoholic Beverage Sales and 23E.16.050 Amusement Arcades to reflect the proposed changes to the Zoning Ordinance.

These proposed revisions reflect input from the small business community and are seen by staff as relatively straightforward opportunities to modernize and improve the Zoning Ordinance to reflect present day conditions and community values. Each of these proposed modifications is designed to make the zoning review process for small businesses easier, clearer, and more streamlined.

#### FISCAL IMPACTS OF RECOMMENDATION

Modifications to the Zoning Ordinance, and the accompanying public hearings, will require staff time from the Planning Department, Office of Economic Development, and City Attorney's Office to produce staff reports and attend the required Planning Commission and City Council hearings. Proposed modifications are designed to simplify the planning review process for desirable business activities (including new business starts and expansions) and therefore may result in a modest increase in business license tax and sales tax revenues.

#### CURRENT SITUATION AND ITS EFFECTS

The Zoning Ordinance has evolved over decades to reflect Berkeley's changing values and the changing landscape of property development and land use. Its requirements are intended to guide the City's growth while preserving its existing character. However, businesses and people operate differently than they did 20 to 50 years ago, and some of the current permit thresholds and ordinance requirements do not recognize these changes. This results in a permitting process that can be unnecessarily lengthy and cumbersome, especially for independently-owned small businesses without the sophistication to navigate our complicated code and permitting process. Since its last major overhaul in 1999, the Zoning Ordinance has been updated in large and small ways at least 16 times to reflect new approaches to land use and changes in the ways businesses function and residents view their community. Staff has observed that it is particularly difficult for smaller, independently-owned businesses to navigate the permit review process and the associated timelines and expense. The modifications proposed here are designed with the unique needs and challenges of small businesses in mind. Further, these recommendations follow up on the recently adopted (January 2019) zoning modifications to support small business that have improved the experiences in several cases over a period of five months.

In order to update our ordinance to better accommodate today's locally-owned, small, independent enterprises that are highly desirable to our community, and to adhere to best practices in planning and sustainable economic development, staff recommends the eight modifications to the Zoning Ordinance listed above to provide regulatory relief for small businesses in their establishment or expansion phases. These changes are an important component and continuation of a broader effort to improve our organization's embrace of our customer service and Strategic Plan goals to "foster a dynamic, sustainable, and locally-based economy" and "provide excellent, timely, easily-

accessible service and information to the community,”<sup>1</sup> while honoring the City’s commitment to public participation and ensuring that new uses are compatible with neighboring land uses.

## BACKGROUND

On April 25, 2017, the City Council referred to the City Manager a bundle of recommendations entitled the “Small Business Support Package” with the objective to “to support the establishment of new, and sustainability of existing small and/or locally owned businesses.” Among the strategies that Council asked staff to analyze and implement included “streamlining of zoning, permitting and licensing requirements and processes for small/local businesses and not-for-profits, to reduce associated costs and delays, and, where appropriate, provide less onerous levels of review.”<sup>2</sup> In the Council’s annual referral prioritization exercise conducted in May 2017, the item was ranked as the Council’s top priority among the referrals not pertaining to housing.

Subsequently, during summer and fall of 2017, Office of Economic Development (OED) staff conducted significant outreach and research on Berkeley’s small businesses and compiled its findings in a work session report and presentation to council on January 16, 2018.<sup>3</sup> Small business owners and advocates identified the lengthy permitting review process as one of the primary barriers to small business startup and expansion in Berkeley. As a result, staff recommended six modifications to the Zoning Ordinance that were adopted by the City Council on January 22, 2019.<sup>4</sup> Over six months since the zoning modifications went into effect, several business have benefited from the amendments by reducing months of permit review time and additional expenses. For example, Thai Corner at 1277 Gilman Street, the Sundhari Spa at 1605 Solano Avenue, and AxeVentures at 2566 Telegraph Avenue each were able to open their business or expand their hours via a Zoning Certificate, rather than wait several months for an AUP. In addition, the zoning modifications were acknowledged by the Northern California Chapter of the American Planning Association (NorCal APA) with an Award of Merit in Economic Planning and Development.

The goal of this second round of zoning changes is again to improve and simplify the permitting experience for small businesses, which can in turn enhance the quality of commercial district offerings, help fill vacant storefronts, and generate more local and sustainable economic opportunities. The recommendations distill specific complaints, concerns, challenges, and staff observations into concise changes to the zoning ordinance designed specifically to alleviate long permit queues, clear up applicant confusion, and streamline the experience of doing business in Berkeley. The

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<sup>1</sup> See *City of Berkeley 2018-2019 Strategic Plan*, adopted by Berkeley City Council, January 16, 2018.

<sup>2</sup> See *Small Business Support Package*, adopted by Berkeley City Council, Item 41, April 25, 2017.

<sup>3</sup> See *Economic Development Worksession, Small Business Support*.

[https://www.cityofberkeley.info/Clerk/City\\_Council/2018/01\\_Jan/Documents/2017-01-16\\_WS\\_Item\\_01\\_Economic\\_Development\\_Worksession.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/01_Jan/Documents/2017-01-16_WS_Item_01_Economic_Development_Worksession.aspx)

<sup>4</sup> See *Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses*, adopted by City Council, Item 1, January 22, 2019

[https://www.cityofberkeley.info/Clerk/City\\_Council/2019/01\\_Jan/Documents/2019-01-22\\_Item\\_01\\_Ordinance\\_7635.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/01_Jan/Documents/2019-01-22_Item_01_Ordinance_7635.aspx)

recommendations are also informed by outreach, conducted February through August 2019, to neighborhood stakeholders, business owners, elected officials and commissioners. Staff aimed to identify and streamline the particular controls that lengthen the review process for desired and noncontroversial uses. In addition, the recommendations are consistent with purpose statements for commercial districts in section 23E of the Zoning Ordinance.

The following recommendations and rationale continue to iterate on the progress and inputs gathered from the first round of zoning amendments to support small businesses:

1. Consider permitting Group Instruction (Dance Studios, Yoga Studios, Martial Arts, Exercise) with a Zoning Certificate. Currently the Zoning Ordinance requires an AUP for Group Class Instruction in the majority of commercial zoning districts. A new yoga studio or exercise studio, or businesses interested in adding classes to an existing business, such as an art gallery or culinary business, are subject to discretionary review through an AUP application. The AUP requirement typically lengthens the zoning review process by three to six months, and typically increases the cost by roughly \$1,000 to \$4,000.

OED staff has observed an increase in business models that employ a combination of retail and/or food consumption with instruction, training and class offerings. As the prevalence of online purchases for soft goods (e.g., clothing, books, music) increases, these creative commercial uses are increasingly critical to the vitality and sustainability of neighborhood commercial districts. Therefore staff recommends amending the Zoning Ordinance to permit these uses in commercial districts with a Zoning Certificate.

2. Clarify the threshold for design review and the applicability of design guidelines for sign applications in commercial districts. Section 20.12.070 of the Zoning Ordinance and Section 23E.08.020 of the Sign Code have conflicting and contradictory language related to the threshold for the design review of a new sign and the requirements for a Sign Permit. In addition, the current application for Signs and Awnings throughout the City refer to the Downtown Sign Guidelines; those guidelines have been used for the review and processing of signs beyond Downtown. This has led to confusion for applicants, business owners and sign companies wishing to do business in Berkeley. The impact is especially detrimental to small, independent business owners interested in opening a new business with a new sign.

To remedy this, staff recommends a minor modification to the language in Section 23E.08.020 Applicability of Design Review in non-residential districts to clarify the types of signs that are subject to design review and signs that are exempt. In addition, the Planning Commission should determine whether the Downtown Sign Guidelines are suitable for the evaluation of signs throughout the City or only Downtown.

3. Consider permitting the sale of Distilled Spirits that are incidental to a Food Establishment with an Administrative Use Permit (AUP) subject to performance standards. Presently an operator of a food service establishment must obtain a Use Permit with a Public Hearing UP(PH) to serve distilled spirits. This review process is separate from and in addition to the review process an owner or operator is subject to by Alcohol Beverage Control (ABC), the state agency regulating the sale, service, and production of alcohol. The UP(PH) requirement typically lasts between five to eleven months, and includes \$5,215 in fees. The requirement also generates additional demands on Planning staff and the Zoning Adjustments Board, and uncertainty for food service purveyors.

Staff recommends the incidental service of distilled spirits at a food establishment be permitted via an AUP, subject to specific conditions of approval and the adopted performance standards which are approved by Berkeley's law enforcement officials and in line with the best practices employed by the state ABC. Nearby residents and property owners will still be notified of the proposed use and will have the ability to provide comments and appeal the Planning Department's decision.

4. Consider permitting standalone Beer and Wine Sales (such as Tap Rooms and Wine Bars) with a Zoning Certificate subject to performance standards. Currently, tap rooms, wine bars and tasting rooms are subject to the UP(PH) process in most commercial districts. As noted above, the UP(PH) requirement typically lasts between five to eleven months, and includes \$5,215 in fees. The requirement also generates additional demands on Planning staff and the Zoning Adjustments Board, and uncertainty for entrepreneurs interested in this type of business. This review process is separate from and in addition to the review process an owner or operator is subject to by Alcohol Beverage Control (ABC), the state agency regulating the sale, service, and production of alcohol.

Staff recommends that standalone beer and wine sales be permitted via a Zoning Certificate, subject to the performance standards which are approved by Berkeley's law enforcement officials and in line with the best practices employed by the state ABC. The City of Berkeley has an emerging wine and beer scene, resulting in additional tourism, tax revenue, manufacturing and job creation; this policy change could help to encourage its continued expansion.

5. Consider modifying the limitation on hours of operations in some commercial districts. Currently, several commercial zoning districts limit the hours of operation for businesses; e.g., businesses in the Elmwood District may not operate outside of 7am-11pm. In order for a business to exceed the existing limits, they must apply for a UP(PH) (adding approximately five to eleven months and \$5,215 in fees to the zoning approval process). This is a significant obstacle for many business owners and has served as a deterrent for entrepreneurs that may be interested in providing food and drinks to customers after 11:00 pm. Many of the City's entertainment activities end at or after 11:00 pm; in some

districts, the limits on hours of operations restricts businesses from offering complementary services. This could result in lost tax revenue, job opportunities and lost business to adjacent cities. Staff recommends that the Planning Commission consider removing the blanket restriction in some or all commercial districts, allowing business owners to maintain hours of operation that comply with any applicable State laws and are aligned with their business model and customer demand.

6. Consider the necessity for 'change of use' requirements in commercial districts triggered by square footage. Currently in some C-prefixed districts, a change of use above a certain square footage threshold necessitates an AUP or a UP(PH). A commercial change of use requirement based on square footage is atypical; surrounding jurisdictions do not impose this level of scrutiny on neighborhood serving business, which puts Berkeley at a competitive disadvantage in its attraction of new businesses to larger commercial spaces. Each district's Use Table makes allowances for different levels of discretionary review for particular uses based on square footage thresholds. This additional requirement therefore adds to the overall complexity of the zoning ordinance; as it is a supplemental requirement implemented via an asterisk, often it is initially overlooked by applicants.

Staff recommends that the Planning Commission review the appropriateness and benefits of an AUP for a Change of Use and consider eliminating the requirement in some or all commercial districts. Proposed uses would be evaluated and reviewed based on the levels of discretion defined in the Use Table for each district.

7. Consider the appropriate levels of discretion for Arcades and Automatic Teller Machines (ATMs) commercial districts. Commercial recreation uses that are classified as Arcades (e.g., Emporium and 90's Experience, Oakland, CA and the High Scores Arcade Museum, Alameda, CA) have become increasingly popular and prevalent. With the rise of internet sales posing challenges to retailers, these types of experiential commercial establishments have become increasingly important to the overall health of commercial districts. However, Berkeley's existing zoning controls make it difficult or impossible to open that type of establishment in most districts. Currently, Arcades are either prohibited or require a UP(PH), which adds approximately five to eleven months and \$5,215 in fees to the zoning approval process. The requirement also generates additional demands on Planning staff and the Zoning Adjustments Board, and uncertainty for entrepreneurs interested in this type of business.

ATMs also typically require an AUP or UP(PH), and in some districts are prohibited unless part of a Financial Institution. ATMs are often a beneficial and complimentary element for active commercial districts, especially if there's a lack of financial institutions in the area like some parts of Berkeley. Furthermore, the City of Berkeley is considering a policy that would require businesses to accept

cash. Staff recommends that the Planning Commission review the levels of discretion for Arcades and ATM's in commercial districts.

8. Update the Special Use Standards in Section 23E.16.040 for Alcoholic Beverage Sales and 23E.16.050 Amusement Arcades to reflect the proposed changes to the Zoning Ordinance. The Special Use Standards in Section 23E.16.040 for Alcoholic Beverage Sales and 23E.16.050 Amusement Arcades provide additional requirements and limitations for certain uses in the Zoning Ordinance. Several of the regulations are limiting and don't reflect the current standards in other jurisdictions. In addition, these sections would need to be modified to be consistent with the recommended Zoning Ordinance amendments above. Furthermore, the Public Convenience or Necessity findings for alcohol use and the distance buffers for Arcades are overly restrictive, don't reflect best practices and conflict with typical business practices. For example, Section 23E.16.040(A)(1)(b)(5) states "*no beer or wine may be distributed in its original bottle or can.*" Staff recommends that the Planning Commission consider updating the Special Use section of the ordinance to be reasonable, enforceable and be consistent with surrounding jurisdictions.

#### *Next Steps*

Staff recommends that City Council review and adopt this referral to Planning Commission. Subsequently, Planning Department staff would present the Planning Commission with information, case studies and analysis relevant to each proposed change, seek guidance from the Commission, and draft Zoning Ordinance amendments for the Commission's review. It is possible that some of the recommendations may be implemented as part of the Zoning Ordinance Revision Project (ZORP), a current initiative to modernize and streamline the Zoning Ordinance. Planning Commission hearings will provide opportunities for additional feedback from small business owners, citizens, neighborhood associations, and commercial district groups.

#### *Strategic Plan Connection*

This referral is a component of a Strategic Plan Priority Project (Small Business Support), advancing our goals to provide an efficient and financially-healthy City government; to foster a dynamic, sustainable, and locally-based economy; and to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

#### ENVIRONMENTAL SUSTAINABILITY

Many of the City's environmental sustainability goals are inextricably tied to the overall health of the City's economy. Small businesses make up the bulk of Berkeley's economy. Small businesses often contribute to sustainable transportation and consumer behavior by providing opportunities to shop in neighborhood commercial districts that are accessible by foot, bicycle and transit.

#### RATIONALE FOR RECOMMENDATION

Berkeley's commercial districts, and the small businesses that comprise them, are vital to the City's economic, social and civic wellbeing. These zoning changes represent the

most immediate and straightforward approach the City can take to assist small businesses and potentially reduce commercial vacancies. They are designed specifically to support small independent operators seeking to invest and activate these districts, and will provide the community with needed goods and services. These changes also have the added addition of improving our city's internal permitting processes, by shortening timelines and improving customer service.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered various other changes to levels of discretionary review and other zoning compliance review for commercial uses, but recommends moving forward with the modifications proposed above while continuing to gather input on additional changes.

CONTACT PERSON

Jordan Klein, Economic Development Manager, (510) 981-7534

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





Office of the City Manager

ACTION CALENDAR  
 October 15, 2019  
 (Continued from September 24, 2019)

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jordan Klein, Economic Development Manager  
 Subject: Deaccession of *Berkeley Big People*

SUMMARY

On July 24, 2019 the City's Civic Arts Commission voted to deaccession the *Berkeley Big People* artwork, by Scott Donahue, located at the bike and pedestrian bridge crossing Interstate-80 in west Berkeley. The artwork was originally installed in 2008 and has since experienced material failure due to the use of unsuitable materials in the construction of the artwork. This Information Report details the following:

- the rationale for the decision made by the Civic Arts Commission to deaccession *Berkeley Big People*;
- the authority delegated in the Berkeley Municipal Code to the Civic Arts Commission to make all decisions on artistic matters for the City of Berkeley;
- description of subsequent public reaction;
- background on the artwork selection and approval process;
- circumstances leading to the decision to deaccession the artwork;
- alternatives considered; and
- possible future actions and associated cost estimates.

CURRENT SITUATION AND ITS EFFECTS

The Civic Arts Commission took action at their regular meeting on July 24, 2019 to initiate deaccessioning the artwork *Berkeley Big People*, by Scott Donahue, two large-scale sculptures located on the Interstate 80 pedestrian bridge. (M/S/C Passmore/Anno. Vote: Ayes – Anno, Blecher, Bullwinkel, Covarrubias, Ozol, Passmore, Ross; Nays – Tamano; Abstain – None; Absent – Slattery.) This decision was made in accordance with the deaccession guidelines (included in Attachment 1) set by the Civic Arts

Commission which describe the conditions and specific process by which a decision is made to remove an artwork from the City of Berkeley's civic art collection.

Commissioners who voted in favor of the motion cited the following:

- concerns over the current failing condition of the artwork with an estimated cost for repairs at \$68,000 to \$96,000;
- the high cost to properly maintain the work over time with an estimated annual cost of \$26,920 to \$31,000;
- the cost to repair and relocate the artwork at a different site is between \$170,668 and \$256,366, where it would still require annual maintenance; and
- the aesthetic incompatibility of the artwork with the design of the bridge where the artwork is located.

The staff report that was provided to the Civic Arts Commission for their July 24th meeting (Attachment 1) includes information on the artwork and artist, summarizes the commissioning process by which this artwork was selected, and describes the condition assessment which found that the artwork has systemic material failure due to the use of unsuitable materials. Included in the condition assessment attached to the staff report are cost estimates to repair the artwork and to maintain it over time. Because the estimated costs to repair and maintain the artwork were so high, staff contacted a second conservation firm who verified that making repairs and maintaining this artwork would be costly due to the materials used in the sculpture and its location. The staff report also describes alternatives to deaccessioning the artwork that could be further considered by the Commission, including possible relocation of the artwork and associated costs. Finally, the report includes the guidelines for deaccession, which details the process by which a decision is made to remove an artwork from the City of Berkeley's civic art collection.

In accordance with Berkeley Municipal Code Chapter 6.14 (Attachment 2), once the Civic Arts Commission votes to initiate the deaccessioning process, there is no further action required by City Council.

Following the Civic Arts Commission's vote, the artist was formally notified by letter (Attachment 3) of the decision and offered the artwork at his own cost of removal. A legal notice was also published in the Berkeley Voice offering the artwork to any other public institution at their own cost of removal should the artist decline the artwork. In compliance with applicable state and federal notice requirements of the California Art Preservation Act (CAPA) and the Visual Artists Rights Act (VARA), the soonest that the artwork could be removed is November 8, 2019.

Subsequent to the Civic Arts Commission's decision, there has been media coverage by numerous news sources such as *Berkeleyside*, *East Bay Times*, *San Francisco Chronicle*, and *Los Angeles Times*.<sup>1</sup> The City has also received a significant number of public comment communications both in favor of removal and opposed. Those communications received as of August 22, 2019 are compiled and attached to this report as Attachment 4.

### SUPPORTING THE CITY'S STRATEGIC PLAN

Deaccessioning the *Berkeley Big People*, by Scott Donahue, is aligned with the following Strategic Plan goals:

- Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- Provide an efficient and financially-healthy City government.

### BACKGROUND

In 2002, the City of Berkeley's Civic Arts Program held a national competition for artists to create an entry sculpture to the City of Berkeley. This process was conducted in accordance with Berkeley Municipal Code, Chapter 6.14. The selection of Scott Donahue for the I-80 Bicycle/Pedestrian Bridge public art project was made by an ad-hoc community art selection panel and approved by the Civic Arts Commission in 2003. Later that year City Council authorized the City Manager to execute a contract with Scott Donahue for \$113,000 to create two monumental sculptures that symbolize the city, its people and its activities. According to the BMC, City Council would not have had a formal role in the selection of the artwork.

*Berkeley Big People* was commissioned by the City of Berkeley with funding from the 1.5% for Art requirement, which covered the design, engineering, fabrication, assembly and installation costs. Due to numerous cost overruns, the final total contract value with the artist for this artwork was \$196,762.

The completed sculptures were installed in 2008 on the east and west ends of the elevated portion of the Bicycle/Pedestrian Bridge that spans I-80 in West Berkeley. The two monumental sculptures consist of clusters of figures made of fiberglass, steel and bronze mounted on fanciful four-legged pedestals. The sculpture on the eastern side of the span represents the urban and cultural experience of Berkeley, including the University of California's campanile, a violinist, a scientist, an activist, and a

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<sup>1</sup> Sarah Ravani, *Weather-beaten Berkeley sculptures wear out their welcome; supporters call for saving them*, *San Francisco Chronicle*, <https://www.sfchronicle.com/bayarea/article/Weather-beaten-Berkeley-sculptures-wear-out-their-14362177.php> (August 20, 2019); and Tony Hicks, *Berkeley arts commission votes to remove controversial sculptures on I-80 bridge*, *Berkeleyside*, <https://www.berkeleyside.com/2019/08/14/berkeley-arts-commission-votes-to-remove-controversial-sculptures-on-i-80-bridge> (August 14, 2019)

wheelchair-user. The sculpture on the western side represents recreation and nature, including bird watchers, kite flyers and a dog catching a Frisbee.

The materials used in the construction of *Berkeley Big People* began to fail within nine years after the artwork's installation. According to the City contract with the artist, the artist warranted that the artwork was designed to last for a lifespan of 30 years from the date of acceptance and guaranteed against any faulty materials or workmanship. The artwork maintenance manual (Attachment 5) submitted by the artist as part of his final contract deliverables did not indicate that the artwork would require frequent recurring maintenance to prevent the eventual failure of the materials. The artwork's material failure was brought to the attention of the Civic Arts Commission's Public Art Committee in 2017. Photographs of the piece show cracking and material loss on the sculpture legs and failing finish on the figurative elements that comprise the top portion of the artwork (Attachment 6). At that time the artist approached the Civic Arts Commission with a proposal to repair the artwork himself for approximately \$7,000. However, due to prolonged negative public response to the artwork as installed on the bridge, the Civic Arts Commission's Public Art Committee began to contemplate a larger project that would involve both repairing and relocating the artwork.

The chair of the Public Art Committee first reached out to the artist in July 2017 to discuss the possibility of relocating the sculptures to a new location off of the bridge. In July 2018, the Civic Arts Commission allocated approximately \$60,000 in funding for the move. Subsequently, when the Commission received information about the actual costs for relocation and maintenance, they turned towards deaccessioning rather than relocating the piece. Staff notified Mr. Donahue on July 17, 2019 that the deaccession was scheduled for discussion at the Public Art Committee on July 22 and for discussion and possible action at the full Commission on July 24. At each meeting, the artist attended and was given as much time as he wanted to address the Commission prior to their discussion and action.

#### ENVIRONMENTAL SUSTAINABILITY

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

#### POSSIBLE FUTURE ACTION

The artist has the option to remove or pay for removal of the artwork no later than 90-days from his receipt of notice of deaccession. The 90-day period ends on November 8, 2019. Should the artist choose to remove or pay for removal of the artwork, upon such removal, legal title shall pass to the artist along with physical possession of the artwork. Should the artist choose not to remove or pay for removal of the artwork within the 90-day timeframe, any organization may elect to remove or pay for removal of the artwork themselves. If the artist chooses not to exercise his option to remove or pay for removal of the artwork, and no organization indicates their interest in removing the artwork or should the artist or any organization expresses interest in removing the artwork and fail

to remove or pay the cost of removal of the artwork within the ninety 90-day period, the City of Berkeley may remove, relocate and/or destroy this artwork at its discretion and convenience.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Should the artist or another entity remove the artwork at their expense, a rough order of magnitude cost to restore the site could be up to \$10,000.

Should the City chose to conserve and reinstall the sculptures at another site, it could cost between \$170,668 and \$256,366. The original artwork cost was \$196,762, which puts the cost for initial conservation and relocation at a range that is close to the original cost of the artwork. Added to that the ongoing costs to maintain the artwork in the long-term will exceed the original cost and may require more aggressive and more costly interventions due to the unsuitability of the original materials.

Should the City chose to demolish the artwork and restore the bridge paving, a rough order of magnitude cost is between \$20,000 and \$30,000.

CONTACT PERSON

Jordan Klein, Economic Development Manager, 510-981-7534  
Jennifer Lovvorn, Chief Cultural Affairs Officer, 510-981-7533

Attachments:

- 1: Staff Report to the Civic Arts Commission for the July 24, 2019 Meeting
- 2: Berkeley Municipal Code, Chapter 6.14
3. Deaccession Notification Letter to Scott Donahue
4. Public Comment Communications Regarding Deaccession of Berkeley Big People
5. Maintenance Manual Submitted by Artist as Contract Deliverable
6. Artwork Condition Photographs



Civic Arts Program

July 19, 2019

**STAFF REPORT**

To: Civic Arts Commission

From: Civic Arts Program Staff

Re: Agenda Item 4.a – *Berkeley Big People* by Scott Donahue

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**ARTWORK**

Title: *Berkeley Big People*, 2008

Artist: Scott Donahue

Medium: Sculpture comprised of multiple materials including Epoxy Clay, Fiberglass, Concrete, Forton Concrete Additive, Keim Mineral Colorants, Sealants, Stainless Steel and Bronze Elements, and Steel Armature.

Dimensions: Two Sculptures, each approximately 28' x 12' x 12'

Location: Berkeley I-80 Bike Bridge

**BACKGROUND**

In 2002, The City of Berkeley's Civic Arts Program held a national competition for artists to create an entry sculpture to the City of Berkeley. The selection of Scott Donahue for the I-80 Bicycle/Pedestrian Bridge public art project was approved by the Civic Arts Commission in 2003 and later that year City Council authorized the contract with Scott Donahue to create two monumental sculptures that symbolize the city, its people and its activities. These sculptures were installed in 2008 on the east and west ends of the elevated portion of the Bicycle/Pedestrian Bridge that spans I-80 in West Berkeley. The two monumental sculptures consist of clusters of figures made of fiberglass, steel and bronze mounted on fanciful four-legged pedestals. The sculpture on the eastern side of the span represents the urban and cultural experience of Berkeley, including the University of California's campanile, a violinist, a scientist, an activist, and a wheelchair-user. The sculpture on the western side represents recreation and nature, including bird watchers, kite flyers and a dog catching a Frisbee. *Berkeley Big People* was commissioned by the City of Berkeley with funding from the 1.5% for Art requirement, which covered the design, engineering, fabrication, assembly and installation costs. The total contract value was \$196,762.

**ARTIST'S BIOGRAPHICAL INFORMATION**

Scott Donahue is a professional sculptor who has been producing public art installations since 1983. He has designed, fabricated and installed 25 permanent public art pieces in California and Colorado and completed 40 temporary public art works in New York, New Jersey, California, and Italy. He uses a variety of techniques and works with a wide range of materials including concrete, bronze, fiberglass and ceramic. Each of his pieces is unique and specific to the site where they are located. Scott Donahue was born in Hinsdale, Illinois in 1951. He currently lives and works in Emeryville, California. (Resume is attached as Exhibit A)

**IMAGES OF ARTWORK AT TIME OF INSTALLATION**



**CONDITION ASSESSMENT**

As part of an overall inventory and assessment of the City of Berkeley's Civic Art Collection, the City of Berkeley engaged the services of RLA Conservation to evaluate the condition of Berkeley Big People. (Condition Assessment is attached as Exhibit B.) The report states that the artwork is in poor condition due to the use of unsuitable materials, which has led to systemic material failure. The painted fiberglass



surface is actively failing most likely from moisture seeping out of unsealed concrete. There are significant areas of material loss and cracking on the column capitals, exposing the underlying cast concrete base form. There is also cracking of the fiberglass across all of the pillars. The structural condition of the underlying concrete is unconfirmed through visual inspection and requires assessment by a structural engineer. The painted fiberglass figures are in poor condition caused by paint failure and potential fiberglass resin failure. There are large gray patches and streaks across all of the figures caused by paint loss from exposure to high winds, rain, and high UV exposure. The bronze paint binder has failed, causing it to leach down the surface of the sculpture onto the platform and the columns, which were originally painted a green-gray.

#### **COST OF CONSERVATION TREATMENT AND ONGOING MAINTENANCE**

Costs for conservation treatment and ongoing maintenance of *Berkeley Big People* are detailed in the condition assessment report (Exhibit B). In summary, RLA Conservation estimates the cost to repair the artwork at \$68,000.00 - \$ 96,000.00. Once the artwork is repaired RLA recommends maintenance treatments every six months\* which would cost \$13,460.00 - \$15,500 each time. [\*Correction made to recommended frequency of maintenance which was previously listed as every two years based upon the consultant's incorrect use of the word "biennial" in their report.]

It is important to note two points made in the report:

1. RLA strongly recommends inspection by a structural engineer to determine the long-term structural stability and safety of the artwork. The cost for this work has not been included in the estimates.
2. The original materials and any replacement materials may not have significant long-term longevity given the current artwork display conditions. The report states that **there may continue to be deterioration issues** despite conservation efforts.

#### **RELOCATION SITES CONSIDERED**

As part of the FY2019 Public Art Budget, the Civic Arts Commission set aside \$60,366 to potentially remove the artwork so that it could be relocated to another location. In preparation for that possibility, alternative sites for the relocation of *Berkeley Big People* were studied in consultation with two independent design professionals (urban designer and architect). (Alternate Location Study is attached as Exhibit C.) More than seven alternative sites were considered. The criteria listed below provided guidance for identifying a number of initial site alternatives as well as the seven shown on the attached Exhibit C map and photographs.

- Prioritization of public land owned by the City of Berkeley and under City jurisdiction where possible
- Visible to the public, including pedestrians and motorists
- Avoid environmentally sensitive areas
- Public Safety considerations (clearances, diver's line of sight, etc.)
- Cost effective (construction, transport, permits, etc.)
- Proximity to (in sight of) each other
- West Berkeley location, near the waterfront, and or within proximity to the I-80 Pedestrian Bridge

- Consider relationship to other exiting public art installations
- Level pad or level area, minimum size of 10' x 10'

These sites may still be considered by the Civic Arts Commission for possible relocation of *Berkeley Big People*, however due to the costs for conservation and ongoing maintenance of this artwork, the Commission may want to consider commissioning a new more appropriate work by the artist for the City's collection, possibly for installation at a different location. No matter the site for reinstallation of the existing sculpture or installation of a new work, approvals would need to be secured from the departments, Commissions and any other agencies with jurisdiction over those locations. For the location on the pedestrian bridge, that would likely include CalTrans as they were involved with approval for installation of the original artwork. Any sites within 100' of the bay may also need approval from the San Francisco Bay Conservation and Development Commission.

### **COSTS FOR REMOVAL, CONSERVATION, REINSTALLATION AND ONGOING MAINTENANCE**

Staff received a cost estimate from a professional art handling company to remove the top portion of the sculptures. (Removal Cost Estimate is attached as Exhibit D.) The rationale for studying the cost for removal of the top portion of the two sculptures is that if a site was identified for relocation, it is likely that the artwork would need to have a new pedestal designed to fit the space. The cost to remove the top portion of the sculptures alone is approximately \$40,000, excluding the cost to remove the four-legged pedestals and dispose of them, which could cost as much as \$10,000 - \$20,000. Additional costs related to the effort to re-site the sculptures would include transportation of sculptures; design, engineering and construction of new pedestals; and artwork installation. It is difficult to price these tasks without knowing the specific foundation and pedestal design and the location for installation. A very rough estimate for this effort is \$50,000 - \$100,000 based upon costs for similar artwork installations in other cities.

A summary of the cost to conserve and reinstall the sculptures at another site is between \$170,668 - \$256,366. The original artwork cost was \$196,762, which puts the cost for initial conservation and relocation at a range that is close to the original cost of the artwork. Added to that the ongoing costs to maintain the artwork in the long-term will exceed the original cost and may require more aggressive and more costly interventions due to the unsuitability of the original materials.

### **DEACCESSION GUIDELINES**

The following Conditions for Deaccession from the City of Berkeley's Artwork Deaccession Policy (attached as Exhibit E – Section 3) are to be used by the Civic Arts Commission to evaluate and determine whether to deaccession *Berkeley Big People* from the City's collection. A work of art may be considered for deaccession if one or more of the following conditions apply:

- The work presents a threat to public safety.
- Condition or security of the work cannot be guaranteed, or the City cannot properly care for or store the work.
- The work requires excessive or unreasonable maintenance, or has faults in design or workmanship.

- The condition of the work requires restoration in gross excess of its market value, or is in such a deteriorated state that restoration is infeasible, impractical, or would be so extensive as to fundamentally transform the work from the artist's original intent.
- Significant changes in the use, character or actual design of the site require reevaluation of the artwork's relationship to the site.
- If the artwork cannot remain at its original installation site and if no suitable alternate site for the work is available.
- The work interferes with the operations of the City.
- Significant adverse public reaction over an extended period of time (5 years or more).
- The work is judged to have little or no aesthetic and/or historical or cultural value, or is judged to have negative historical or cultural value.
- The Civic Arts Commission wishes to replace a work with a more appropriate work by the same artist.
- The work can be sold to finance or be traded for a work that refines and improves the quality and appropriateness of the City's collection and better serves the Civic Arts Commission's mission.
- Written request from the artist has been received to remove the work from public display.
- The work is duplicative in a large holding of work of that type or of that artist.
- The work is fraudulent or not authentic.
- The work is rarely or never displayed.

#### **STAFF RECOMMENDATION**

While it is ultimately a decision of the Civic Arts Commission, staff recommends that the Commission consider the following three conditions relative to a possible action to initiate the deaccession of *Berkeley Big People* by Scott Donahue:

- The work requires excessive or unreasonable maintenance, or has faults in design or workmanship.
- The condition of the work requires restoration in gross excess of its market value, or is in such a deteriorated state that restoration is infeasible, impractical, or would be so extensive as to fundamentally transform the work from the artist's original intent.
- The Civic Arts Commission wishes to replace a work with a more appropriate work by the same artist.

SCOTT DONAHUE

1420 45th Street, #49, Emeryville, California, 510-658-5182 (shop) or 510-453-1861 (mobile)  
www.sdonahue.com scott@sdonahue.com

## EDUCATION

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1982

University of California, Davis, CA, M.F.A

1975

Sculptor's Assistant to Juan Lombardo, Cuernavaca, Mexico

1973

Philadelphia College of Art, Philadelphia, PA, B.F.A.

## PUBLIC WORKS

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2017

Immigrant Angel,  
Philadelphia, Pennsylvania

2017

Watching You  
Traverse Park, Milpitas, CA

2014

Garligeese,  
Monterey Rd., Gilroy, CA

2010

Touching Earth,  
San Francisco Richmond District Library, San Francisco, CA

2010

The Chosen,  
4508 Horton Street, Emeryville, CA

2009

Water Meets Land,  
1301 Pinole Valley Road, Pinole, CA

2009

Berkeley Big People,  
I-80 at University Avenue, Berkeley, CA

2008

Human Hellix,  
4300 Hacienda Drive Pleasanton, CA

2006

The Way It Was,  
389 West El Camino Real, Sunnyvale, CA

2006

Stockton Rising,  
Arena Way, Stockton CA

2005 Central Police Station, Brentwood, CA  
2002  
Six Figures,  
B.A.R.T. Station, Millbrae, CA  
2001  
Sigamé/ Follow Me,  
Union Point Park, Oakland, CA  
2001  
Lost and Found,  
Bollinger Crossing Shopping Center, San Ramon, CA  
2000  
The Discussion,  
City Hall, Emeryville, CA  
2000  
Homage to Huntington Beach,  
Garfield & Goldenwest Streets, Huntington Beach, CA  
1999  
Evergreen Evolution,  
4100 San Felipe Road, San Jose, CA  
1999  
The Arch of Ely,  
390 Lytton Street, Palo Alto, CA  
1998  
Progress,  
401 High Street, Palo Alto, CA  
1998  
Hand Up,  
Alameda Light Rail Station, Denver, CO  
1997  
Headwaters,  
400 Emerson Street, Palo Alto, CA  
1997  
Cool Down,  
400 Emerson Street, Palo Alto, CA  
1996  
Kate, Allan, Javier, Ting-Ting, Sloanie,  
Taraval Police Station, San Francisco, CA  
1995  
Portrait of Peter Augustine Anderson,  
St. Dominics Church, Benicia, CA  
1993  
History of Pacific Gas and Electric,  
Pacific Gas and Electric, Emeryville, CA  
1992  
Ear-Rational,  
Emeryville Marina, Emeryville, CA  
1991  
6 Bronze Medallions,  
Palo Alto, CA

1986  
20 Bus Sculptures,  
Rutgers University, New Brunswick, NJ  
1986  
Sculptures for the Lake,  
Lake Merrit, Oakland, CA  
1983  
14 Lightpole Sculptures,  
Oakland, San Francisco, Berkeley and Emeryville, CA

#### PROJECT AWARDS

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2003  
Downtown Berkeley Association President's Award,  
Berkeley Poetry Walk on Addison Street  
2001  
Best of the Year Public Art Project, Allied Arts Board,  
Homage to Huntington Beach  
1999  
Friedel Klussmann Award for  
Kate, Allan, Javier, Ting-Ting, Sloanie,  
San Francisco, CA

#### PUBLIC ART CONSULTANT

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1999 – 2002  
Technical Director for the City of Berkeley's Addison Street Arts District  
2006 - present Design and Construction Advisor for  
The Cesar Chavez Calendar, <http://www.solarcalendar.org>

#### SOLO EXHIBITIONS

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1987  
Bruce Velick Gallery, San Francisco, CA  
1986  
Pro Arts, Oakland, CA  
TWO-PERSON EXHIBITIONS

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1990  
San Jose Institute of Contemporary Art, San Jose, CA,  
Places of the Mind

1982  
Cuesta College, San Luis Obispo, CA,  
Human Dimension

#### SELECTED GROUP EXHIBITIONS

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1999  
John Natsoulas Gallery, Davis, CA,  
Bob Arneson and Friends

1993  
California State University, Hayward, CA,  
Large Scale Figurative Ceramics  
1990  
Fortezza Del Priamar, Savona, Italy,  
Eight California Artists Invitational

#### ACADEMIC POSITIONS

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2009 University Of California, Berkeley CA, Adjunct Professor  
1998, 2001-03  
California College of the Arts, Oakland, CA, Adjunct Professor  
1989 – 91  
San Jose State University, CA, Adjunct Professor  
1985 - 86  
Rutgers University, New Brunswick, NJ, Visiting artist  
1983  
University of California, Davis, CA, Instructor

#### REFERENCES

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Jos Sanchez,  
Berkeley Big People,  
2009  
Former chairperson for the Berkeley Art Commission  
510-845-8835 jos@unionbug.com  
110 8th street Berkeley, CA  
William Jacobson,  
The Way It Was,  
2006  
650-941-6366, Fax: 650-941-7029, califwj@aol.com  
Cherry Glen Plaza LLC, 949 Sherwood Avenue, Suite 201, Los Altos, CA 94022  
Robyn Burror,  
Stockton Rising,  
2006  
209-598-0440 deltakiwi@yahoo.com  
Molly McArthur,  
Six Figures For Bart,  
2002  
510-464-6176, mmcath@bart.gov  
Division Manager, Community Relations, Capital Projects, BART  
300 Lakeside Drive 18th Floor, Oakland, Ca 94604-2688  
Steven Huss,  
Addison Street Arts District  
City of Oakland Cultural Arts Programs Coordinator  
510-238-4949



2010  
Touching Earth,  
San Francisco Richmond District Library, San Francisco, CA  
2010  
The Chosen,  
4508 Horton Street, Emeryville, CA  
2009  
Water Meets Land,  
1301 Pinole Valley Road, Pinole, CA  
2009  
Berkeley Big People,  
I-80 at University Avenue, Berkeley, CA  
2008  
Human Hellix,  
4300 Hacienda Drive Pleasanton, CA  
2006  
The Way It Was,  
389 West El Camino Real, Sunnyvale, CA  
2006  
Stockton Rising,  
Arena Way, Stockton CA  
2005 Central Police Station, Brentwood, CA  
2002  
Six Figures,  
B.A.R.T. Station, Millbrae, CA  
2001  
Sigamé/ Follow Me,  
Union Point Park, Oakland, CA  
2001  
Lost and Found,  
Bollinger Crossing Shopping Center, San Ramon, CA  
2000  
The Discussion,  
City Hall, Emeryville, CA  
2000  
Homage to Huntington Beach,  
Garfield & Goldenwest Streets, Huntington Beach, CA  
1999  
Evergreen Evolution,  
4100 San Felipe Road, San Jose, CA  
1999  
The Arch of Ely,  
390 Lytton Street, Palo Alto, CA  
1998  
Progress,  
401 High Street, Palo Alto, CA  
1998  
Hand Up,  
Alameda Light Rail Station, Denver, CO

1997  
Headwaters,  
400 Emerson Street, Palo Alto, CA  
1997  
Cool Down,  
400 Emerson Street, Palo Alto, CA  
1996  
Kate, Allan, Javier, Ting-Ting, Sloanie,  
Taraval Police Station, San Francisco, CA  
1995  
Portrait of Peter Augustine Anderson,  
St. Dominics Church, Benicia, CA  
1993  
History of Pacific Gas and Electric,  
Pacific Gas and Electric, Emeryville, CA  
1992  
Ear-Rational,  
Emeryville Marina, Emeryville, CA  
1991  
6 Bronze Medallions,  
Palo Alto, CA  
1986  
20 Bus Sculptures,  
Rutgers University, New Brunswick, NJ  
1986  
Sculptures for the Lake,  
Lake Merrit, Oakland, CA  
1983  
14 Lightpole Sculptures,  
Oakland, San Francisco, Berkeley and Emeryville, CA

#### PROJECT AWARDS

---

2003  
Downtown Berkeley Association President's Award,  
Berkeley Poetry Walk on Addison Street  
2001  
Best of the Year Public Art Project, Allied Arts Board,  
Homage to Huntington Beach  
1999  
Friedel Klussmann Award for  
Kate, Allan, Javier, Ting-Ting, Sloanie,  
San Francisco, CA  
PUBLIC ART CONSULTANT

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1999 – 2002  
Technical Director for the City of Berkeley's Addison Street Arts District

2006 - present Design and Construction Advisor for  
The Cesar Chavez Calendar, <http://www.solarcalendar.org>  
SOLO EXHIBITIONS

---

1987  
Bruce Velick Gallery, San Francisco, CA  
1986  
Pro Arts, Oakland, CA  
TWO-PERSON EXHIBITIONS

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1990  
San Jose Institute of Contemporary Art, San Jose, CA,  
Places of the Mind  
1982  
Cuesta College, San Luis Obispo, CA,  
Human Dimension  
SELECTED GROUP EXHIBITIONS

---

1999  
John Natsoulas Gallery, Davis, CA,  
Bob Arneson and Friends  
1993  
California State University, Hayward, CA,  
Large Scale Figurative Ceramics  
1990  
Fortezza Del Priamar, Savona, Italy,  
Eight California Artists Invitational

#### ACADEMIC POSITIONS

---

2009 University Of California, Berkeley CA, Adjunct Professor  
1998, 2001-03  
California College of the Arts, Oakland, CA, Adjunct Professor  
1989 – 91  
San Jose State University, CA, Adjunct Professor  
1985 - 86  
Rutgers University, New Brunswick, NJ, Visiting artist  
1983  
University of California, Davis, CA, Instructor

#### REFERENCES

---

Jos Sanchez,  
Berkeley Big People,  
2009  
Former chairperson for the Berkeley Art Commission

510-845-8835 jos@unionbug.com

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Steven Huss,

Addison Street Arts District

City of Oakland Cultural Arts Programs Coordinator

510-238-4949

## CITY OF BERKELEY CIVIC ARTS PROGRAM

## PUBLIC ART CONSERVATION SURVEY

**Examined by:** Sarah Giffin

**Examined on (date):** July 10, 2019

**Artist Name:** Scott Donahue

**Date:** 2009

**Title:** Big People

**Type of Artwork:** Sculpture

**Materials:** Cast concrete, plaster, house paint, stainless steel

**Dimensions:** 28' (H) x 12' (Diam.) each

**Location:** I-80 pedestrian/bicycle bridge

**GPS:** Protesters 37.8645, -122.3029

Kite flyers 37.8644, -122.3032

**General Condition:** Excellent      Good      Fair      Poor



**Description:**

The artwork is a two-component installation consisting of two large sculptures of clusters of individuals participating in activities characteristic of the City of Berkeley. The east sculpture depicts activities at the University campus: the UC Berkeley Campanile, around which are two individuals holding up protest signs, a man in a wheelchair, a woman playing a violin, a man reading, and a woman holding a model of a DNA strand. The west sculpture shows people participating in activities at the Berkeley Marina: two people flying kites, two people bird watching, a dog playing frisbee, and geese. Each cluster of figures sits on a slanted platform with smaller vignettes around the vertical edge. The platform is seated on four twisted columns with bulbous capitals.

The sculptures are made out of fiberglass that has been painted with a faux bronze finish made from a bronze flake pigment paint to make the figures resemble cast bronze with a red-brown patina. The items that the individuals are holding are made of welded stainless steel posts that have been bent to shape. The columns are made of cast concrete coated with multiple layers of fiberglass and painted. The cast concrete disc for the figures contains vented weep holes on the underside of the platforms to prevent water from pooling on the horizontal surfaces. The green applied scenes around the vertical edge of the disc base may be made of bronze, but this could not be verified at the time of the assessment.

## CITY OF BERKELEY CIVIC ARTS PROGRAM

PUBLIC ART CONSERVATION SURVEY

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**Condition:**

The artwork is in poor condition due to the use of unsuitable materials, which has led to systemic material failure. The painted fiberglass surface is actively failing most likely from moisture seeping out of unsealed concrete. There are significant areas of material loss and cracking on the column capitals, exposing the underlying cast concrete base form. There is also cracking of the fiberglass across all of the pillars. The structural condition of the underlying concrete is unconfirmed through visual inspection and requires assessment by a structural engineer. Failure of the concrete structure could pose a serious safety hazard due to its location above a major freeway. There is a chance that leaching moisture through the concrete fabric combined with high winds, seismic activity, and constant vibrations from the freeway has caused structural damage to the concrete base.

The painted fiberglass figures are in poor condition caused by paint failure and potential fiberglass resin failure. There are large gray patches and streaks across all of the figures caused by paint loss from exposure to high winds, rain, and high UV exposure. The bronze paint binder has failed, causing it to leach down the surface of the sculpture onto the platform and the columns, which were originally painted a green-gray. Closer inspection is required to determine the structural stability of the fiberglass resin to determine whether the material has been irreparably damaged by UV from ten years of prolonged exposure.

There is considerable graffiti on all surfaces readily reachable by members of the public, including the concrete pavers. Graffiti is primarily applied rather than incised.

The stainless-steel elements have visible iron spot corrosion on their surfaces. This may be due to exposure to chloride salts from sea spray and high humidity.

**Comments on Mounting:**

The sculptures are seated directly onto the concrete pavers. No mounting equipment is visible. Posts may be used.

**Comments on Location:**

The sculptures are located outdoors in full sun during the day. Both components are located within a quarter mile of the San Francisco Bay, so they are constantly exposed to high levels of ambient moisture and salt spray. There is also a small lake immediately next to the artwork, thereby increasing the ambient moisture levels. The busy I-80 freeway runs directly underneath the artwork, so it is exposed to high levels of automobile exhaust and atmospheric pollution, as well as constant vibrations from the cars below. The sculptures are readily accessible to the public, as demonstrated by the amount of graffiti on the surfaces. Public access is limited to the columns as the figures are approximately 10 feet above ground level. The Hayward Fault runs within a mile of the sculpture, so there is frequent seismic activity in the area.

**Comments on Safety/Risk Management:**

Individuals may attempt to climb the artwork and fall off. Pieces of plaster may detach and fall on individuals.

**Recommended Site Improvements:**

Increase lighting and security cameras around the artwork to deter vandalism

**Treatment Priority: 1**

## CITY OF BERKELEY CIVIC ARTS PROGRAM

## PUBLIC ART CONSERVATION SURVEY

**Access Considerations:**

Because of the sculptures' locations above a freeway with only a metal railing to prevent falls, serious safety measures will need to be put in place to protect the treating conservators. This may include protective netting and the use of harnesses and scaffolding. Permitting may be required due to the erection of scaffolding above a freeway.

**Equipment Required:**

Scaffold, harnesses, fencing, tenting/shade, ladders, electrical access, water access, parking permits.

**Recommended Treatment:**

RLA strongly recommends inspection by a structural engineer to determine the long-term structural stability and safety of the artwork. The original materials and any replacement materials may not have significant long-term longevity given the current artwork display conditions. There may continue to be deterioration issues despite conservation efforts.

1. Document all aspects of the treatment with digital, high-resolution photographs before, during, and after treatment, as well as a written report.
2. Perform a detailed, up close assessment to determine the stability of the fiberglass material. This will determine whether or not the original fiberglass can be salvaged or if it requires replacement.
3. Consult with a structural engineer to determine the stability of the concrete substructure.
4. Consult with the artist regarding materials used and the potential for refabrication of elements that cannot be repaired.
5. Dry clean and wet clean the sculpture to remove soiling, bird guano, and accretion build-up on the surface.
6. Remove applied graffiti from the columns using the appropriate organic solvent.
7. Remove leached red paint from the columns, if possible, using an appropriate organic solvent and/or poulticing method.
8. Readhere and consolidate areas of delaminating fiberglass using a conservation-grade adhesive suitable for use outdoors.
9. Fill areas of fiberglass loss using a fill material suitable for use outdoors.
10. Remove old failed paint from the figures and replace with new bronze flake paint in a medium suitable for use outdoors.
11. Coat the sculpture with a protective coating suitable for use outdoors.

**Cost Estimate for Treatment:**

The following cost estimate does not include the cost of hiring a structural engineer for assessment, nor does it include the cost of any artist's fees required for consultation and/or refabrication. The estimate also does not include the cost of air fare, lodging, or per diems that would be required if a non-local conservator is used for the treatment.

|                    |                                   |                                      |
|--------------------|-----------------------------------|--------------------------------------|
| Conservator (2):   | 10-15 days at \$1,280.00 per. day | = \$ 25,600.00 - \$ 38,400.00        |
| Technician (4):    | 10-15 days at \$760 per day       | = \$30,400.00 - \$ 45,600.00         |
| Materials:         |                                   | Allow up to \$ 2,000.00              |
| Equipment:         |                                   | Allow up to \$ 10,000.00             |
| <b>Total Cost:</b> |                                   | <b>= \$ 68,000.00 - \$ 96,000.00</b> |



CITY OF BERKELEY CIVIC ARTS PROGRAM  
PUBLIC ART CONSERVATION SURVEY

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**Recommended Maintenance:**

1. Document all aspects of the treatment with digital, high-resolution photographs before, during, and after treatment, as well as a written report.
2. Dry clean the sculpture to remove any loose dirt and soiling.
3. Wet clean the sculpture to remove more ingrained soiling and accretions that may have accumulated since the original treatment.
4. Reapply a protective coating to further protect the fiberglass.

**Maintenance Frequency:**

Regular artwork maintenance recommended biannually\*. Scaffolding and safety measures required. [\*Correction from previous version which listed "biennially" ]

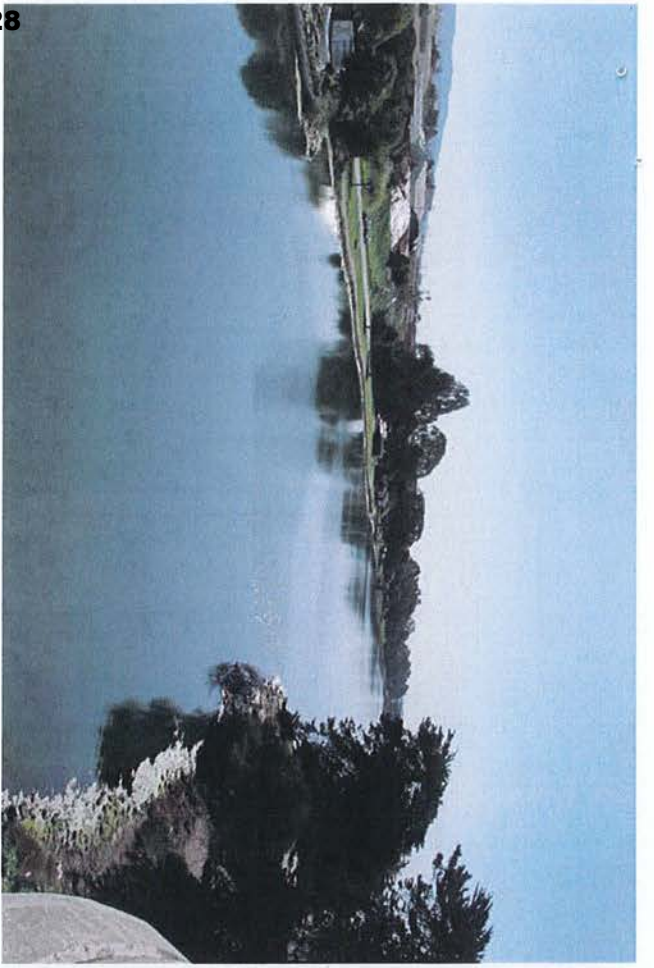
**Cost Estimate for Maintenance:**

The following estimate includes the potential cost of scaffolding for the maintenance treatment.

|                    |                                 |                                   |
|--------------------|---------------------------------|-----------------------------------|
| Conservator:       | 4-5 days at \$ 1,280.00 per day | = \$ 5,120.00 - \$ 6,400.00       |
| Technician (1):    | 4-5 days at \$ 760.00 per day   | = \$ 3,040.00 - \$ 3,800.00       |
| Materials:         |                                 | Allow up to \$ 300.00             |
| Equipment:         |                                 | Allow up to \$ 5,000.00           |
| <b>Total Cost:</b> |                                 | <b>= \$ 13,460.00 - \$ 15,500</b> |



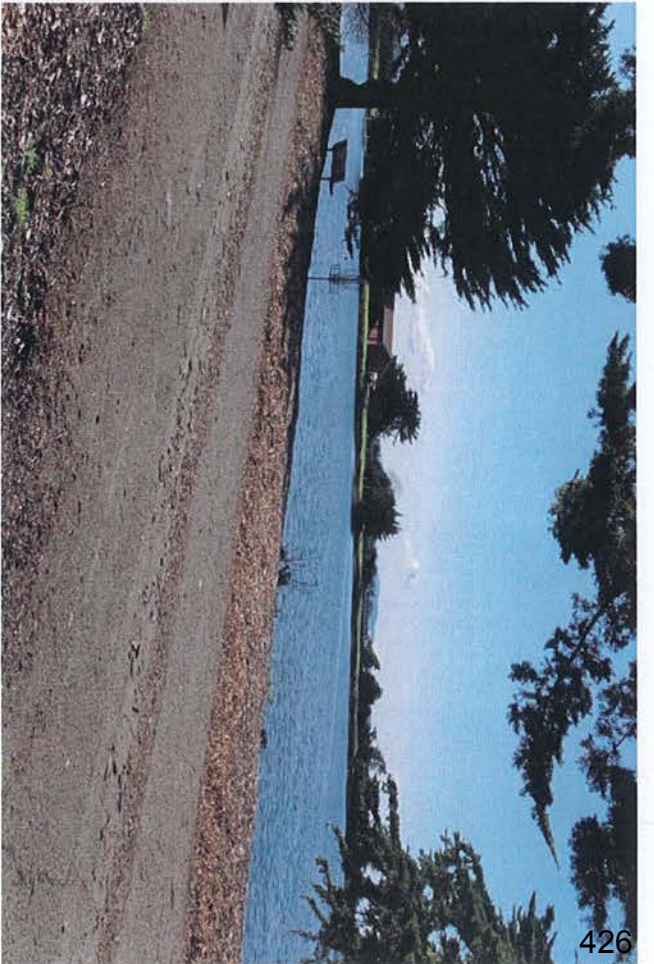




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Area 1 - Aquatic Park





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IMG\_2580.JPG



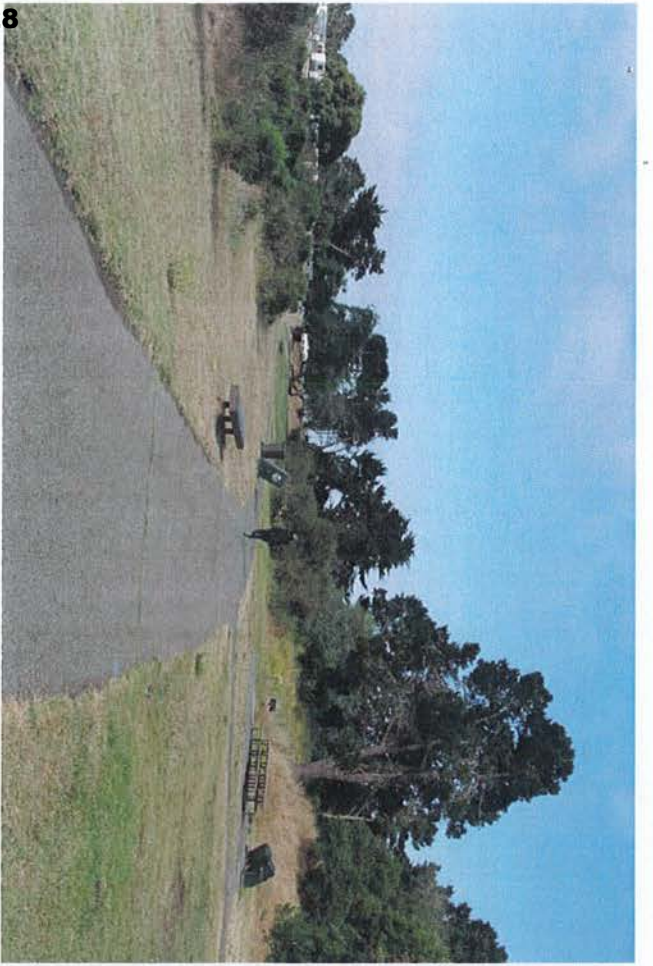
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Area 2 - University Avenue





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Area 3 - Shorebird Park, Marina





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IMG\_0032.JPG



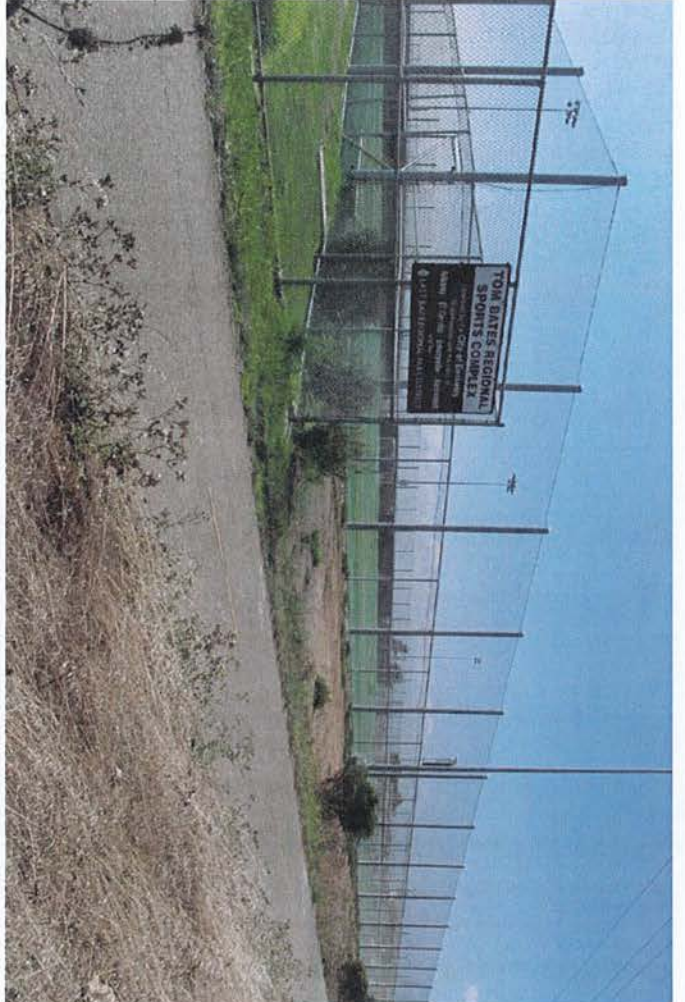
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Area 4 - Cesar Chavez Park





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Area 5 - Tom Bates Sports Complex, Gilman Ave.





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Area 6 - Harrison Park, Lower Codornices Trail





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IMG\_2652.JPG

Area 7 - UC University Village, Albany

**BIG PEOPLE**

**REMOVAL OF TOP PORTION SCULPTURES (ROUGH ORDER OF MAGNITUDE COST ESTIMATE)**

|                                       |                            |
|---------------------------------------|----------------------------|
| Rigging crew, 2 days on site          | \$7,888-\$10,846           |
| Crane, 2 days on site                 | \$9,200-\$11,200           |
| Flat-bed transport to Oakland         | \$2760-\$3000              |
| Pallets and tarps for storage         | \$5080-\$5680              |
| Packing of stainless steel parts      | \$450-\$500                |
| Storage receiving                     | \$340                      |
| Materials, supplies                   | \$250-\$300                |
| Project management, site visits, etc. | \$2500-\$3000              |
| Lift/equipment rental                 | \$1200-\$1500              |
| Contingency                           | \$3000-\$4000              |
| <b>SUBTOTAL</b>                       | <b>\$32,668 - \$40,366</b> |

Storage rate \$275-\$300 per month

Some notes: I have no money in here for traffic control or road closure PLUS I am assuming that we can do the work during regular daytime hours. The city may have a problem with that even though we are not lifting over the roadway at all. Also, I have not put any costs in for removal of the 8 legs, only for the sculptures on top as we discussed. You would want to have a demo company do that work.

**DEMOLITION OF LEGS AND RESTORING SITE**

Rough order of magnitude **up to \$20,000**

**TOTAL COST – REMOVAL OF SCULPTURE, DEMO OF LEGS & RESTORE SITE**

**UP TO \$60,366**

EXCERPT FROM GUIDELINES FOR PUBLIC ART  
CITY OF BERKELEY PUBLIC ART PROGRAM  
Approved by Berkeley City Council - April 30, 2019

**K. ARTWORK DEACCESSION POLICY**

**1. INTRODUCTION**

The term “deaccession” applies to the specific process by which a decision is made to remove an artwork from the City of Berkeley’s civic art collection. The City of Berkeley, through its Civic Arts Commission, reserves the right to deaccession works of art in its civic art collection in the best interest of the public and as a means of improving the overall quality of the City’s civic art collection. Removing artwork from the City’s civic art collection by deaccession should be cautiously applied only after careful and impartial evaluation of the artwork to avoid the influence and the premature removal of a work from the collection. Except in the case of an immediate threat to public safety, no artwork in the collection will be deaccessioned until the policies set forth below have been observed.

**2. DEFINITIONS**

For the purposes of this Policy, the following definitions apply:

- **Artwork:** Per the Berkeley Municipal Code, Section 6.14.101, Artwork is an original work by an artist and includes, but is not limited to, functional art integrated into public improvements, a sculpture, monument, mural, painting, drawing, photography, fountain, banner, mosaic, weaving, stained art glass, multi-media, computer-generated art, electronic and media art, video, and earth art, installation art, performance and time based works of visual art, and social practice art.
- **Deaccession:** The procedure for the removal of an artwork owned by the City and the determination of its future disposition.
- **Deaccession Notification:** A written letter to the artist or donor referencing the applicable conditions of the artwork and describing reasons why the deaccession review is being undertaken.

### 3. CONDITIONS FOR DEACCESSION

A work of art may be considered for deaccession if one or more of the following conditions apply:

- The work presents a threat to public safety.
- Condition or security of the work cannot be guaranteed, or the City cannot properly care for or store the work.
- The work requires excessive or unreasonable maintenance, or has faults in design or workmanship.
- The condition of the work requires restoration in gross excess of its market value, or is in such a deteriorated state that restoration is infeasible, impractical, or would be so extensive as to fundamentally transform the work from the artist's original intent.
- Significant changes in the use, character or actual design of the site require reevaluation of the artwork's relationship to the site.
- If the artwork cannot remain at its original installation site and if no suitable alternate site for the work is available.
- The work interferes with the operations of the City.
- Significant adverse public reaction over an extended period of time (5 years or more).
- The work is judged to have little or no aesthetic and/or historical or cultural value, or is judged to have negative historical or cultural value.
- The Civic Arts Commission wishes to replace a work with a more appropriate work by the same artist.
- The work can be sold to finance or be traded for a work that refines and improves the quality and appropriateness of the City's collection and better serves the Civic Arts Commission's mission.
- Written request from the artist has been received to remove the work from public display.
- The work is duplicative in a large holding of work of that type or of that artist.
- The work is fraudulent or not authentic.
- The work is rarely or never displayed.



#### 4. PROCEDURES

The following steps shall be followed for works being considered for deaccession:

4.1 Absence of Restrictions: Before disposing of any artworks from the collections, reasonable efforts shall be made to ascertain that the City is legally free to do so.

4.2 Deaccession Notification: City staff shall comply with any applicable state or federal notice requirements and shall make every reasonable effort to contact the artist whose artwork is being considered for deaccession, and any other known parties with a vested interest in the artwork. Staff shall make reasonable effort to notify the artist of the Public Art Committee and Civic Arts Commission meetings where the issue will be discussed.

4.3 Civic Arts Program Staff Report: The Civic Arts Program staff shall prepare a report which includes a staff evaluation and recommendation along with the following information:

- Artist's name and biographical information, samples of past work and resume.
- Written description and images of artwork.
- Information about and images of the artwork's site.
- City Attorney's Opinion: The City Attorney shall be consulted regarding any restrictions that may apply to a specific work.
- Rationale: An analysis of the reasons for deaccessioning and its impact on the Collection and the artist, and an evaluation of the artwork.
- Community Opinion: If pertinent, public feedback on the dispensation of the artwork in question.
- Independent Appraisal or other documentation of the value of the artwork: Prior to deaccessioning of any artwork having a value of \$10,000 or more, Civic Arts Program staff should obtain an independent professional appraisal, or an estimate of the value of the work based on recent documentation of gallery, comparable public commissions and/or auction sales.
- Related Professional Opinions: In cases of where deaccessioning or removal is recommended due to deterioration, threat to public safety, ongoing controversy, or lack of artistic quality, it is recommended that the Commission seek the opinions of independent professionals qualified to comment on the concern prompting review (conservators, engineers, architects, critics, safety experts etc.).

- History: Provide written correspondence, press and other evidence of public debate; Original Acquisition method and purchase price; Options for Disposition; and Replacement Costs.

4.4 Considerations for Disposition of a Work of Art: Civic Art Program Staff shall research and present to the Civic Arts Commission all feasible alternatives for the disposition of the proposed artwork for deaccession. Recommendations shall adhere to the following principles:

- The manner of disposition is in the best interest of the Civic Arts Commission and the public it serves.
- Preference should be given to retaining works that are a part of the historical, cultural, or artistic heritage of Berkeley and the Bay Area.
- Consideration should be given to placing the artwork, through gift, exchange, or sale, in another tax-exempt public institution where it may be accessible to the public and thereby continue to serve the purpose for which it was acquired initially by the Civic Arts Commission.
- Artworks may not be given or sold privately to City employees, officers, members of the governing authority, or to their representatives.

## 5. DEACCESSION CRITERIA

The following criteria will be used by the Civic Arts Commission to evaluate whether to deaccession an artwork:

- Inherent Artistic Quality: The assessed aesthetic merit of the piece as a work of art, independent of other considerations.
- Cultural or Historical Impact: Whether the artwork has negative cultural or historical impact.
- Context of Artwork within the Civic Art Collection: Proposed artwork should be evaluated within the context of the larger collection, and whether it is judged to strengthen the collection.
- Context of Artwork with Site: Accessibility, public safety, and social, cultural, historical, ecological, physical, and functional context of the artwork in relation to the site, both existing and planned.



- Availability of City Support: The availability of necessary funding for conservation, maintenance, repair, storage or required staff support.
- Legal Considerations: Issues related to liability, insurance, copyright, moral rights, warranties, ownership, theft, vandalism, loss, indemnification, and public safety. The City Attorney shall review the recommendation of the Civic Art Program staff to determine whether there are any known legal restrictions that would prevent deaccession of the artwork. The City Attorney's approval must be obtained prior to deaccessioning an artwork.
- Timing: Timing for the deaccession of an artwork may be affected by issues such as a hazardous condition related to the artwork that would pose an immediate threat to public safety, relevant construction schedules, or the allowance of sufficient time for a normal review process.
- Acquisition process: Method by which the artwork was originally acquired and accessioned in the City's collection (i.e. by donation, loan, or commission).
- Community feedback: Community feedback about the artwork, its site, and its condition solicited via a publicly-noticed meeting or placed on the agenda of the Public Art Committee.
- Restrictions: Any recognized restrictions associated with the artwork.

## **6. PUBLIC HEARINGS**

The proposed deaccession of an artwork will be heard at two meetings which are open to the public.

6.1 Public Art Committee: The recommendation to deaccession an artwork will be considered by the Public Art Committee as part of the Committee's regular meeting. The Committee shall make its recommendation to the full Civic Arts Commission.

6.2 Civic Arts Commission: The Commission must approve the Public Art Committee's recommendation that an artwork owned by the City should be deaccessioned.

## **7. DISPOSITION OF ARTWORK**

7.1 Right of First Refusal: In all cases, the Artist or Artist's legally recognized representative or heir shall be given, when possible and within a reasonable time frame, the opportunity to purchase the artwork for the fair market value (as determined by a qualified appraiser), or if the artwork is determined to be of negligible value, the artist shall be given the opportunity to claim the artwork at the artist's own cost for removal and transportation.

7.2 When the artist does not purchase or claim the deaccessioned artwork, the Civic Arts Commission at its discretion, may use any of the following methods to remove the Artwork:

- Sale: Proceeds from the sale shall be deposited into the City's public art fund.
  - Sale through a dealer.
  - Sale through a public auction.
- Trade or exchange of a deaccessioned artwork for another by the same artist.
- Donation of deaccessioned artwork to a public institution or nonprofit organization.
- Destruction: for the following instances:
  - The entire artwork or the majority of the artwork has been damaged or has deteriorated and repair or remedy is impractical or infeasible, and artist is not willing to claim the remaining artwork at artist's own cost.
  - Public safety considerations support destroying the artwork.
  - Every reasonable effort to locate the artist, the artist's heirs or next of kin, or donor has failed.
  - The Civic Arts Commission determined that no other methods of disposition are feasible.

7.3 Civic Arts Program staff duties for all deaccessioned artworks:

- Update Civic Art Collection database: The artwork will stay in the database, but be noted as deaccessioned and include the years during which it was displayed.
- Coordinate the removal of identification plaques from artwork site and coordinate the artwork's physical removal from the City's collection.
- Report on the sale or exchange at the next regularly scheduled Public Art Committee and Civic Arts Commission meetings.
- Transmit a report informing City Council of the removal of the artwork from the City's collection.

- Maintain a deaccession file that includes documentation on the artwork and all associated deaccession documents.
- If the art work is in good enough condition to yield quality photographic documentation, that documentation will be kept in the deaccession file and offered to the artist.

Chapter 6.14

VISUAL ART IN PUBLIC PLACES

Sections:

- 6.14.010 Definitions.
- 6.14.020 Visual arts panel.
- 6.14.030 Standards for review.
- 6.14.040 General rules for art in public places.
- 6.14.050 Review of artistic matters.

**Section 6.14.010 Definitions.**

For purposes of this chapter the terms listed in this section shall be defined as follows:

A. "Visual art in public places" means any visual work of art displayed for two weeks or more in an open City-owned area, on the exterior of any City-owned facility, in areas designated as public areas, lobbies, or public assembly areas, or on non-city property if the work of art is installed or financed, whether wholly or in part, with city funds or grants procured by the City.

B. "Work of art" is an original work by an artist and includes, but is not limited to, functional art integrated into public improvements, sculpture, monument, mural, painting, drawing, photography, fountain, banner, mosaic, weaving, art glass, multi-media, computer-generated art, electronic and media art, video, earth art, installation art, performance and time based works of visual art, and social practice art.

C. "Permanent installation" means a work of art in a public place intended to remain or remaining for one year or more.

D. "Temporary installation" means a work of art in a public place intended to remain for less than one year.

E. "Qualified consultant" means professional visual artists, educators, scholars, historians, collectors, and environmental designers and planners, whose authorities and skills are known and respected in the community and, whenever feasible, who have demonstrated an interest in, and have participated in, the arts of the City. (Ord. 7400-NS § 1, 2015; Ord. 6487-NS § 1, 1999; Ord. 5630-NS § 1 (part), 1985)

**Section 6.14.020 Visual arts panel.**

A. A visual arts panel shall be convened by the Civic Arts Commission as a temporary subcommittee of the Civic Arts Commission for each art in public places project. A different visual arts panel shall serve for each art in public places project and shall dissolve after placement of the work of art. The visual arts panel shall include three qualified consultants appointed by the Civic Arts Commission and, when appropriate as determined by the Civic Arts Commission, a representative of affected neighborhoods, the Civic Arts Commission, other appropriate City boards and commissions, and project architects. The duties of a visual arts panel with respect to specific art in public places projects shall be as follows:

1. To devise methods of selecting and commissioning artists with respect to the design, execution, and placement of specific art in public places projects, and pursuant to such methods, to advise the Civic Arts Commission on the selection and commissioning of artists for such projects;

2. To advise the Civic Arts Commission regarding the amounts to be spent on specific art in public places projects;

3. To advise and assist the Civic Arts Commission in obtaining financial assistance for art in public places projects from private, corporate, and governmental sources.

B. Notwithstanding subdivision A, for exhibits that change on a regular periodic basis, the functions of a visual arts panel shall be carried out by the Public Art Committee in consultation with a curator, and no visual arts panel shall be required. In such cases, the Committee's choice of artworks shall be reported to the Civic Arts Commission at a meeting no less than two weeks prior to the planned installation date. (Ord. 7082-NS § 2, 2009; Ord. 5630-NS § 1 (part), 1985)

**Section 6.14.030 Standards for review.**

In performing its duties with respect to art in public places, a visual arts panel shall give special attention to the following matters:

A. Appropriateness of the design to the functions of the site;

B. Representation of a broad variety of tastes within the community and the provisions of a balanced inventory of art in public places to insure a variety of style, design, and media throughout the community that also will be representative of the eclectic tastes of the community. (Ord. 5630-NS § 1 (part), 1985)

**Section 6.14.040 General rules for art in public places.**

A. Review of permanent and temporary installations: Permanent and temporary installations shall receive the prior review and advice of a visual arts panel. Extensions of time for temporary installations to remain for one year or more may be granted by a visual arts panel. Permanent installations shall not be removed, altered, or changed without the prior review and advice of a visual arts panel and the artist, whenever feasible.

B. Private sites for art in public places: No work of art financed or installed whether wholly or in part with City funds or with grants procured by the City shall be permanently installed on privately owned property without a written agreement between the City and the owner specifying the proprietary interests in the work of art, binding the owner to the general rules for art in public places, specifying that the owner shall assure installation of the work of art in a manner which will protect the work of art and the public and that the work of art will be maintained in good condition, and providing for appropriate insurance and indemnification, as well as any other provisions deemed necessary or desirable by the City Attorney.

C. Consultation with the artist: Installation, maintenance, alteration, refinishing, and moving of art in public places shall be done in consultation with the artist whenever feasible.

D. Inventory of art in public places: The Civic Arts Commission shall maintain a detailed record of all art in public places, including site drawings, photographs, designs, names of artists, and names of architects whenever feasible. (Ord. 5630-NS § 1 (part), 1985)

**Section 6.14.050 Review of artistic matters.**

Recognizing that professional expertise is necessary and desirable in artistic matters, such as the selection of artists for a project, the selection of particular works of art, and the approval of designs and plans for works of art under the visual art in public places program, it is the City's policy that:

A. Decisions on artistic matters will be made by a visual arts panel, the Public Art Committee, or the Civic Arts Commission, as set forth in this chapter;

B. The City Council will not exercise its independent judgment on artistic matters;

C. The City Council will refer questions, suggestions, requests, complaints and similar items pertaining to visual art in public places to the Civic Arts Commission for review and response. (Ord. 7082-NS § 3, 2009; Ord. 5630-NS § 1 (part), 1985)



August 5, 2019

Scott Donahue  
1420 45th Street, #49  
Emeryville, CA 94608

RE: Berkeley Big People Statue

Dear Mr. Donahue,

For many years, the public has enjoyed the *Berkeley Big People* artwork which you created in 2008. The City recognizes the great importance of art and appreciates the opportunity to support the commissioning of artwork such as yours. However, sometimes it is in the best interest of the public to deaccession artwork as a means of improving the overall quality of the City's civic art collection. I regret to inform you that on July 24, 2019 the City's Civic Arts Commission voted to deaccession the *Berkeley Big People* artwork. Pursuant to the terms of the Visual Artists Rights Act, 17 USCS 113 (VARA), and the California Art Preservation Act, Cal. Civ. Code 987—89 (CAPA), this letter serves as the required notice that the *Berkeley Big People* (the "Artwork") located at the bike and pedestrian bridge crossing Interstate-80 in west Berkeley is scheduled to be removed no sooner than ninety (90) days following your receipt of this notice. In accordance with VARA and CAPA, you have the option to remove or pay for removal of the Artwork no later than ninety (90) days from receipt of this notice. If you have not removed or arranged for removal of the Artwork within this ninety (90) day period, the City of Berkeley may remove, relocate and/or destroy this artwork at its discretion and convenience.

Should you choose to remove or pay for removal of the Artwork, upon such removal, legal title shall pass to you along with physical possession.

Additionally, the City of Berkeley is simultaneously publishing the thirty (30) day notice required by the California Art Preservation Act, California Civil Code Section 989(e)(2), in the Berkeley Voice. This notice will alert arts organizations in the area that, should you choose not to remove or pay for removal of the Artwork within the ninety (90) day timeframe, any organization may elect to remove or pay for removal of the Artwork themselves.

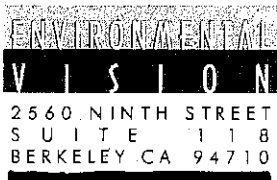
If you choose not to exercise your option to remove or pay for removal of the Artwork, and no organization indicates their interest in removing the Artwork or you or any organization expresses interest in removing the artwork and fails to remove or pay the cost of removal of the Artwork within the ninety (90) day period, the City of Berkeley may remove, relocate and/or destroy this artwork at its discretion and convenience.

If you wish to remove the Artwork and/or pay the cost of removal, please contact Jennifer Lovvorn at (510) 981-7533 or email [jlovvorn@cityofberkeley.info](mailto:jlovvorn@cityofberkeley.info).

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Lovvorn".

Jennifer Lovvorn  
Chief Cultural Affairs Officer  
Civic Arts Program



Jennifer Lowvorn  
Chief Cultural Affairs Officer  
Civic Arts Program  
City of Berkeley  
Office of Economic Development  
2180 Milvia Street, 5th Floor  
Berkeley, CA 94704

July 22, 2019

To City of Berkeley Civic Arts Commissioners and Members of the Public Art Committee:

As a key contributor to the re-siting study for the Berkeley Big People Sculptures, I am writing to express support for the idea of deaccession regarding this pair of public art sculptures.

A variety of potential alternatives were considered for relocation during the re-siting evaluation process. I believe that deaccession is reasonable for the City given the substantial challenge of finding a feasible and appropriate new location for the two large-scale works, and in light the costs required for relocating and repairing these sculptures, which show noticeable signs of physical deterioration.

Please contact me if I can provide additional background or information regarding the re-siting evaluation.

Sincerely,

A handwritten signature in black ink, appearing to read "Marsha Gale".

Marsha Gale  
Managing Principal





**Berkeley**  
UNIVERSITY OF CALIFORNIA

**Shannon Jackson**

Associate Vice Chancellor

Berkeley Arts + Design

215 Dwinelle Annex

Berkeley, CA 94720

August 5, 2019

Dear Civic Arts Commission,

I am writing with regard to "Berkeley Big People," a double sculpture created in 2008 by Scott Donahue and sited on the I-80 bike bridge in the city of Berkeley. My understanding is that the city has the opportunity to remove, relocate, and/or replace this sculpture, a move that I heartily endorse. I strongly encourage you to move these two sculptures.

The current condition of "Berkeley Big People" clarifies that it has severe technical issues. The paint on the fiberglass figures has failed, as has its resin and bronze paint binder. The structural supports are also precarious, with cracks in its concrete base and columns. This material and systemic failure has been exacerbated by its site location where it is quite exposed to harsher weather conditions. My understanding is that the maintenance and repair of "Berkeley Big People" is significant, likely out of proportion to its value as an artistic piece.

On top of these systemic and repair issues, it is also important to consider the aesthetic quality of the piece and its responsiveness (or lack thereof) to the site in which it has been placed. "Berkeley Big People" seeks to be a symbol of and welcome to the city of Berkeley. It does so by arranging hyper-literal figures into two sets of top-heavy assemblages. One sculpture piles images of Berkeley's 'cultural' experience—mixing the Campanile with somewhat superficial representations of 'a scientist,' 'an activist,' and so on. The other ostensibly represents the 'natural' experience of Berkeley, somewhat erroneously choosing a bird watcher, a kite flyer, and a dog catching a frisbee. From my own perspective, the selection and creation of representative figures is strikingly unimaginative, almost laughably reproducing stereotype. Moreover, the arrangement of the assemblage has an odd and maladroit sense of proportion, and it is made worse by its location on the ends of the bridge. The crowd of figures does not so much welcome as block the entrance and smooth transversal from the natural Bay to the urban city. Highway drivers do not relish in this city symbol but worry that unstable figures might fall upon them as they try to drive by.

It might well be that "Berkeley Big People" would improve aesthetically in a different location, one that can withstand its scale – perhaps a site for children where hyper-literalness is perhaps more appropriate. With the best of intentions, the city commissioned this sculpture, and I am sure that Scott Donahue worked hard to create it. However, the piece's aesthetic, spatial, and technical deficiencies keep this commission from living up to the city's public art goals.

Once again, I heartily endorse any plan that seeks to remove "Berkeley Big People" from its current location.

Sincerely,

Shannon Jackson  
Associate Vice Chancellor for the Arts + Design

**Lowvorn, Jennifer**

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**From:** Scott Donahue <scott@sdonahue.com>  
**Sent:** Wednesday, August 07, 2019 8:23 AM  
**To:** Berkeley Mayor's Office; David Snippen; [REDACTED]; Santiago Casal; [REDACTED]; Lowvorn, Jennifer; Archana Horsting; John Roberts; City Council; [REDACTED]; Davila, Cheryl; Kesarwani, Rashi; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Idrost@cityofberkeley.info  
**Subject:** Berkeley Big People - Flawed Public Process

To Mayor Jesse Arreguin, Berkeley City Council Members, and Civic Arts Commission Members:

The Civic Arts Commission voted to remove my public artwork, *Berkeley Big People*, from the bicycle/pedestrian bridge over Route 80. I first received notice on a Thursday, June 18, that the Public Art Committee (a subcommittee of the Arts Commission) would consider this issue the following Monday. I also found out that the Arts Commission was meeting just two days later, on Wednesday, July 24, to decide the fate of my artwork. It was at that meeting that the Commission voted to remove my sculptures. How is it that eight members of an appointed board can make such a significant decision, on behalf of an entire city, with essentially no notice to the artist, and without any public input, expert testimony, or approval by the City Council? Public art is inherently controversial, because it's public. A full, public discussion of the artwork's meaning is necessary. My sense is that the Commission's hasty vote, without proper notice or input, was deliberate in order to avoid any resistance from me and others who believe the artwork should remain. The lack of process is shocking. In contrast to the way the Commission handled its decision to remove the artwork, the city went through a lengthy and rigorous process before approving *Berkeley Big People*. The vetting of the project spanned several years and involved the City Council and appointed officials, as well as the state of California (Caltrans). This prior approval process was not even acknowledged by the Arts Commission.

**Structural integrity of the artwork**

The Arts Commission's decision appears to be based solely on the premise that the artwork is too expensive to maintain. This is simply not true. The technical report from the art conservator is demonstrably flawed. For example, the conservator cites potential seismic safety hazards without any supporting information. The conservator (who told the city it would charge an outrageous \$1,280 a day to supervise maintenance of the sculptures) could not point to any structural deficiencies, and even misidentified the sculpture's surface material that is flaking as fiberglass (it is mortar).

The Arts Commission claims the artwork removal will cost more than \$60,000.

As I have told the Commission, I can make all the repairs, returning the sculpture to its original state, for \$15,000. After that, it would cost the city only \$1,000 a year to maintain.

I ask that at the very least, the city consult a qualified, impartial structural engineer regarding the integrity of the sculptures. This artwork should be thought of like the bridge itself, requiring some maintenance. I can say definitively, as I built the sculptures, that they are at no risk of breakage or collapse and simply require some external refurbishing.

**Alternative sites**

Finally, if the city, after consulting experts and properly vetting the issue, decides the sculptures must be removed from the bridge, I ask that it make a sincere and concerted effort to find an alternative location in Berkeley. At the Public Art Committee meeting, one of the commission members asked if the sculptures could be relocated to Emeryville or some other city. Of course, that would make no sense, as the sculptures depict (and celebrate) Berkeley's unique history and culture, including movements that championed rights to free speech and more equitable treatment of the disabled, as well as UC Berkeley's significant contribution to scientific research.

Thank you for your consideration.

Scott Donahue  
Public artist and Emeryville City Council member

[REDACTED]

**Lovvorn, Jennifer**

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**From:** Allison Smith <[REDACTED]>  
**Sent:** Friday, August 16, 2019 12:39 PM  
**To:** Lovvorn, Jennifer  
**Subject:** Scott Donahue sculptures, I-80 bridge

I'd like to express my support of the removal of these works. As an artist I understand how painful a deaccession can be, and I am generally opposed to censorship in the arts. However, as faculty at California College of the Arts I heard Scott speak about these works relatively soon after their creation to students and faculty in an artist talk. I was totally disgusted by his lack of sensitivity to local communities (in this and other works) and his boasting pride at how he'd intentionally misled the commissioning agency to believe these sculptures were bronze when in fact they were made of a cheap resin and faux bronze material. Much of his talk consisted of advising students in ways they could take advantage of public art opportunities, among people who do not understand material properties or process, to the point that I raised concerns afterwards with faculty and the chair at that time as to why we were spending budget funds supporting an artist who could do negatively influence our students. I'm not surprised they'd be too expensive to maintain. They've looked like hell since shortly after they were installed. I do not respect the integrity of this artist or the work.

Allison Smith  
Associate Professor  
Dean of Fine Arts  
California College of the Arts

--  
Allison Smith  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Lowvorn, Jennifer**

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**From:** Richard Kalman [REDACTED]  
**Sent:** Tuesday, August 20, 2019 3:41 PM  
**To:** Lowvorn, Jennifer  
**Cc:** [REDACTED]  
**Subject:** Maintenance or Removal of Sculpture at Pedestrian Bridge

Members of the Art Commission;

Please refrain from a decision to remove the sculpture at both ends of the bridge.

The sculptor has offered to provide repairs at a cost far below the estimates of whatever outside contractors you have hired.

It seems to me the artist who made it is more familiar with the materials needed to update his work. And were he to do so, it would save considerable funds from expenditure. No decision to remove should be made until the sculptor has had a chance to present his proposed repairs and have them reviewed for satisfaction of standards of safety and aesthetic presentation.

Some of the objections to the installation are unfounded or easily refuted. I doubt that many persons using the 580/880 corridor under the bridge are very worried or frightened that the sculpture may topple over onto the freeway. And even so, it behooves the artist and the city to have securely installed it in the first place and to ensure it remains secure.

Some people object to the style of the sculpture. It is certainly not a "traditional" sculpture, honoring some military hero mounted on a horse holding a flag or local state standard. It is done in an avant-garde, innovative, daring style that suggests movement, conflict, and change. As such it is in keeping with the spirit of the city of Berkeley and is an admirable tribute to Berkeley's history of vision, scholarship, and leadership in areas of social change.

Removal of these sculptural pieces would diminish a little bit of that element that gives Berkeley a unique niche in the artistic flavor of this town. I am proud that Berkeley stands out in many ways and especially in ways that encourage individual accomplishment in arts, the environment, science, and human relations. Please strive to preserve this sculpture as part of Berkeley's innovative traditions.

Sincerely,

Richard Kalman  
Berkeley Resident Forty Years.  
[REDACTED]

**Lowvorn, Jennifer**

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**From:** Zach Cowan [REDACTED]  
**Sent:** Tuesday, August 20, 2019 11:20 AM  
**To:** Lowvorn, Jennifer  
**Cc:** All Council  
**Subject:** Big people sculptures

Jennifer,

Please convey to the CAC my very enthusiastic support for removing the "Big People" sculptures (I generally refer to them epithetically, if you know what I mean) from the pedestrian bridge. I hope the new potential locations are as inconspicuous as possible.

While we're on the subject, Deborah Chernin, the city staffer who managed the design, approval and construction of the bridge, sadly passed away last year. Although she was too polite to say so, she was, shall we say, not fond of the statues. Moving them, *and* renaming the bridge in her honor would be a fitting conclusion to the matter.

Zach Cowan

**Lovvorn, Jennifer**

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**From:** Sarah Gill [REDACTED]  
**Sent:** Wednesday, August 21, 2019 7:28 PM  
**To:** Lovvorn, Jennifer  
**Subject:** Removing the Big People sculptures?

Please don't remove these charming sculptures that illustrate some of the many facets of Berkeley life. I used to take my grandson to see them up close. He had a wonderful time identifying what all these people were doing. Can't say if the sculpture was the deciding factor, but he did apply to go to UC Berkeley, graduating the past year.

Why don't you negotiate with the artist to repair and maintain them?

Best,  
Dr. Sarah Gill

Sent from my iPhone



**Lovvorn, Jennifer**

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**From:** stuart baker [REDACTED]  
**Sent:** Tuesday, August 20, 2019 9:41 AM  
**To:** All Council  
**Cc:** Lovvorn, Jennifer  
**Subject:** The decommissioning of the "Big People" statues

Dear councilmembers and arts commission members,

While I serve in the capacity of Executive Director of the TBID, I am writing to you as a Berkeley resident residing in West Berkeley.

I understand the main reason for the removal of the sculptures relates to maintenance issues. This unfolding scenario reminds me of the saga of the macramé piece that grace the Embarcadero BART station in San Francisco in the 80's and 90's. It was clear to all who researched the design and material that the piece had reached the end of it's life. But because of the insistence of the artist and a vocal minority community members, BART threw tens of thousands of dollars try to maintain a piece that was never going to look like it did when it was unveiled. In the end BART took it down and disposed of the piece. Prolonging the process made no one happy. The money was wasted that could have gone to other artists with new ideas. Not all art has the resiliency of a Rodin bronze.

The parallels with Big People and the BART piece are extremely apparent. Please consider the common sense approach and don't let emotions and attachments alter the pragmatic decision made by the commission.

Sincerely,

Stuart Baker  
1433 Addison

**Lovvorn, Jennifer**

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**From:** Arlene Immerman <[REDACTED]>  
**Sent:** Wednesday, August 14, 2019 5:51 PM  
**To:** Lovvorn, Jennifer  
**Subject:** Berkeley overpass sculpture

Dear commissioners:

I read with interest an Article in Berkeleyside that reported that the Arts Commission has voted to deaccession the Berkeley Big People sculpture currently occupying the I80 pedestrian overpass between Aquatic Park and the Berkeley shoreline.

I think that the overpass and sculpture are important gateways to Berkeley that should be maintained and kept in place. The controversy surrounding this piece of public art is what makes it so very Berkeley. Controversy, lively discussion and free speech are what make Berkeley, Berkeley.

Please reconsider your decision.

Sincerely,  
Arlene Immerman

Sent from my iPad

**Lowvorn, Jennifer**

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**From:** Marti Mogensen [REDACTED]  
**Sent:** Monday, August 19, 2019 11:30 AM  
**To:** Lowvorn, Jennifer  
**Subject:** the beauty of the bridge!

Good morning,

I just want to say I agree with the decision to remove the sculptures at the Eastshore Pedestrian Overcrossing. To have them there in bad repair is certainly a physical and visual liability.

Additionally, I have always thought they altered the beauty and clean design of the overcrossing. This six-million dollar wonder is clearly a work of art!

Thanks for your attention to this—and all your good work.

All the best,  
marti mogensen

**Lowvorn, Jennifer**

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**From:** Sharron/Sherry Poff [REDACTED]  
**Sent:** Monday, August 19, 2019 1:56 PM  
**To:** Lowvorn, Jennifer  
**Cc:** Dan Poff  
**Subject:** Removal of "Big People" sculptures from either end of the pedestrian overpass

I favor *removal* of the two "Big People" sculptures.

The sculptures were inappropriately sited in the first place:

1. The whole context favors movement: bicycling, walking, gazing at the views - not staring at a conceptual work of art.
2. That overpass, unadorned, is a work of art in itself. The magnificent scenery, while crossing, hardly needs "improving."
3. The subject matter is not so beloved by mature liberals like myself. Very adolescent, white, entitled.
4. The costs from the start to the now necessary maintenance were not worth it, especially given other options/sites for public art.
5. The placement of those two large, heavy pieces is a tragedy waiting to happen: earthquake(s), high winds, wildfire smoke reducing visibility, etc.
6. The laws of physics don't make exceptions for human ideals or aesthetics. Heavy things, precariously placed, fall when they're sufficiently stressed.

Thank you for your consideration,

Sharron L.W. Poff  
1803 Cedar Street  
Berkeley CA 94703

**Lowvorn, Jennifer**

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**From:** Frank Jaffe [REDACTED]  
**Sent:** Wednesday, August 14, 2019 5:44 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Big People sculptures

I would like to express my support for keeping Scott Donahue's big people sculptures exactly where they are. I have lived in the Berkeley Oakland area since 1978 and I go for a run every Saturday and Sunday at the Berkeley Marina, and have been doing that for many years ever since those sculptures were there, and I always finish my run by walking up the bridge, and I can say that I never tire of seeing those sculptures.

I understand that there was recently a vote to deaccession these pieces out of concern for the cost of maintenance. I truly find it hard to believe that this is an insoluble problem! I think the city needs to find other contractors to give more competitive estimates, which will result in a better long-term and financially feasible solution.

I think that the sculptures really capture of the spirit of Berkeley, particularly the political activism the city is known for as well as the recreational joy to be found at the Berkeley Marina.

I thank you for your attention to this matter.

Yours sincerely,  
Frank Jaffe  
Emeryville CA

**Lowvorn, Jennifer**

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**From:** Martha Richards [REDACTED]  
**Sent:** Monday, August 19, 2019 5:37 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Sculptures on walking bridge

Ms. Jennifer Lowvorn  
Chief Cultural Affairs Officer  
Civic Arts Program  
City of Berkeley

Dear Ms. Lowvorn,

I was extremely pleased to read that the Berkeley Public Arts Commission has decided to remove the large sculptures that flank the walking bridge at University Ave and highway 80. The bridge is so lovely in its simple design and it creates a kind of entry to our city. The sculptures look out of place and only detract from the lovely bridge. I was truly dismayed when they were installed and I've been annoyed and embarrassed by them every time I've driven or walked past them. I gather that they are supposed to represent us, but I've not been able to make any sense of them—not from the freeway and not when I'm walking or biking on the bridge. To me, they are each a mish-mash of every cliché I hear about Berkeley. After several years of wear, they look even worse.

I've lived in Berkeley since 1966 and have owned a home in Berkeley since 1980. I'm very attached to my city and proud of many, many things about Berkeley. I am not very proud of our city art. When I see public art in other cities, I wish we were more selective. I know there must be a way to express our city without being trite or silly, and I would love to see an improvement in our public art installations overall. To me, those sculptures on the bridge represent the worse of us and not the best.

I sincerely hope the Arts Commission is not dissuaded from its decision to remove the sculptures.

Sincerely,

Martha Richard  
1528 Hopkins St.  
Berkeley 94707

**Lowvorn, Jennifer**

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**From:** Marla Koss <[REDACTED]>  
**Sent:** Tuesday, August 20, 2019 9:23 PM  
**To:** Lowvorn, Jennifer  
**Subject:** A comment on the sculptures on the footbridge at University Ave. and I-880

Hi Jennifer,

Lisa Bullwinkel asked me to send my comment to you re those sculptures at each side of the footbridge over I-880.

As a onetime Berkeley resident and sometime passerby on I-880, I'd be very relieved to see those sculptures removed. Regardless of the cost issue, every time I have ever passed them on the freeway I have felt chagrin and a pang of embarrassment for Berkeley. I think they make Berkeley a laughingstock by playing to stereotype (thanks to its unfortunate echo of the Soviet aesthetic and those stupid protest sign details).

I have a friend who bicycles on that bridge frequently who has learned to appreciate the sculptures because she sees them up close. In which case, they should be moved to where they don't disintegrate further (if that's even possible) and where people can actually appreciate them up close.

Thanks for reading this.

Sincerely,  
Marla Koss  
1133 Pearl St.  
Alameda CA 94501



**Lovorn, Jennifer**

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**From:** Civic Arts  
**Sent:** Tuesday, August 20, 2019 3:19 PM  
**To:** Lovorn, Jennifer  
**Subject:** FW: We support removing the art on overpass

Forwarded from the Civic Arts inbox and saved to the G drive.

-----Original Message-----

**From:** Lisa Wahl [mailto:████████████████████]  
**Sent:** Tuesday, August 20, 2019 1:53 PM  
**To:** Civic Arts <civicarts@cityofberkeley.info>  
**Cc:** Davila, Cheryl <CDavila@cityofberkeley.info>  
**Subject:** We support removing the art on overpass

My husband and I, and every Berkeley resident we know, fully support your decision to remove the pair of 11-year-old sculptures on the overpass. So ugly.

Thank you!

Lisa & Ken Wahl  
2334 Roosevelt Ave  
Berkeley

**Lovvorn, Jennifer**

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**From:** David Snippen <[REDACTED]>  
**Sent:** Tuesday, August 20, 2019 11:44 AM  
**To:** Lisa Bullwinkel; Lovvorn, Jennifer  
**Cc:** Scott Donahue  
**Subject:** Berkeley Big People... what else?

Lisa and Jen:

Now that the criticism and possible fate of these sculptures has hit the front page of the SF Chronicle, let me reiterate my recommendation that these artworks ought to be renovated and moved to a new site in Berkeley, but at ground level to enhance the greater possibility of public viewing and appreciation. My only objection to these sculptures is that their siting on the pedestrian bridge was faulty (sorry, Scott, if you disagree) and that public engagement with these remarkably creative works was made far less possible than if they were positioned at the touchdown level on both sides of Mark Ketcham's elegant bridge structure.

Unfortunately, a space at the East side of the bridge is no longer possible due to the new configuration of the walkway and bike pathway, but other sites in the Marina, or alongside the proposed realignment of University Avenue, could be considered for the pair of sculptures. Perhaps a site near the Tom Bates ball fields would be a possibility, since the former Mayor's image is part of one of the sculptures.

I just want to be clear that I am still very interested seeing the sculptures restored in a proper manner, and that they be placed where people will be able to appreciate the artistry of Scott Donahue, one of the Bay Area's most creative artists. I am sure that you hold the same feelings for the creativity and skill involved in these works, but at the same time having to resolve the issues of the existing conditions in a responsible way.

I hope that you will find a satisfactory relocation site, and that Scott will be adequately compensated and appreciated for his work. Public Art is often criticized, but when mistakes are made, as in this case, a correction ought to be made to satisfy the artist and the public interest.

David Snippen

**Lowvorn, Jennifer**

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**From:** 33rd Flat [REDACTED]  
**Sent:** Thursday, August 15, 2019 2:42 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Berkeley Big People should stay

Why remove a piece that was already vetted by the council and has been celebrated and paid by the people of Berkeley?

Why not make it a public decision?

Its removal would be unfair both to the artist that submitted his time and effort, and to the public that ultimately fronted the money.

If the original artist can organize and provide a sustainable and economical maintenance plan --as stated-- why not give it a chance?

The Commission should be consistent with itself and honor the previous vetting it had issued. The maintenance excuse --altogether with its flawed and overinflated estimate--is quite suspect to be an exit strategy.

Please let the impressive art piece stay!

Thank you.

Adolfo Cardes.

**Lowvorn, Jennifer**

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**From:** April Gilbert [REDACTED]  
**Sent:** Thursday, August 15, 2019 2:10 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Support for Removal of Berkeley Big People

Dear Arts Commission,

I am a Berkeley native who grew up and have lived much of my adult life in Berkeley. I care about the beautification our city and support public art, parks and median maintenance, and appropriate architecture to achieve this beautification. However, I strongly support the removal of the Berkeley Big People sculptures on either side of the pedestrian bridge. Ever since the piece was installed, I have found it both hideously ugly and inappropriately sized for its location. I have no interest in the city spending any money maintaining this monstrosity in future years and would be very relieved to see it gone from such a prominent (or really any) location in our city. And while you're at it, maybe you could get the city to paint the pedestrian bridge some color other than Johnny On The Spot Green. :)

Thank you for your consideration.

April Gilbert  
2512 Russell Street  
[REDACTED]

**Lowvorn, Jennifer**

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**From:** John Roberts <[REDACTED]>  
**Sent:** Wednesday, August 07, 2019 9:12 AM  
**To:** Scott Donahue; Berkeley Mayor's Office; David Snippen; [REDACTED]; Santiago Casal; [REDACTED]; [REDACTED]; Lowvorn, Jennifer; Archana Horsting; City Council; [REDACTED]; Davila, Cheryl; Kesarwani, Rashi; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; ldrost@cityofberkeley.info  
**Subject:** RE: Berkeley Big People - Flawed Public Process

The Staff Report and justification for the deaccessioning action of Scott Donahue's Berkeley Big People artwork reads as though a thorough and fair process was followed, in which I simply (but erroneously) assumed that the artist was fully engaged. This is clearly not the case, and that is outrageous. If Scott Donahue, the highly respected and talented artist who created the work, was not consulted in a timely manner on the issues of deaccessioning or repairs or given a chance to offer his expert recommendations in an appropriately peer reviewed venue, the process followed by the Arts Commission was deeply flawed. Its actions should be rescinded until all avenues have been fully explored in concert with the artist. The steps taken by the Arts Commission carry the stench of arbitrariness and capriciousness, fundamentally threatening the credibility of the entire public art program that has so enriched the City in recent years.

**John N. Roberts**

John Northmore Roberts & Associates

[REDACTED]

**Lovvorn, Jennifer**

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**From:** Robert Cheasty <[REDACTED]>  
**Sent:** Tuesday, August 20, 2019 6:40 PM  
**To:** Lovvorn, Jennifer  
**Cc:** Lisa Bullwinkel  
**Subject:** Re: art on pedestrian bridge

Hi Jennifer,

I support the decision of the Arts Committee to not spend the funds to rehabilitate the two sculptures on the Pedestrian Bridge over I-80. I appreciate how this can be controversial but I think the Arts Committee made the correct decision.

Sincerely,  
Robert Cheasty  
Attorney at Law  
Cheasty, Cheasty & Malek, LLP  
1604 Solano Avenue  
Berkeley, CA 94707  
Tel: [REDACTED]  
Fax: [REDACTED]

**Lowvorn, Jennifer**

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**From:** Anita Medal <[REDACTED]>  
**Sent:** Thursday, August 15, 2019 3:33 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Sculptures on i80 bridge

I've lived in Berkeley since 1960, 59 years. I LOVE these two pieces. It is tragic to loose them for financial reasons! If we can afford to take care of our homeless and underserved, we can afford to take care of our art, our collective community creativity and history, that those two pieces represent.

Keep the scultures!!!!!!!!!!!!!!!

Anita Medal - homeowner

LL [REDACTED] C [REDACTED]

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**Lowvorn, Jennifer**

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**From:** jos sances [REDACTED]  
**Sent:** Wednesday, August 07, 2019 3:30 PM  
**To:** John Roberts  
**Cc:** Scott Donahue; Berkeley Mayor's Office; David Snippen; Santiago Casal; [REDACTED]@gmail.com; [REDACTED]@comcast.net; Lowvorn, Jennifer; Archana Horsting; City Council; gregharper@harperarmstrong.com; Davila, Cheryl; Kesarwani, Rashi; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Idrost@cityofberkeley.info; Robbin Henderson  
**Subject:** Re: Berkeley Big People - Flawed Public Process

It's mind blowing to us, that Scott was not part of this "deaccessioning" action. We really hate that term. There was a very involved public process and many people worked hard to overcome all the difficulties to put the piece up. The artwork had to pass tough structural standards to be installed. What changed?

We've been involved trying to stop the destruction of the 1935 Victor Arnautoff Murals in San Francisco. It's good to see some sanity emerging to save these important murals. It's hard to except the liberal Bay Area has decided Cultural Revolution is the way to go.

It's too bad the Art Commission let the artwork fall into such disrepair, but Scott's offer to refurbish seems very generous and that should be done. The very expensive removal seems a bit vindictive on the part of the Art Ministers, especially when they don't have a plan what to do with it.

Robbin Henderson and Jos Sances

**Lowvorn, Jennifer**

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**From:** luke cypress [REDACTED]  
**Sent:** Thursday, August 15, 2019 1:52 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Berkeley Big People MUST Stay

I live the sculptures and they represent the soul of the city I love. They are a bright spot in a dreary commute every day.

**Lovvorn, Jennifer**

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**From:** Patricia Donnelly <[REDACTED]>  
**Sent:** Thursday, August 15, 2019 12:54 PM  
**To:** Lovvorn, Jennifer  
**Subject:** removing Scott Donahue's art

Hi -

My name is Patricia Donnelly and I have lived in Berkeley for over 30 years. I beg you to NOT remove Scott Donahue's art. It's okay if you don't restore it. It is a welcome towering testimony to the spirit of Berkeley. My family and friends relish our bike rides to the Berkeley Marina and the chance to pass by it. Whether the art commission likes it or not, it's part of Berkeley's history. We will be so sad to see it removed. I am also disturbed about the art commission's process to make this decision. I think you should erect a huge sign on the Pedestrian Bridge asking people to write in their thoughts about removing it. Whatever advertisement you did for the City Council meeting where this was discussed: we didn't get the memo.

Please reconsider your decision. I was appalled to read some of the comments about the sculpture such as "a new black eye on the already battered face of public art in the Bay Area." Oh please! Kenneth Baker can stay in San Francisco - we don't really care what he thinks about Berkeley's art.

Thanks in advance for reversing your decision.

Patricia Donnelly  
1318 Derby Street  
Berkeley, CA 94702  
[REDACTED]

**Lowvorn, Jennifer**

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**From:** Bronson Frick [REDACTED]  
**Sent:** Thursday, August 15, 2019 12:22 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Big People Statue

I am writing in to voice my strong support for keeping the Big People statue on the bridge or otherwise in a very prominent location of honor. I wanted to share what the statues mean to me and what I tell my kids about them when we bike across the bridge.

Berkeley's claim to fame (for me) is having found so many ways to change the world over the years through local action and local policy change. You can't have the "happy side" statue of kids flying kites at the park without going through the hard work of activism to make those policy changes possible - such as the Save the Bay effort to stop the in-fill (without which there wouldn't be a park or a bay or place for my kids to fly kites or play there) which led to the modern environmental movement.

Also I share how Berkeley was the first city in the country (and the world) with smokefree indoor air law (fighting Big Tobacco), one of the first US recycling programs, a leader for farmers market (fighting industrial food), one of the first US city with cut curbs on sidewalks for wheelchairs, which was a huge change. Even now, there is the work of Oxford Elementary youth to reduce disposable waste in the school and the city - leading to other cities across the country considering the issue. All those things can be easy to take for granted especially in hindsight, but NONE of them were easy and none of these issues are never "done." You don't just arrive to the happy statue - you have to go through the activism of the other one.

I hope these statues can help inspire the next generation to make a connection that a healthier and more vibrant future for the city and world- IS possible. But it means speaking up, and doing the hard work. It means going through a sometimes uncomfortable process of taking on powerful interests and not giving up. My own name for the combined statues is "Change is Real."

Best Regards,  
Bronson Frick

**Lovvorn, Jennifer**

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**From:** Sheila Jordan <[REDACTED]>  
**Sent:** Thursday, August 15, 2019 11:44 AM  
**To:** Lovvorn, Jennifer  
**Subject:** Please allow for more public discourse before any removal of statues

These statues stand as a tribute to an important time in Berkeley that gentrification is eroding. The push to eliminate the statues reflects the attitudes of the cleansing of the past and dismissal of Berkeley's rich history.

Please designate \$15,000 and allow the statues to maintain their statuesque welcome.

Sheila Jordan  
Alameda County Superintendent of Schools Emerita

**Lovvorn, Jennifer**

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**From:** Shawna Hartman Brotsky [REDACTED]  
**Sent:** Thursday, August 15, 2019 11:41 AM  
**To:** Lovvorn, Jennifer  
**Subject:** Sculptures on pedestrian bridge

Hi-

I am a long time Berkeley resident/homeowner.

I'm writing to express my "vote" to remove the 2 art installations on the I-80 pedestrian bridge. I agree with everything that Shannon Jackson expressed in her letter to the arts commission. I am not in the arts field, so I can not express myself as well. But, I will say, that those 2 pieces of art have made me sad every time I see them since they were installed, just because I feel that they are really ugly pieces of art. They are not uplifting in any way to me, and I dread walking by them every time.

I also really do not want the city to spend any of my tax dollars on repairing/restoring those pieces of art.

Quite simply, I think their time is over. I would be more than happy to see the pedestrian bridge have no pieces of art at all, and have the city spend money on other things that are sorely needed in this city - paving roads, money for schools/libraries, dealing with the homeless situation, etc., etc.

Thanks very much for taking the time to read this!

Best,  
Shawna Hartman Brotsky  
451 Kentucky Ave, Berkeley

**Lovvorn, Jennifer**

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**From:** M 064 Freeman [REDACTED]  
**Sent:** Thursday, August 15, 2019 11:32 AM  
**To:** Lovvorn, Jennifer  
**Subject:** Keep the I-80 bridge art!

Commissioners-

When art and architectural works are too new to be historic, and too old to be considered "new," they are at great risk of being destroyed or changed due to changing styles and politics. That is nearly always a mistake. That tendency is a major reason why we have lost so many great works of art and architecture in the Bay Area.

Keep the art at the pedestrian bridge, it provides fun and amusement and provokes thought for those viewing it. That is more than most publicly funded works of art manage to do.

Although it is not the stated reason for removing the art, I am concerned that this piece may actually be slated for removal because free speech is currently unfashionable. This trend started in response to far-right protests in our town and elsewhere. Free expression is not free when it excludes people whose views we don't like. Berkeley should continue to support, and publicly express its support, for free expression. Without free expression, the public is powerless to openly express their opinions or address their grievances.

The artists says he can maintain the piece for \$15,000. That is a reasonable amount to invest in protecting the work.

Future purchases of public art should include consideration of maintenance costs and those costs should be included in the budgeted from the beginning of the process. Otherwise, maintenance costs can be used as an excuse to get rid of art that has temporarily fallen out of style.

Thank you,  
Mike Freeman



**Lowvorn, Jennifer**

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**From:** Edward West <[REDACTED]>  
**Sent:** Thursday, August 15, 2019 11:14 AM  
**To:** Lowvorn, Jennifer  
**Subject:** Please don't remove the Berkeley Big People!

It is a beloved and quintessentially Berkeley piece of public art.

I hope you can reconsider this decision.

I would consider contributing to a crowdfunding campaign to support its repair.

Thank you!  
Edward

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Edward West  
mobile [REDACTED]  
[Facebook](#) [Twitter](#) [LinkedIn](#)

**Lowvorn, Jennifer**

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**From:** Martin Nicolaus [REDACTED]  
**Sent:** Thursday, August 15, 2019 11:10 AM  
**To:** Lowvorn, Jennifer  
**Subject:** Big People statues

The statues on the pedestrian bridge assert important themes about Berkeley's history and about the recreational opportunities at the Berkeley Marina. The points cited so far about the claimed repair costs do not appear convincing, and a second opinion about maintenance expenses, particularly compared with maintenance of other assets, appears called for before taking action. But if the Commission determines to remove the statues, there are several sites within Cesar Chavez Park where these works of public art would be appropriate and welcome. The Park is City of Berkeley Property, contains other works of public art, and has ample space within its 90 acres to host a couple more.

Martin Nicolaus  
<https://chavezpark.org>

Lowvorn, Jennifer

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**From:** Tim Murphy [REDACTED]  
**Sent:** Thursday, August 15, 2019 9:46 AM  
**To:** Lowvorn, Jennifer  
**Subject:** Bridge sculptures opinion

Hi I'm a Berkeley resident and property owner and, hence, tax payer. I've hated those sculptures since the day they were installed. I agree it's time to remove them and dedicate arts budget to other projects.

Up close the sculptures are somewhat interesting. But on the bridge they are an eyesore from the freeway and do pose a risk in an earthquake. They also make Berkeley a laughingstock. Just one of many reasons. But if we can remove just one reason it's progress.

Tim Murphy  
1248 MLK, Berkeley

**Lowvorn, Jennifer**

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**From:** Jerome Parmer [REDACTED]  
**Sent:** Thursday, August 15, 2019 9:42 AM  
**To:** Lowvorn, Jennifer  
**Subject:** Berkeley Big People Sculpture

It needs to go. As a craftsperson I think the choice of materials that were not robust, thereby creating excessive maintenance costs, was unfortunate. The composition is visually chaotic, and as others note indulges in hackneyed stereotypes. While Berkeley can justly be proud of it's historical contributions to change and protest, it is much more than that aspect and this gateway memorial is dismissive of that truth.

Also it's aesthetically unappealing, and in terms of being emotionally or intellectually provocative is rather sophomoric.

Jerome F Parmer

**Loworn, Jennifer**

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**From:** Grindle [REDACTED]  
**Sent:** Thursday, August 15, 2019 8:43 AM  
**To:** Loworn, Jennifer  
**Subject:** I-80 pedestrian bridge sculptures

Greetings,  
I live in Berkeley not too far from the controversial sculptures.

Please leave them where they are. They are perfect for Berkeley and because of their location they announce to everyone passing through Berkeley:  
"This is who we are"

The statutes help to make Berkeley unique in the eyes of people on the freeway who will get only that fleeting glance.

Thank you,  
-Jerri Grindle Pelletier.  
1320 67th Berkeley, CA 94702  
[REDACTED]  
[REDACTED]

**Lowvorn, Jennifer**

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**From:** Delia Taylor [REDACTED]  
**Sent:** Thursday, August 15, 2019 7:19 AM  
**To:** Lowvorn, Jennifer  
**Subject:** Approve removal of bridge statue

1. By far more motorists see it than up close and it conveys nothing 2. Up close you can't even see the whole sculpture because it is jammed in a corner 3. It has too much going on 4. It should be placed in a park with space around it. Let a rich art lover or go fund me drive provide for it

Thanks for making this removal happen.

Please find a simple beautiful symbol for Berkeley, the cities name is an idea or words such as Peace Companionship or Flowers and leaves - plants are the basis of all life

Delia Taylor

Sent from my iPhone

**Lovvorn, Jennifer**

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**From:** Janice Murota <[REDACTED]>  
**Sent:** Thursday, August 15, 2019 12:54 AM  
**To:** Lovvorn, Jennifer  
**Subject:** Donahue sculpture

Dear Ms Lovvorn - i appreciate how difficult this deaccession is for the artist. I also appreciate how open and forthcoming the arts commission has been in handling the situation . I trust the arts commission and their process. I am certain they considered every aspect of the problem before arriving at their decision. I am a native and lifelong resident of berkeley. i know the commission members are strong supporters of the arts and as a citizen accept their decision with deep respect for their integrity.

Sincerely,

Janice Murota  
785 Peralta Ave  
Berkeley 94707  
[REDACTED]



**Lovvorn, Jennifer**

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**From:** [REDACTED]  
**Sent:** Thursday, August 15, 2019 5:30 AM  
**To:** Lovvorn, Jennifer  
**Cc:** Stuart Cohen; 'Jason Meggs'; 'Eric L Blossom .'; Chuck Siegel; Bhima Sheridan; Pat Adler; Ron Adler; Peter Sussman; Pat Sussman; John Steere; 'Robert Chung'  
**Subject:** Removal of sculptures on I-80 bike/ped bridge

To the Berkeley Art Commission:

I played a key role, as a founder and leader of the Bicycle-Friendly Berkeley Coalition, in getting the I-80 bicycle/pedestrian bridge approved and installed. I was invited to speak at the opening ceremony, where Mayor Shirley Dean and city councilmembers acknowledged that the bridge would not have been a reality if not for the involvement and support of the bicycling community. All of us were especially proud that we'd pushed hard for an exceptional design that would be a gateway to Berkeley. It was much more expensive than a conventional viaduct would have been, and what we got was a true work of art, an elegant and beautiful structure. Then, years later, when the sculptures were installed, I was aghast that our magnificent bridge had become home to these two hideous eyesores. I no longer live in Berkeley, but I return annually for a visit, and I always bike across the bridge. Seeing the sculptures there is painful. I'm thrilled about the decision to remove them. They should never have been put there in the first place. Please do not back down from this decision. It's the right thing to do.

Hank Resnik  
Former Chairman, Bicycle-Friendly Berkeley Coalition

Every time I see an adult on a bicycle I no longer despair for the future of the human race. — H.G. Wells

Mobile: [REDACTED]

**Lowvorn, Jennifer**

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**From:** [REDACTED] on behalf of Donya Saied [REDACTED]  
**Sent:** Wednesday, August 14, 2019 9:53 PM  
**To:** Lowvorn, Jennifer  
**Cc:** Robinson, Rigel  
**Subject:** I-80 Sculpture PUBLIC COMMENT

In regards to: "There is a 90-day waiting period from the July 24 vote before any removal process can begin, during which the public can comment. Email the arts commission at: jlowvorn@cityofberkeley.info."

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Dear Jennifer,

Thank you for taking my comment. As a concerned member of the Berkeley public, living on Parker Street in Berkeley, I would like to submit the following comments regarding the I-80 art:

(1) Since public dollars were overspent by the commission to the tune of \$200,000 for this art, the commission should make an effort to make use of it or recoup costs.

(2) What a sad failure that the citizens were forced to pay for outdoor art that is apparently falling apart, and could fall over and kill someone in an earthquake, if what the consultant alleges is true.

How is the commission/City of Berkeley changing its procedures to avoid a repeated failure of crumbling, weather-susceptible, seismically unsafe public art ?

(3) Repairs and moving the sculpture should out to open bid; others beside the artist should be allowed to propose moving or repairing the sculptures.

(4) If the allegations that these sculptures are failing due to being subject to weather are true, and it is a fact they might fall in an earthquake, then the costs, benefits, and feasibility of moving these items to an indoor location -- on loan, on lease, or sold -- where they are reinforced should be explored.

(5) Should the repair, re-location, and seismic reinforcement cost more than \$30,000, then the commission/City should attempt to recoup the cost of the unused sculptures by putting them up for sale.

Thank you for your consideration of my comments. I look forward to your confirmation that my comments have been received and reviewed.

Respectfully,  
Donya

CC: Rigel Robinson, District 7 Council Member

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Donya (Delilah) Saied

**Lowvorn, Jennifer**

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**From:** dianne lam [REDACTED]  
**Sent:** Wednesday, August 14, 2019 9:08 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Berkeley Big People Statue

I never thought I'd leave New Orleans, my family going back five generations. But Katrina changed all that and I moved to Oakland in 2006.

Everything good seems to start here in the Bay Area and oh so slowly works it way across the nation.

Driving on I-80 approaching the Big People Statue was very meaningful for me, a perfect symbol of all that Berkeley represents!

I am stunned to learn the statue is to be taken down. What an insult to me. This is my first taste of ignorance in Berkeley. Please reconsider keeping this proud monument right where it is, where it can be seen, a testament to all that is good in Berkeley.

Dianne Lam

**Lowvorn, Jennifer**

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**From:** Nat Kane [REDACTED]  
**Sent:** Wednesday, August 14, 2019 8:48 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Keep Berkeley big people!

Hello,

I was dismayed to learn that the arts commission has voted to remove the Berkeley Big People statues over i-80. Those sculptures have become classic icons of Berkeley in the 10 years they have served as a gateway to our City.

It is surprising to me that the Commission would vote to remove public art that was approved through a lengthy public process and only a decade ago. It is also surprising to me that the local City Councilperson felt that the process and notice was insufficient.

Keep Berkeley from becoming boring. Keep the sculptures.

Nathaniel Kane & Cynthia McMurry  
Berkeley residents and taxpayers

Sent from Android

**Lowvorn, Jennifer**

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**From:** Mayumi Zelechoski [REDACTED]  
**Sent:** Wednesday, August 14, 2019 8:47 PM  
**To:** Lowvorn, Jennifer  
**Subject:** artwork

Hi,  
In regards to the artworks mentioned here:

<https://www.berkeleyside.com/2019/08/14/berkeley-arts-commission-votes-to-remove-controversial-sculptures-on-i-80-bridge>

I've always found them ugly. If there is a good excuse to remove them and save the money that would be spent on maintenance, I'm all for it.

Since the concern seems to be about them falling onto the freeway, why not offer to move the artwork to another location at ground level? If no one wants the pieces, that would just prove the point that they are not wanted by the community the artist claims they represent.

BTW, I live in Emeryville.

Sincerely,  
Mayumi Zelechoski  
Emeryville, CA

**Lowvorn, Jennifer**

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**From:** Dana BUNTROCK <[REDACTED]>  
**Sent:** Wednesday, August 14, 2019 6:22 PM  
**To:** Lowvorn, Jennifer; Dröste, Lori  
**Subject:** Good riddance Berkeley Big People!

I think it's terrific that Berkeley Big People is on its (their?) way out. What an awful piece of work to greet drivers every day! Scott Donahue should also be reminded not to abuse his political role in this fight; he was not elected to defend his work.

Thanks!

Dana

--  
Dana Buntrock  
Professor, Dept. of Architecture  
Chair, Center for Japanese Studies

Univ. of California, Berkeley

Cell: [REDACTED]

**Lovvorn, Jennifer**

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**From:** L Stone [REDACTED]  
**Sent:** Wednesday, August 14, 2019 6:14 PM  
**To:** Lovvorn, Jennifer  
**Subject:** Re: Berkeley's Big People Sculptures

Dear Berkeley Civic Arts Commission,

I wrote much of this in a comment to Berkeleyside and just wanted to share with you directly as well.

I was delighted, no ecstatic, to hear of the removal of the Big People sculptures on both sides of i-80.

While I really wish this project would never have been approved, I commend you for at least recognizing that the cost of maintenance of this structure is not worth it's artistic merit.

If you happen to read the Berkeleyside article, please pay close attention to the words of Shannon Jackson, the Associate Vice Chancellor for the Arts and Design Department at UC Berkeley. I feel she has a good handle on a nice chunk of what makes this artwork so truly awful for so many of us.

I lived in Poland doing Peace Corps for two years. While there I saw a lot of such "artwork" in special galleries in Poland devoted to propaganda art of the Soviet Union. Too often, when government officials select artwork they go for this "hyper-literalness" as Shannon Jackson calls it above. It is a way of conveying a message that is not at all subtle and really not art. Additionally, its position on either side of the highway where it did not blend in at all with any of its surroundings just made it all the worse. Government curated artwork is a tricky business. I'm not against your purpose with the Civic Arts Commission but do want to make you aware of the all too common pitfall of similar commissions in that commissions such as yours have a sense of purpose to send a message but may not have the background to appropriately select works with true artistic merit. My advice, should you ever decide to replace the artwork in this location is to go for something much more subtle in harmony with the environment around it.

It is my hope that this removal will go through. Thank you for taking public comment so I could share.

Of course, if you ever want input in the future, I'm always around ☺

Linda Stone  
Berkeley Resident and Taxpayer



**Lowvorn, Jennifer**

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**From:** JERRY Cooper [REDACTED]  
**Sent:** Wednesday, August 14, 2019 6:01 PM  
**To:** Lowvorn, Jennifer  
**Subject:** deaccessioning

I am appalled that the city intends to remove the wonderful Donahue sculptures on the pedestrian bridge. Public art should be cherished and maintained, not removed to avoid maintenance costs. If the artist is willing to do the maintenance for \$15,000, there should be no financial barrier to keeping and restoring the sculptures. But even if the cost is considerably more, it should be done. These are iconic images that capture what is great and wonderful about Berkeley.

**Lovvorn, Jennifer**

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**From:** Carmen Goodell [REDACTED]  
**Sent:** Wednesday, August 14, 2019 5:41 PM  
**To:** Lovvorn, Jennifer  
**Subject:** Berkeley Big People Removal Comment

Hello,

As a Berkeley resident, I support the removal of Berkeley Big People.

The artwork poses an earthquake safety hazard and additional long term maintenance costs beyond the initially approved price of the work. Both of these factors make the work an unacceptable liability.

I request my personal details be withheld from public record.

Thank you,

Carmen Goodell

[REDACTED]  
Berkeley

**Lowvorn, Jennifer**

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**From:** Steven Lipson [REDACTED]  
**Sent:** Wednesday, August 14, 2019 5:40 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Berkeley Big People Statues

Dear Arts Commission,

Thank you for taking the steps necessary to remove the two "Berkeley Big People" statues flanking I 80. They are certainly terrible art and not worth the very high, ongoing maintenance expenses associated with their conservation. This is money which could be spent on much more worthwhile acquisitions or maintenance of other pieces.

Again, thank you for your action!

Steven Lipson  
634 Woodmont Avenue  
Berkeley, CA 94708

**Lovvorn, Jennifer**

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**From:** Piero Rocca [REDACTED]  
**Sent:** Wednesday, August 14, 2019 5:38 PM  
**To:** Lovvorn, Jennifer  
**Subject:** Re: Donahue piece

\*love it

**From:** piero.rocca@gmail.com  
**Sent:** August 14, 2019 5:13 PM  
**To:** jlovvorn@cityofberkeley.info  
**Subject:** Donahue piece

Live it. Always smile when I drive by. [REDACTED]  
[REDACTED]



**Lowvorn, Jennifer**

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**From:** Erich Valo <[REDACTED]>  
**Sent:** Wednesday, August 14, 2019 5:37 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Keep the pedestrian bridge statues

I love seeing them when I get back to the Bay Area after a trip away. They're a welcoming gateway.

**Lowvorn, Jennifer**

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**From:** Mark Petrofsky <[REDACTED]>  
**Sent:** Wednesday, August 14, 2019 5:37 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Remove the excrescences

I realize the money was the moving factor in the Art Commission's vote to get de-accession the sculptures on the fwy pedestrian bridge but I can say how happy I am to see them go. I've been in Berkeley my whole life, since 1946, and was active politically in the 1960's but those things are too ugly for words. They just mar an otherwise rather graceful bridge.

In any case they are too big to be viewed up close and too small and disjointed to be viewed from far away...and there is not middle viewing distance.

Yours, Mark Petrofsky



**Lowvorn, Jennifer**

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**From:** Yulia Krashennaya <[REDACTED]>  
**Sent:** Wednesday, August 14, 2019 5:34 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Berkeley Big People

Hi,

I just read that this is the address to use when sending public comment about the proposal to remove Berkeley Big People from the University St. bridge on Berkeleyside (<https://www.berkeleyside.com/2019/08/14/berkeley-arts-commission-votes-to-remove-controversial-sculptures-on-i-80-bridge>)

If the article is accurate in stating that the real reason to remove the sculptures is a financial one, and that the artist disputes both the estimate of the needed repairs and the underlying assumptions made by a third party contractor in their evaluation, I think that it is completely fiscally irresponsible to remove the sculptures without a second opinion.

I understand that there are people who don't like the art - but removing sculptures that were installed after a multi-year review simply because some people don't like them is akin to the way Republicans continue to pass laws that restrict access to abortion - without new information or changes in circumstances, there is no reason to go back on a decision that has already been thoroughly evaluated.

And if the decision is truly financial, I would expect that the cost of removal of the sculptures is greater than the \$15,000 in repairs and the only fiscally responsible path is to validate what the cost of repair actually is prior to spending thousands of dollars.

The value of art isn't just to be "liked", and removing art from a public space is a disservice to everyone - decisions like that should only be made in truly dire circumstances, and the discrepancy between the contractor's estimate and the artists needs to be bridged before any decision can be made.

Sincerely,  
Yulia Krashennaya  
Berkeley District 2

**Lowvorn, Jennifer**

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**From:** Robert J. Cohen [REDACTED]  
**Sent:** Wednesday, August 14, 2019 5:28 PM  
**To:** Lowvorn, Jennifer  
**Subject:** sculptures on I-80 bridge

Dear Berkeley Arts Commission,

I am pleased with your recent vote to remove these sculptures, and support your position.

<https://www.berkeleyside.com/2019/08/14/berkeley-arts-commission-votes-to-remove-controversial-sculptures-on-i-80-bridge>

As for the original concept of serving as a gateway to the City: I think that we (and Caltrans) should be focusing on removing the encampments and improving the landscaping near the University Avenue I-80 ramps. That's probably the most common point of entry to Berkeley, and we certainly are not now showing visitors and newcomers the best of Berkeley.

Thank you,

Robert J. Cohen  
2424 West Street  
Berkeley, CA 94702-2140  
[REDACTED]

**Lowvorn, Jennifer**

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**From:** Carl Bass <[REDACTED]>  
**Sent:** Wednesday, August 14, 2019 5:28 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Thank you

Thank you and the other commission members for voting to remove the sculptures from the bridge

**Lowvorn, Jennifer**

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**From:** Chris Watters [REDACTED]  
**Sent:** Wednesday, August 14, 2019 4:56 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Keep Berkeley Big People sculptures

Hello,

I am writing in support of the Big People structures on the I-80 pedestrian bridge. I really enjoy these sculptures and the strength with which they represent Berkeley values and community. I believe they are worth the cost of maintenance and are a valuable part of our artistic city.

Thank you,  
Chris Watters

2925 Ellis St.  
Berkeley, CA

Regarding Berkeley Big People


I have been asked to give my opinion about the disposition of Scott Donahue's "Berkeley Big People" sculptures on the pedestrian bridge over the 880 FWY in Berkeley. My position is a delicate one. First I must tell you that Scott Donahue is a close friend and neighbor of ours in the Emeryville Artists Co-op where my husband and I live. I also know well, and vigorously support the work of the Berkeley Civic Art Commission. I actively advocate for better policy and more support for the arts in Berkeley through the Berkeley Cultural Trust, and I direct a non-profit 501-C3 arts organization, Kala Art Institute, in Berkeley. I have dear friends and colleagues on each side of this question.

The Berkeley artwork on the bridge has many detractors and just as many admirers. The controversy parallels the recent discussion of the George Washington Mural sequence in San Francisco. Some people have been offended by the murals and others argue for their historic significance and value as public works that stimulate discussion, represent history and a specific artist's point of view. From a practical point of view, in Berkeley, removing the sculptures from the bridge will displease as many people as it pleases.

Philosophically, I fall into the camp that prefers to retain artworks from different eras that have been in the public view for a period of time, before seriously considering that an artwork be removed.

I understand the sculptures have maintenance issues (as do all public works) and I would recommend the Commission work with the artist to develop a cost-effective maintenance plan. Assuming all questions of safety have been resolved, then a new decision could be made to retain the refurbished sculptures. There was a long and arduous planning and permission process that took a great deal of the city's time as well as the artist's time before he could build his artwork in the public realm. Before anything is permanently changed, I believe more time is needed to fully air any concerns on both sides and work out a successful solution. If the sculptures must be moved, then find a home for them somewhere in Berkeley that is acceptable to the commission and to the artist.

Sincerely yours,

Archana Horsting  


**Lovvorn, Jennifer**

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**From:** Sarah Gill <[REDACTED]>  
**Sent:** Saturday, August 17, 2019 5:24 PM  
**To:** Lovvorn, Jennifer  
**Subject:** Removal of Berkeley art over 80

Dear City of Berkeley,

Please don't take down those fascinating Berkeley sculptures over Highway 80! I loved to take my grandson up there and use them tell him all the stories about Berkeley. He ended up with a BA from UCB.

Best,  
Dr. Sarah Gill  
1653 Scenic Ave.  
Berkeley, CA94709

Sent from my iPhone

**Lovvorn, Jennifer**

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**From:** Civic Arts  
**Sent:** Monday, August 19, 2019 9:23 AM  
**To:** Lovvorn, Jennifer  
**Subject:** FW: De-accession of I-80 bridge sculptures should be reversed

Forwarded to you from the Civic Arts inbox and saved to the G drive.

**From:** parker barnum [mailto:████████████████████]  
**Sent:** Saturday, August 17, 2019 11:18 AM  
**To:** Berkeley Mayor's Office <mayor@cityofberkeley.info>; Kesarwani, Rashi <RKesarwani@cityofberkeley.info>; Civic Arts <civicarts@cityofberkeley.info>  
**Subject:** De-accession of I-80 bridge sculptures should be reversed

To:  
Jennifer Lovvorn, Secretary, Berkeley Civic Arts Commission  
Jesse Arreguin, Mayor, City of Berkeley  
Rashi Kesarwani, Berkeley District 1 City Council Representative

I am writing to question the decision by Berkeley's Civic Arts Commission to "de-accession" the I-80 Berkeley Bike/Pedestrian Bridge sculptures. It appears that the decision was based on incomplete or biased data for costs of repair and maintenance, and the decision was also made without appropriate consultation with the community. Given the sculptures received approval by the city and state and have been in place now since 2008, why seek to remove the sculptures now with little community input and based on inaccurate information as to costs of repairs and maintenance, and condition? In the interests of honesty and accountability (as well as respect for the artist and the community) the Commission should reverse its decision and commence an open and transparent process to decide on preservation of these sculptures, whether in place or at another appropriate location.

Thank you,  
Parker Barnum and Kathleen McGowan  
1406 Holly Street  
Berkeley, CA 94703



**Lowvorn, Jennifer**

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**From:** [REDACTED]  
**Sent:** Monday, August 19, 2019 8:25 AM  
**To:** Lowvorn, Jennifer  
**Subject:** FW: Big People sculptures

Forwarded from my inbox. Saved to the G drive.

[REDACTED]

**From:** Frank Jaffe [mailto:[REDACTED]]  
**Sent:** Sunday, August 18, 2019 10:54 AM  
**To:** Engelson Mara [REDACTED]  
**Subject:** Fwd: Big People sculptures

I would like to express my support for keeping Scott Donahue's big people sculptures exactly where they are.

I have lived in the Berkeley Oakland area since 1978 and I go for a run every Saturday and Sunday at the Berkeley Marina, and have been doing that for many years ever since those sculptures were there, and I always finish my run by walking up the bridge, and I can say that I never tire of seeing those sculptures.

I understand that there was recently a vote to deaccession these pieces out of concern for the cost of maintenance. I truly find it hard to believe that this is an insoluble problem! I think the city needs to find other contractors to give more competitive estimates, which will result in a better long-term and financially feasible solution.

I think that the sculptures really capture of the spirit of Berkeley, particularly the political activism the city is known for as well as the recreational joy to be found at the Berkeley Marina.

I thank you for your attention to this matter.

Yours sincerely,  
Frank Jaffe  
Emeryville CA

**Lowvorn, Jennifer**

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**From:** Carol Northrup <[REDACTED]>  
**Sent:** Monday, August 19, 2019 6:56 AM  
**To:** Lowvorn, Jennifer  
**Subject:** Keep the I-80 Sculptures

I'm told that the City of Berkeley plans to remove the Berkeley Big People sculptures. I've lived in the Bay Area and worked in Berkeley for decades after leaving the armed services. That public art says "Home" to me. I'm quite sure I am not alone in that. Surely the City can find the resources to restore and preserve the work that so elegantly speaks to an important time in history - of the city, the Bay Area and the nation.

--  
**Carol**

[REDACTED]  
[REDACTED]

**Lowvorn, Jennifer**

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**From:** Scott K <[REDACTED]>  
**Sent:** Sunday, August 18, 2019 2:07 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Berkeley Big People mess

I strongly support removal of those cheaply-made yet dearly-expensive eyesores. They ruin the graceful lines of the suspension bridge, in addition to being shouty and grotesque. They remind me of the shapeshifting monster from the 1982 movie "The Thing" trying to be too many things at once.

Their physical deterioration is really noticeable up close. If it was made as a Burning Man installation I'd think it was great, but as a permanent public sculpture it wasn't built to last, nor should it. I think they would look cool out among the rocks at Albany Bulb park where they could further deteriorate in peace, though that may create a hazard.

I work in Berkeley, lived there 15 years until moving to nearby El Cerrito. I ride my bike across that bridge often, and just try to ignore the statues.

My 2¢, thanks.

Scott Kimball, artist

**Lowvorn, Jennifer**

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**From:** KAY SPRINGER [REDACTED]  
**Sent:** Saturday, August 17, 2019 9:15 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Big People Sculpture

This is to voice my opposition to the removal of the two pieces of artwork on the pedestrian bridge over hwy 80. As a long time resident of the East Bay and a graduate of UC Berkeley, I think the artwork is extremely appropriate to its location and to the history of the City of Berkeley. Despite what some have said, I have never feared that it would "topple" over me when driving underneath the bridge which I frequently do.

I am a big supporter of public art through out cities and feel that once the decision has been made to commission a piece, there should also be the commitment to maintain it. Before I retired I worked for a public agency that commissioned various works of art and those pieces remain in place and are properly maintained. The City of Berkeley should do the same.

Kay Springer

Sent from my iPhone

**Lowvorn, Jennifer**

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**From:** eyespiced . [REDACTED]  
**Sent:** Saturday, August 17, 2019 7:54 PM  
**To:** Lowvorn, Jennifer  
**Subject:** RE: Big People "art"

Hi there,

I am a lifelong Berkeley resident, and I just wanted to give some feedback regarding the sculptures looming over I-80. I am ecstatic that they have been slated for removal. I ! was immensely displeased when they were first installed because I felt (and still feel) that they utterly ruin the lines of what is an otherwise stunning footpath crossing over I-80.

Thanks for reading, hope you have a lovely day reader!

<https://www.berkeleyside.com/2019/08/14/berkeley-arts-commission-votes-to-remove-controversial-sculptures-on-i-80-bridge>

**Lowvorn, Jennifer**

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**From:** Karen Pollak <[REDACTED]>  
**Sent:** Saturday, August 17, 2019 7:40 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Sculptures.

Please repair the sculptures. Public art is meant to be controversial and a conversation piece. Ask for donations to help with the repairs. I am willing to contribute.

Do not stick your head in the sand line the SFschool board re: artwork at the high school.

Sincerely,

Karen Pollak

Concerned citizen for freedom of press and art

Sent from my iPhone

**Lowvorn, Jennifer**

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**From:** David Coolidge [REDACTED]  
**Sent:** Saturday, August 17, 2019 8:19 AM  
**To:** Lowvorn, Jennifer  
**Subject:** Re: Berkeley Big People

Forgot to sign this: David Coolidge, 2226 MLK, 94704.

On Sat, Aug 17, 2019 at 8:17 AM David Coolidge [REDACTED] wrote:  
I STRONGLY SUPPORT the REMOVAL of these two eyesores. As a taxpayer I'm appalled at the high cost of both accession and "deaccession" but I would not want to waste a dime on maintaining them, that would just be throwing good money after bad. I'm sorry the artist's feelings are hurt, but unfortunately these things are plain old-fashioned UGLY. He blew it, we paid for it, sorry performance all around, time to close the books on it and move on.

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DAC  
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DAC



**Lowvorn, Jennifer**

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**From:** Andrea Garcia [REDACTED]  
**Sent:** Friday, August 16, 2019 7:15 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Sculptures

As a native born east bay citizen, I wanted to have my say on the future of the sculptures on the pedestrian bridge. I was a student at Cal in 1962 and can remember how proud I was to be part of the energy there. As a 74 year old retired teacher, I enjoy looking at these sculptures. Please do not remove them; they are a part of history.  
Sincerely,

Andrea Garcia

Sent from my iPhone

**Lovvorn, Jennifer**

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**From:** Elisabeth Pine <[REDACTED]>  
**Sent:** Saturday, August 17, 2019 8:01 AM  
**To:** Lovvorn, Jennifer  
**Subject:** Sculptures

These are wonderful but their placement is terrible. Nobody on the highway can see them properly or knows what they are there for. They should be placed where they can be appreciated. Do not destroy them.

**Lovvorn, Jennifer**

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**From:** Adelaide Jenkins [REDACTED]  
**Sent:** Friday, August 16, 2019 5:13 PM  
**To:** Lovvorn, Jennifer  
**Subject:** I80 Bridge sculpture

My vote is: Yay!!! Take them down. Such unattractive, visually complicated and awkward art set on top of an elegant, simple -if not perfect- bridge.

Addie Jenkins  
961 Jones St. Berkeley

**Lovvorn, Jennifer**

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**From:** joe schwarz [REDACTED]  
**Sent:** Friday, August 16, 2019 4:00 PM  
**To:** Lovvorn, Jennifer  
**Subject:** Berkeley Big People

jlovvorn,

I am attempting to respond to an article about the decommissioning of the Berkeley Big People sculptures. I thought it was sending me to a survey or poll.

Anyway, I think it would be a terrible loss to our community to take down those sculptures. I recognize the financial realities, but consider how many views, figuratively speaking (likes or dislikes) from passing motorists. It has to be the most visible public art I know. Therefore, more use per dollar.

Has anyone considered deliberately letting it flake apart and age like an ancient gem in order to save money? A skeleton budget would maintain repairs necessary to safety.

Thanks,  
Joe Schwarz

**Lovvorn, Jennifer**

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**From:** Civic Arts  
**Sent:** Friday, August 16, 2019 2:12 PM  
**To:** Lovvorn, Jennifer  
**Subject:** FW: Scott Donahue sculptures on Berkeley Bike Bridge

Forwarded from the Civic Arts inbox and saved to G drive.

**From:** Robin Graubard [mailto: [REDACTED]]  
**Sent:** Friday, August 16, 2019 11:25 AM  
**To:** Civic Arts <civicarts@cityofberkeley.info>  
**Subject:** Scott Donahue sculptures on Berkeley Bike Bridge

To Jennifer Lovvorn

Please reconsider and have a hearing for Scott Donahues sculptures on the Berkeley Bike Bridge. As the letter from Scott says the maintenance for the sculptures is a far less cost than taking the sculptures down. The sculptures add history, beauty and a reminder to all to think about culture, free speech and art. Obviously a lot of work, money, time, energy and thought went into the creation of the sculptures. It would be undemocratic and against the rights of the artist and fellow citizens to knock these sculptures down without a fair hearing.

thank you,  
Robin Graubard

--  
Robin Graubard

[REDACTED]  
[REDACTED]

**Lowvorn, Jennifer**

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**From:** alan dimen <[REDACTED]>  
**Sent:** Friday, August 16, 2019 11:38 AM  
**To:** Lowvorn, Jennifer  
**Subject:** Sculpture over I 80

Yay! They are so ugly. I wondered who okayed them. Take them down.  
Thanks,  
Bev

Sent from my iPad

**Lovvorn, Jennifer**

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**From:** Sarah Stone [REDACTED] >  
**Sent:** Friday, August 16, 2019 10:54 AM  
**To:** Civic Arts; Lovvorn, Jennifer  
**Subject:** Keep Berkeley Big People!

Dear Civic Arts Commission,

Please keep the wonderful Berkeley Big People in its iconic location on the pedestrian bridge.

These sculptures provide a marvelous visual entry into Berkeley in general and the waterfront in particular. I grew up going to the Berkeley Marina before the sculptures were there, and I love what the art adds. Now I want to be able to talk about the artwork with my wife and kids when we visit the marina as a family. (I'll admit that I'm a big art dork with a degree in art history but I imagine other families do this too.)

Moneywise, Donahue says the repairs won't be as expensive as the commission's current estimate, and I think it's worth at least a second opinion. Especially if the current estimate is based on thinking it is fiberglass when it isn't.

Furthermore, has the commission, and the city of Berkeley, thought about what would happen without Berkeley Big People there? Without art marking it as a special place, the bridge is much more likely to become a source of blight (graffiti, trash, dumping, needles, etc.) or encampment site for people experiencing homelessness--and all of that requires lots of money to deal with.

Please don't deaccession Berkeley Big People!

Sincerely,  
Sarah Stone (and my two Little People: Nico, age 3, and Reed, age 4 months)



**Lovvorn, Jennifer**

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**From:** Lydia Shiozaki [REDACTED]  
**Sent:** Friday, August 16, 2019 10:40 AM  
**To:** Lovvorn, Jennifer  
**Subject:** "Big People" sculptures

Good morning:

I would like to encourage the Arts Commission to reconsider their decision to remove the public sculptures from the I-80 pedestrian/bicycle bridge. So much time (five years?) went into the process before the art was finished and installed that it seems hasty to remove the pieces without more deliberation. I actually think that it is a good sign that the work is controversial as so much public art is so bland as to be almost invisible. Here people look and look again and think about what the various parts mean. It gets people talking. There is always something new to notice on both the large and small scale.

It is almost impossible to please everyone, especially in a town like Berkeley, but I am particularly unhappy when I think about the waste involved in commissioning, building, installing and then suddenly removing these sculptures. Maintaining them would surely be less wasteful.

Thank you for your consideration,  
S. Lydia Shiozaki

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"Light is the carrier of information that binds us."  
- Jacob Bronowski

**Lovvorn, Jennifer**

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**From:** [REDACTED]  
**Sent:** Friday, August 16, 2019 10:34 AM  
**To:** Lovvorn, Jennifer  
**Subject:** Yea! Lose the sculptures

I was delighted to read in Berkeleyside that the sculptures adulterating the otherwise elegant Ketchum-designed bridge are to be removed. I'm sure a more appropriate location can be found for these two sculptures. Thank you!

Every time I ride over the bridge on my bike or drive under in a car, I shake my head in wonder at how the sculptures could have been approved for this location. It was so very apparent that they marred the bridge's aesthetic--awful!

I'm surprised at the delight I take in reading this news. Makes me feel a bit silly. But it's as if a wrong will be righted.

**Lowvorn, Jennifer**

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**From:** Nancy Cayton [REDACTED]  
**Sent:** Friday, August 16, 2019 9:54 AM  
**To:** Lowvorn, Jennifer  
**Subject:** Pedestrian bridge statues

Hello,

This email address was given as the contact for the Berkeley Arts Commission in a Berkeleyside article about the two statues on the pedestrian bridge across the freeway at aquatic park. I must say that I have never really noticed or paid attention to the one on the west side, but I have never been able to stand the one on the east side, the so-called Big People. When it was first installed, I thought it was unfinished and waited for some time to see what it would finally look like until I realized that was it; it was done. I like the idea of the what is being portrayed, but find the execution to be overly literal and aesthetically displeasing.

If it is true that the maintenance of this work will also be quite expensive, I see no reason to keep it. Too bad all the maintenance issues have only come to light 10 years after the installation and not prior to selecting it.

This email is for information to the commission and not for quotes or publication.

Nancy Cayton

**Lovvorn, Jennifer**

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**From:** Civic Arts  
**Sent:** Friday, August 16, 2019 9:31 AM  
**To:** Lovvorn, Jennifer  
**Subject:** FW: Berkeley Sculptures

Forwarded from the Civic Arts inbox.

-----Original Message-----

**From:** Gaynell [mailto: [REDACTED]]  
**Sent:** Thursday, August 15, 2019 2:14 PM  
**To:** Civic Arts <civicarts@cityofberkeley.info>  
**Subject:** Berkeley Sculptures

Attn: Civic Arts Commission Members

I find it impossible to believe removal/decommissioning of Scott Donohue's sculptures has moved so significantly forward without public input prior to what now amounts to the 11th hour. It's a shame the Commission has backdoored this significant event, regardless of what the City rules allow. A public hearing must be held on the matter of this public art. Citizens deserve to know the options before a final, irrevocable action is taken. Otherwise a chill will be sent through the artist community that will reverberate for years to come.

Gaynell Chase  
Oakland, CA

Sent from my iPhone

**Lovvorn, Jennifer**

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**From:** Civic Arts  
**Sent:** Friday, August 16, 2019 8:13 AM  
**To:** Lovvorn, Jennifer  
**Subject:** FW: Reconsider the Berkeley Big People decision and keep the sculpture

Forwarded from the Civic Arts inbox. Saved to the G drive.

**From:** mary white [mailto:████████████████████]  
**Sent:** Thursday, August 15, 2019 8:48 PM  
**To:** Civic Arts <civicarts@cityofberkeley.info>  
**Subject:** Reconsider the Berkeley Big People decision and keep the sculpture

Dear Lisa Bullwinkel, Chair and members of the Civic Arts Commission,

I am writing to express my shock and disappointment with the Civic Arts Commission decision to hastily remove Scott Donahue's sculpture.  
Please reconsider.

As a west Berkeley resident who was here when the sculptures were built and have biked by them many times, it seems inappropriate to not give the public more time to decide.  
Also, if the repairs could be done for \$15,000 i think quite a few residents, including myself, would contribute to a fund to do some of the work. How much did it cost for the LA art conservator report? Is their evaluation correct? There seem to be huge discrepancy between cost quoted by the firm and the artist.

I agree with Santiago Casall, the Berkeley artist who created the solar calendar at Cesar Chavez Park. He, said discussing whether Berkeley Big People is appropriate for its location shouldn't even be up for debate in Berkeley Side.

"That battle was fought and won a long time ago," Casal said. "Civic Arts (Commission) and the state of California completely vetted the sculptures through a rigorous process."

Your unconsidered decision will have repercussions that will cost more than the repairs.

Please reconsider.

Mary White  
Educator  
2327-5th Street  
Berkeley, CA 94710

**Lovvorn, Jennifer**

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**From:** Gillian Fynn <[REDACTED]>  
**Sent:** Friday, August 16, 2019 8:06 AM  
**To:** Lovvorn, Jennifer  
**Subject:** Sculptures

I love those sculptures - I think they are a social statement on the nature of Berkeley.  
gillian fynn

Sent from my iPhone

**Lowvorn, Jennifer**

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**From:** Wendy Cosin <[REDACTED]>  
**Sent:** Friday, August 16, 2019 8:06 AM  
**To:** Lowvorn, Jennifer  
**Subject:** Keep the sculpture on the bridge

I strongly support leaving the sculpture on the bridge. I enjoy it every time I cross the bridge on my bicycle. The cost of the maintenance can be minimized to doing only what is necessary. Or try "go fund me".

I think it is outrageous to remove an art piece that cost so much and that provides enjoyment for many.

Sincerely,

Wendy Cosin

Sent from my iPad

**Lovvorn, Jennifer**

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**From:** Jim Thornton <[REDACTED]>  
**Sent:** Thursday, August 15, 2019 9:41 PM  
**To:** Lovvorn, Jennifer  
**Subject:** Big people sculpture

Dear Ms. Lovvorn,

I'm writing in support of the Berkeley Big People. I understand that the sculptures need maintenance, but the artist has made reasonable proposals to maintain them which were rejected. There are no legitimate structural concerns, as the initial work went through rigorous structural design and approval. Any degradation is superficial. I'm afraid that the commission is making a retroactive aesthetic decision, a small handful of people essentially overturning the city's choice to erect these monuments 12 years ago. This lack of stability concerns me. I believe this work of art is a valuable public asset and should remain.

James Thornton



**Lovvorn, Jennifer**

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**From:** jean marie <[REDACTED]>  
**Sent:** Thursday, August 15, 2019 8:42 PM  
**To:** Lovvorn, Jennifer  
**Subject:** Keep Big People where it is

Dear Arts commission,

I think the art piece big people should stay where it is at the bridge. It cost a lot of money and time to create the piece, approve the piece, install the piece. Why are you deciding you don't like it now, years later? Art is always controversial.

Leave the piece where it is and start dealing with issues of the present.

Thanks,  
Jean Walsh

**Lovvorn, Jennifer**

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**From:** D Dorenz [REDACTED]  
**Sent:** Thursday, August 15, 2019 6:47 PM  
**To:** Lovvorn, Jennifer  
**Subject:** Re: Sculpture on the crossover bridge

Dear arts commission members,

It seems that you have gone about the process of considering what to do about the two sculptures in the wrong order. You owe it to the public to ask our opinions before you make your decision. Instead you have acted in an autocratic manner without complete transparency about the reason you want to take the sculptures down.

I suggest that you listen to the artist who says that the repair bill is exaggerated and that the repairs can be done for

much less. He also pointed out that the company you consulted didn't even know how to identify the material that was used in the pieces. Therefore you should be extremely skeptical about any estimate that they give you for repairs .

The sculptures are a positive depiction of Berkeley history. They should be repaired at a much lower rate and you should give Berkeley residents a long time to weigh in on this matter. Just because you don't have to answer to the City Council doesn't mean you can act in an autocratic manner

Thanks for hearing my concerns.

Dorothea Dorenz  
Berkeley Ca

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Dorothea Dorenz

**Lowvorn, Jennifer**

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**From:** Ken Worthy [REDACTED]  
**Sent:** Thursday, August 15, 2019 4:26 PM  
**To:** Lowvorn, Jennifer  
**Subject:** Remove the two artworks from the pedestrian overpass

I fully support the removal of the two Donahue sculptures.

Like others, I find them too literal and not quite beautiful.

Thank you,  
Ken

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Ken Worthy  
My book: *Invisible Nature*  
My co-edited book: *After the Death of Nature*

**Lowvorn, Jennifer**

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**From:** Joanne Cohn <[REDACTED]>  
**Sent:** Thursday, August 15, 2019 3:10 PM  
**To:** Lowvorn, Jennifer  
**Subject:** I-80 bridge statues

Hi!  
I really like them. But I gather it is expensive to maintain them. If it is possible to have them in a different material or otherwise to keep them there, I would be glad for that. The contrasting statues are really wonderful.  
Thank you,  
Joanne (94709)

Scott Donahue -- Public Art  
[Scott@SDonahue.com](mailto:Scott@SDonahue.com)

1420 45th St. studio 49 Emeryville, CA 94608  
[www.sdonahue.com](http://www.sdonahue.com)

May 8 2009

Maintenance Manual for Berkeley Big People (sculptures on the bridge)

Materials Description

#### Graffiti Protection

The columns have been coated with Prosoco SC1, a sacrificial graffiti protection. Graffiti can be removed by high pressure hot water, Defacer-Eraser, Graffiti Wipe, or Sure Clean. The cleaned surface must be recoated with SC1 to give future protection. Defacer Eraser is also a Prosoco product and what I recommend for spot clean up.

#### Paint

Both sculptures have been painted with Ameron 235 two-part marine epoxy paint. The paint was mixed from the following base colors: Gray, red, black, and buff. Davis pigments yellow ocher and ultramarine blue or added to create the yellow highlights and the green base colors.

#### Sealant

Polyurethane sealant caulk was used for the flex joints at the stainless steel pipes and fiberglass as well as the capitals meeting the base and columns. This caulk was also used to seal the vents.

#### Stainless steel

The exposed stainless steel sculptural elements are made with schedule 10 and schedule 40 2 1/2 inch pipe that has been electro-polished.

Jonathan Hyman did the welding of these stainless steel elements.

#### Upper Sculptures.

The upper sculptures are made from polyester resin and fiberglass. Each fiberglass casting is joined to the next one with Forton gypsum, filler and fiberglass sculpted over 1 inch hardware cloth. This hardware cloth has been bolted with stainless steel to each casting. Bondo and epoxy clay were used fill imperfections and re-sculpt some details on the surface.

#### Base for the figures and vignettes

The base parts are Forton gypsum and fiberglass castings and they were joined together with stainless steel all thread and epoxy clay.

The green patinaed vignettes are made from epoxy and 80% by weight atomized bronze powder. The interior of these parts are made with the same epoxy and aggregate. These are connected to the base part with stainless steel all thread. The brown patinaed bronze has been cast using the lost wax method and is set in place with epoxy clay. The vignettes are glued with construction adhesive and bolted to the base parts. The outside edges have been sealed with polyurethane caulk.

#### The Capitals

All eight capitals were sculpted in place. 1 inch hardware cloth was fashioned around 3/8 rebar to create the Armature and basic form. This steel and hardware cloth was sealed with Ameron 235 paint and then mortar with chop fiberglass made the basic form over this wire. Additional mortar was used to sculpt the final form.

#### The Columns

The columns were precast as half columns by Concrete Works Studio of Oakland. They used a white concrete mix reinforced with fiberglass. These half columns were connected to each other with stainless steel all-thread and epoxy clay. The seams were filled with Bondo. Perlite concrete was used to fill the space between the structural steel columns and precast columns.

#### The Plinths

Underneath the columns, vertical patch mortar was applied over the high compression packing mortar that supports the steel plates of the steel frames.

#### Structural Steel Work

The supporting steelwork was fabricated by Alco Metals of Mayor Island and is made of A36 steel, with the exception of the 3/4" grade 5 bolts and harden washers that attach them to the bridge decking. All of this steelwork was blasted and painted with zinc primer coating and top coated with Ameron 235 two-part epoxy paint. The structural steelwork was inspected by Applied Materials and Engineering of Oakland.

#### Connectors

1 1/2" square tubing welded to half-inch rebar have been used to make a connection between the fiberglass castings and the structural steel work. Epoxy clay, Forton gypsum and stainless steel bolts were used to connect the fiberglass to the rebar. The exterior stainless steel pipes are attached to the interior structural stainless steel pipes with 5/8" stainless steel bolts with epoxy packing in between the sleeve joins.

IMAGES OF ARTWORK AT TIME OF INSTALLATION

Images by Artist (2008)



IMAGES OF CURRENT ARTWORK CONDITION

Images by City Staff (2018)



Berkeley Big People by Scott Donahue – Artwork Condition Images



Image by RLA Conservation (2019)



Images by Paul Kuroda (San Francisco Chronicle 2019)







Office of the City Manager

ACTION CALENDAR  
 October 15, 2019  
 (Continued from September 24, 2019)

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Referral Response: Issue a Request for Information to Explore Grant Writing Services from Specialized Municipal Grant-Writing Firms, and Report Back to Council

INTRODUCTION

This report responds to the referral sponsored by Councilmembers Hahn, Harrison, Davila and Bartlett to issue a Request for Information to explore grant writing services from specialized municipal grant-writing firms, and report back to Council that originally appeared on the agenda of the October 3, 2017 Council meeting.

SUMMARY

Request for Information (RFI), Specification No. 18-11201, Grant Writing and Related Services (Attachment 1), was released to the public in the spring of 2018 with the intent to identify qualified firms or individuals with expertise researching, identifying, applying for and obtaining grants on behalf of municipal entities.

The key points of the RFI were to: 1) communicate to grant writing firms that the City is seeking to expand its ability to initiate and deliver innovative programs by seeking out public and private grant funding; 2) use contracted services to augment existing internal grant application activities; and 3) leverage the resources and successes of firms that have developed specific competencies in providing grant sourcing and proposal development services to municipal clients.

Respondents were asked to provide information to demonstrate their ability to provide the following services:

Funding Needs Analysis  
 Grant Funding Research  
 On-Call Grant Research  
 Grant Proposal Development

Legislative Advocacy  
 Presentations and Meeting Attendance  
 Monthly Reporting

The RFI requested each respondent to submit standard and preferred fee structures to provide the City with insight into compensation options available in the market.

### CURRENT SITUATION AND ITS EFFECTS

Currently, grant writing and application responsibilities are distributed across departments, which independently seek new grant opportunities and submit applications. While the City does receive awards, the application process can be time consuming for staff. For Berkeley to maximize its potential to gain resources from every possible source, it is imperative that the City apply for as many funding opportunities as possible. Increased revenue obtained through successful grant applications would allow the City to pilot new ideas, serve the community in a more robust fashion, and demonstrate to Berkeley residents the City's commitment to seeking public and private funding that may be available.

Planning for the release of the RFI began with City staff contacting 14 firms with presence in California and a focus on serving municipal clients, as indicated on websites, in other published materials, or by direct conversation. The 14 firms were made aware of the release of RFI #18-11201 and invited to participate. The RFI was posted on the City's website and at the kiosk in front of Old City Hall. Twelve of the 14 firms submitted responses to the RFI. The response pool represented a broad mix, from national corporations to niche players, for example having an environmental focus. Less than half of the responses provided all the information requested in the RFI.

Three of the 12 responses were comprehensive and provided information useful in assessing both the availability of grant-writing firms with a depth of experience and significant track-record (see Attachment 2 for a representative listing of grants secured by the 3 firms – California Consulting, Grant Management Associates and Glen Price Group) obtaining grant dollars in California for a wide variety of city, county and state projects, as well as service delivery methods and typical fee structures.

Fee Structures varied by respondent with 11 out of 12 falling into at least one of the following categories:

- Hourly rate per hour for all work performed by each resource
- Monthly, flat fee retainer with additional work at hourly rate per hour
- Fixed monthly fee when working on a particular grant proposal

Only one response included a Fee Structure that was based on a percentage of dollars awarded.

### BACKGROUND

Currently, grant writing and application responsibilities are distributed across departments, which independently seek new grant opportunities and submit applications. While the City does receive awards, the application process can be time

consuming for Staff. For Berkeley to maximize its potential to gain resources from every possible source, it is imperative that the City apply for as many funding opportunities as possible. Increasing revenues obtained through successful grant applications would allow the City to pilot new ideas, serve the community in a more robust fashion and demonstrate to Berkeley residents the City's commitment to seeking public and private funding that may be available.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

POSSIBLE FUTURE ACTION

Information contained in the responses to RFI #18-11201 may be used to inform the scope of work, evaluation criteria and pricing arrangement, as well as outreach efforts for a future request for proposals for comprehensive grant research services issued by the City.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Increased revenue obtained through successful grant applications.

CONTACT PERSON

Henry Oyekanmi, Director, Finance, 981-7326

Attachments:

- 1: Request for Information #18-110201 – Grant Writing and Related Services
- 2: Representative Listing of Grants Awarded
- 3: Original Referral Report from October 3, 2017

Attachment 1

Request for Information #18-11201  
Grant Writing and Related Services

(document to follow this page)



Finance Department  
General Services Division

**REQUEST FOR INFORMATION (RFI)**  
Specification No. 18-11201  
**GRANT WRITING AND RELATED SERVICES**  
RESPONSES WILL NOT BE OPENED AND READ PUBLICLY

Dear Interested Party:

The City of Berkeley is issuing this request for information (RFI) to qualified firms or individuals with expertise researching, identifying, applying for and obtaining grants on behalf of municipal entities. This is an RFI, not an invitation to bid. As such, there will be no public opening of information packages and no contract award made pursuant to this process. Potential respondents should review this RFI document in its entirety to gain an understanding of the City's intent, applicable processes and how submitted information will be used.

**Information packages must be received no later than 2:00 pm, on Thursday, March 1, 2018.** As part of the City's commitment to sustainable purchasing, information submission **via email is preferred**. Information packages submitted in hard copy format must be in a sealed envelope and have "**GRANT WRITING AND RELATED SERVICES**" and **Specification No.18-11201** clearly marked on the **outer most mailing envelope**. Submit **one (1) unbound original and five (5) unbound copies** of the proposal as follows:

**Mail or Hand Deliver To:**  
City of Berkeley  
Finance Department/General Services Division  
2180 Milvia Street, 3rd Floor  
Berkeley, CA 94704

Issuance of this RFI does not obligate the City to award a contract, nor is the City liable for any costs incurred by respondents in the preparation and submittal of information packages. Through this RFI process the City desires to gain knowledge of the capability of firms interested in providing the desired services and to assess the feasibility and utility of contracting for such services. This is a REQUEST FOR INFORMATION only and should not be construed as intent, commitment or promise to acquire the goods or services presented by respondents. The City of Berkeley is not obligated to any respondent as a result of this RFI.

**For questions** concerning this RFI and its requirements, **contact Shari Hamilton, Project Manager**, via email at [shamilton@cityofberkeley.info](mailto:shamilton@cityofberkeley.info) no later than 3PM on Friday, February 16, 2018. Answers to questions will **not** be provided by telephone or email. Rather, answers to all questions or any addenda to this RFI will be **posted** on the City of Berkeley's website at <http://www.cityofberkeley.info/ContentDisplay.aspx?id=7128>. It is the respondent's responsibility to check this site for information updates, additions or changes. For general questions concerning the submittal process, contact Purchasing at 510-981-7320.

We look forward to receiving and reviewing your response.

Sincerely,  
Shari Hamilton  
General Services Manager

## **I. SUMMARY**

Berkeley is an innovative city, pursuing ambitious programs and initiatives with the vigor and vision of a much larger city. Implementing innovative initiatives requires a significant investment of City resources and staff time. To support these efforts and increase revenue, the City currently applies for private, federal, state, and county grants.

Currently, grant writing and application responsibilities are distributed across departments, which independently seek new grant opportunities and submit applications. While the City does receive awards, the application process can be time consuming for staff. For Berkeley to maximize its potential to gain resources for every possible source, it is imperative that the City apply for as many funding opportunities as possible. Increased revenue obtained through successful grant applications would allow the City to pilot new ideas, serve the community in a more robust fashion, and demonstrate to Berkeley residents the City's commitment to seeking public and private funding that may be available.

This RFI is issued to explore opportunities to obtain grant writing services from one or more grant-writing firms specializing in service to municipal customers. The City expects to obtain an understanding of this segment of the grant-writing market including, but not limited to available expertise, services, and pricing models. The City may issue a request for proposals (RFP) for grant writing services if it is determined, as a result of this RFI process and other due diligence efforts, that the use of grant writing services will significantly increase its ability to secure grant based resources. All respondents to this RFI process may respond to the RFP, and responses to the RFP will not be limited to respondents to this RFI.

The City requests that all respondents to this RFI submit information packages that are short, concise and complete. It is not necessary to submit a marketing document. Information packages must be limited to a maximum of 15 pages. All information packages will become part of the public record and respondents shall not include confidential or proprietary information.

## **II. OVERVIEW OF SERVICES REQUIRED**

The City is requesting information from qualified individuals and firms capable of providing the following services:

1. *Funding Needs Analysis* – Work with City staff to facilitate meetings with City departments to assess the validity of current funding priority areas, identify changes in funding priority areas, and identify new priority areas for possible funding;

2. *Grant Funding Research* – Conduct research to identify grant resources including, but not limited to, private, Federal, State, foundation, agencies and organizations that support the City’s funding needs and priorities (emphasizing grants which require no “matching” funds), including, but not limited to:
  - a) Infrastructure development and maintenance
  - b) Affordable housing and housing support services
  - c) Public safety, including emergency preparedness
  - d) Community and economic development
  - e) Energy efficiency and environmental sustainability
  - f) Workforce development and retention
  - g) Technology, including digital inclusion
  - h) Social services, including services to the unhoused
3. *On-Call Grant Research* – In addition to the areas defined above, other areas may also be identified through the funding needs analysis process and throughout the duration of the contract. The Scope of Work may also include researching grant opportunities identified by the City.
4. *Grant Proposal Development* – Provide general grant proposal writing services associated with the completion of grant applications on behalf of the City, including the preparation of funding abstracts and production, and submittal of applications to funding sources. A copy of each grant application package submitted for funding, in its entirety, shall be provided to the City.
5. *Legislative Advocacy* – Provide legislative advocacy services on behalf of City by contacting legislators and legislative staff to promote City message and needs.
6. *Presentations and Meeting Attendance* – The successful consultant may be required to make presentations to and attend meetings with City staff, the City Council, commissions and the public to explain grant opportunities, programs targeted for support by grant funds, the City’s competitive position, and other related topics.
7. *Monthly Reports* – The successful consultant shall submit monthly reports to the City summarizing the amount of time expended, describe activities undertaken during the previous month, and status of those activities.

### III. SUBMISSION REQUIREMENTS

All information packages shall include the following information, organized as separate sections of the response. The response should be short, concise and to the point.

1. Respondent Identification:  
Provide the company name, principal place of business, tax identification number and website address (if applicable). Include the name, email address and telephone number of the company representative who will serve a contact for this RFI.



2. Service Offerings:  
Provide a short description of the types of services offered, including any areas of specialization. State the percentage of the entire book of business each service type represents.
  
3. Previous Experience:  
Provide a short explanation of company’s recent (past five (5) years) experience working with and securing grant funding for municipal clients. Include areas in which company has been particularly successful, as well as any competitive differentiators.
  
4. Staffing:  
Submit résumés for the staff members company would propose and assign as the management and operational contacts for an engagement with the City. The commitment of key staff is critical to the City of Berkeley. It is expected that assigned staff will remain throughout the term of any awarded contract.
  
5. Sub-consultants/Partners:  
List any sub-consultants or partner entities company would use to complete the work described herein. Provide at least two (2) recent examples of engagements where respondent has worked with sub-consultant/partner.
  
6. Fee Structure/Options:  
Include a summary of company’s standard and preferred fee structures. Any creative or alternative compensation structures should be supported with clear explanatory notes and potential benefits to the City.
  
7. Other Pertinent Information:  
Submit any pertinent information the City should consider, including topics not identified or requested herein.

*Information packages must be limited to a maximum of 15 pages. All information packages will become part of the public record and respondents shall not include confidential or proprietary information.*

**IV. SCHEDULE (dates are subject to change)**

- Issue RFI to public: 02/05/2018
- Respondent questions due to City by 3PM PT: 02/16/2018
- Issue Addendum/Q&A via City website/posting: 02/21/2018
- RFI due to City by 2PM PT: 03/01/2018

Thank you for your interest in working with the City of Berkeley for this service. We look forward to receiving your information package.

## Attachment 2

## Representative Listing of Grants Awarded in California

| <b>FIRM</b>                 | <b>GRANT TITLE</b>                                           | <b>CLIENT</b>                                                     | <b>AWARD</b> |
|-----------------------------|--------------------------------------------------------------|-------------------------------------------------------------------|--------------|
| California Consulting       | USDOJ COPS Hiring Recovery Program (CHRP)                    | City of Salinas                                                   | \$3,837,546  |
|                             | FEMA Staffing for Adequate Fire & Emergency Response (SAFER) | Consumnes CSD Fire Department                                     | \$1,947,191  |
|                             | CalTran Active Transportation Program (ATP) Cycle 2          | City of Rosemead                                                  | \$702,000    |
|                             | HCD Housing Related Parks Program (HCD)                      | City of Lynwood                                                   | \$516,150    |
|                             | DBW Non-Motorized Boat Launching Grant                       | City of Waterford                                                 | \$470,290    |
|                             | OTS Pedestrian/Bicycle Safety Grant                          | City of Lompoc                                                    | \$25,000     |
| Grant Management Associates | Beneficial Reuse of Carbon (Phase 2)                         | Department of Energy - Industrial Capture                         | \$25,000,000 |
|                             | Affordable Housing and Sustainable Communities Program       | City of Redding/Shasta Transportation Authority                   | \$20,000,000 |
|                             | Alternative and Renewable Fuel Infrastructure                | California Energy Commission                                      | \$15,700,000 |
|                             | Prop 84 Stormwater Grant Program (Round 2)                   | California EPA                                                    | \$648,284    |
|                             | Bicycle and Pedestrian Project, Tribal Transportation Safety | Karuk Tribe - Bureau of Indian Affairs                            | \$872,000    |
|                             | HRSA Mobile Dental Health Grant                              | El Dorado County                                                  | \$600,000    |
| Glen Price Group            | CalWorks Stage 1 Child Care Program                          | Child Care Links                                                  | \$36,460,960 |
|                             | Whole Person Care Pilots                                     | Sonoma County, Health Services Department, Behavioral Health Div. | \$16,704,136 |

|  |                                                                                   |                                          |                                        |
|--|-----------------------------------------------------------------------------------|------------------------------------------|----------------------------------------|
|  | Home and Community-Based Alternatives (HCBA) Waiver                               | Sonoma County, Human Services Department | \$2,500,000 (estimated over 57 months) |
|  | Improving Reentry for Adults with Co-Occurring Substance Abuse and Mental Illness | Sonoma County Probation Department       | \$750,000                              |
|  | Community Oriented Policing Services (COPS) Hiring Program                        | City of Richmond                         | \$600,000                              |
|  | Chancellor's Community Partnership Fund                                           | Berkeley Unified School District         | \$15,000                               |

**SOPHIE HAHN**

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

CONSENT CALENDAR

October 3, 2017

To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn, Kate Harrison, Cheryl Davila, and Ben Bartlett

Subject: Request for Information Regarding Grant Writing Services from Specialized Grant Writing Firms

RECOMMENDATION

Refer to the City Manager to issue a request for information to explore grant writing services from specialized municipal grant-writing firms, and report back to Council.

FINANCIAL IMPLICATIONS

Staff time to issue the request, review responses, and report to Council.

BACKGROUND

Berkeley is an innovative City, pursuing ambitious programs and initiatives with the vigor and vision of a much larger City. Implementing innovative initiatives requires a significant investment of City resources and staff time. To support these efforts and increase revenues, the City currently applies for private, federal, state, and county grants.

Currently, grant writing and application responsibilities are distributed across departments, which independently seek new grant opportunities and submit applications. While the City does receive awards, the application process can be time consuming for Staff. For Berkeley to maximize its potential to gain resources from every possible source, it is imperative that the City apply for as many funding opportunities as possible. Increased revenue obtained through successful grant applications would allow the City to pilot new ideas, serve the community in a more robust fashion, and demonstrate to Berkeley residents the City's commitment to seeking public and private funding that may be available.

To help accomplish this goal, this item recommends that the City Manager issue a Request for Information to explore opportunities to obtain grant writing services from a grant-writing firm specializing in municipal grants. A number of specialized firms exist that consolidate information about grant opportunities and can support the writing of grants. An example is included as Attachment 1. Engaging a firm focused on identifying and applying for grant opportunities may yield a higher success rate than the City currently obtains. The purpose of this request for information would be to explore many different firms and gain information about expertise, services, pricing, and other details,

allowing the City Manager and Council to assess the feasibility and utility of contracting for such services.

ENVIRONMENTAL SUSTAINABILITY

This recommendation supports Berkeley's environmental sustainability goals.

CONTACT PERSON

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

ATTACHMENTS

1. Collection of Municipal Grant information, Winter 2017

## MUNICIPAL GRANTS (Current as of January 27, 2017)

Please note that this document contains a selection of federal, state, and private grant and loan funding opportunities organized by funding topic. Funding topic sections are listed in the order as follows:

- Infrastructure Funding
- Water & Energy Funding
- Transportation Funding
- Parks & Recreation Funding
- Housing & Community Development Funding
- Law Enforcement Funding
- Fire Department Funding
- Health & Wellness Funding
- Miscellaneous Funding
- Upcoming Funding (for all categories)

Within each topic section, grants are listed in order by those with hard deadlines, quarterly deadlines, and those which are due continuously. If there are no current opportunities for a given category, it will be indicated. Some funding opportunities are only available in certain geographic regions and these are indicated in their respective sections.

## INFRASTRUCTURE FUNDING

### **California Infrastructure and Economic Development Bank (IBank): Infrastructure State Revolving Fund (ISRF) Program**

Deadline: Continuous

Amount: \$50,000 to \$25 million or more (with IBank Board approval)

Financing Terms:

The interest rate benchmark is Thompson's Municipal Market Data Index. Staff may adjust the interest rate based upon factors that include: Unemployment, Medium Household Income, Environmental, and Other special circumstances. The IBank Board has final approval of the interest rate. Maximum 30 year term Open application process

Eligibility: Any subdivision of a local or state government. Applicant may also be a company, corporation, association, partnership, firm, or other entity or group of entities organized as a public benefit not-for-profit entity engaged in business or operations within the state

[http://ibank.ca.gov/infrastructure\\_loans.htm](http://ibank.ca.gov/infrastructure_loans.htm)

The ISRF Program provides financing for public infrastructure projects such as: environmental mitigation; port facilities; power and communications transmission or distribution facilities; public transit; solid waste collection and disposal; defense conversion; as well as military infrastructure. A project must promote economic development and attracts, creates, and sustains long-term employment opportunities. Eligible uses include, but are not limited to, construction or modification of the following:

- educational, cultural, and social facilities;

- public infrastructure, purchase and install pollution control or noise abatement equipment;
- parks and recreation facilities;
- docks, harbors, piers, marinas;
- facilities for and/or transmission or distribution of electrical energy, natural gas, and telecommunication;
- air and rail transport of goods, including parking facilities;
- transfer stations, recycling centers, sanitary landfills, waste conversion and recycling facilities;
- facilities for successfully converting military bases;
- facilities on or near a military installation that enhance military operations acquire land in conjunction with such project

**California Statewide Communities Development Authority: Statewide Community Infrastructure Program (SCIP)**

Deadline: Continuous

Amount: Varies. Financing is for low interest, tax-exempt bonds.

Eligibility: Public agencies

<http://cscda.org/Apply-Online/Statewide-Community-Infrastructure-Program>

In response to the increasing local agency staff time and budget pressures caused by new commercial, industrial or residential development, CSCDA offers the Statewide Community Infrastructure Program (“SCIP”).

**USDA Rural Development: Community Facilities Grants & Loans**

Deadline: Continuous

Amount: Varies by population & income (typically no larger than \$30,000)

Match: Varies by population & income (60% - 80%)

<http://www.rurdev.usda.gov/CA-CFPrograms.html>

Community Facilities Programs provides grants to assist in the development of essential community facilities in rural areas and towns of up to 20,000 in population. Grants are authorized on a graduated scale. Applicants located in small communities with low populations and low incomes will receive a higher percentage of grants. Grants are available to public entities such as municipalities, counties, parishes, boroughs, and special-purpose districts, as well as non-profit corporations and tribal governments.



## WATER & ENERGY FUNDING

### **DWR/CFDA: Agricultural Water Use Efficiency & State Efficiency and Enhancement Program**

Deadline: April 21, 2017

Amount: \$200,000 maximum award

Match: 50% match of the total project cost

Eligibility: Public agencies, public utilities, federally recognized or state Indian tribes, nonprofit organizations, mutual water companies, and investor-owned utilities regulated by the California PUC.

<http://www.water.ca.gov/wuegrants/AgWUEPilot.cfm>

Through this competitive grant program, DWR and CDFA intend to demonstrate the potential multiple benefits of conveyance enhancements combined with on-farm agricultural water use efficiency improvements and greenhouse gas reductions. The grant funding provided in this joint program is intended to address multiple goals including: 1) water use efficiency, conservation and reduction, 2) greenhouse gas emission reductions, 3) groundwater protection, and 4) sustainability of agricultural operations and food production. It is also anticipated that there will be benefits to water and air quality, groundwater security, surface water conservation, and improved nutrient management and crop health through this program. Excellent proposals will demonstrate the specific regional needs and benefits of their proposals.

### **US Bureau of Reclamation: 2017 WaterSMART - Small Scale Water Efficiency Projects Grant**

Deadline: April 27, 2017

Amount: Up to \$75,000. Applicants will be limited to a \$150,000 cap on project cost.

Match: 50% of the project costs up to \$75,000.

Eligibility: States, Indian tribes, irrigation districts, water districts, or other organizations with water or power delivery authority (may include municipalities)

<http://www.usbr.gov/watersmart/weeg/index.html>

The WaterSMART - Small Scale Water Efficiency Projects Grant is a new program intended to support specific small-scale water efficiency projects that have been prioritized through planning efforts led by the applicant. Larger projects or those with multiple project components, such as a renewable energy component, should be submitted under WaterSMART Water and Energy Efficiency Grants.

### **California Department of Housing and Community Development (HCD): Community Development Block Grant (CDBG) 2016 Drought Lateral Grant**

Deadline: May 31, 2017

Amount: \$150,000 - \$2 Million

Match: None.

Eligibility: Non-entitlement CDBG jurisdictions in California only. See Appendix A - Non-Entitlement CDBG Jurisdictions List by following the link below.

<http://www.hcd.ca.gov/financial-assistance/community-development-block-grant-program/currentnofas.html>

The Department of Housing and Community Development (Department) is pleased to announce the availability of approximately \$5,000,000 in federal Community Development Block Grant

(CDBG) funding for direct relief and mitigation of the effects of the 2014 California Drought Disaster, as declared by Governor Brown. This NOFA applies only to the installation of CDBG-eligible water lateral connections to new or existing public water systems for single- and multi-family residential structures that have no running water as a result of having a dry or contaminated well. Also included are water meters, system connection fees and the abatement of existing dry wells. The CDBG-eligible activity is Housing Rehabilitation.

**State Water Resources Control Board: Water Recycling Funding Program (WFRP)**

Deadline: December 2030 (currently accepting applications via FAAST system)

Amount: \$75,000 (for Planning Grants); \$15-\$20 Million (for Construction Grants)

Match: 50% (for Planning Grants); 35% (for Construction Grants)

Financing: For Construction applications Interest at 1/2 General Obligation Bond Rate; 30 year term; Allowance following the CWSRF Policy

Eligibility: local public agencies

[http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/water\\_recycling/proposition\\_1\\_funding.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/water_recycling/proposition_1_funding.shtml)

The State Water Resources Control Board (State Water Board) provides funding for the planning, design, and construction of water recycling projects that offset or augment state fresh water supplies. There are two programs within this fund:

- **Planning Grants:** The purpose of the planning grant is to assist agencies or regions with completing feasibility studies for water recycling projects using treated municipal wastewater and/or treated groundwater from sources contaminated by human activities. Only local public agencies are eligible to apply for planning grants.
- **Construction Grants:** The Water Recycling Funding Program provides grants and financing to eligible applicants for the construction of water recycling facilities. Construction projects may be funded with grants and low interest financing from a state bond, a CWSRF financing agreement, or combinations of funding sources. Eligible applicants are local public agencies, nonprofit organizations, public utilities, state & federal recognized Indian tribes, and mutual water companies.

**California Energy Commission (CEC): Interest Rate 1% Loan Financing For Energy Efficiency & Energy Generation Projects**

Deadline: Applications are funded on a first-come, first-served basis until funding is exhausted

Amount: Maximum loan amount of \$3 million per applicant

Financing Terms: Loans must be repaid from energy cost savings or other legally available funds within a maximum term of 20 years (including principal and interest).

Eligibility: Cities, Counties, Specials Districts, Public Colleges or Universities

<http://www.energy.ca.gov/efficiency/financing/>

The CEC is offering loans financing for energy efficiency and energy generation projects for Public Agencies. Projects with proven energy and/or demand cost savings are eligible, provided they meet the ECAA eligibility requirements. Projects already funded with an existing loan or already installed are ineligible. Examples of Qualified Projects include the following:

- Lighting systems
- Heating, ventilation and air conditioning equipment
- Streetlights and LED traffic signals
- Energy management systems and equipment controls

- Pumps and motors
- Building envelope and insulation
- Energy generation including renewable energy and combined heat and power projects
- Water and waste water treatment equipment
- Load shifting projects, such as thermal energy storage

**California Energy Commission: The Energy Partnership Program**

Deadline: Continuous

Amount: \$20,000 of a consultant's costs

Match: Any amount in excess of the \$20,000 provided by CEC

<http://www.energy.ca.gov/efficiency/partnership/index.html>

The Energy Partnership Program can conduct an energy audit of existing facilities identify energy saving projects, including: Conduct energy audits and prepare feasibility studies; Review existing proposals and designs; Develop equipment performance specifications; Review equipment bid specifications; Assist with contractor selection; and Review commissioning plans. The Energy partnership also provides technical assistance early in the design phase of new facility construction, including: Provide design review consultation; Identify cost-effective, energy-saving measures; Compare different technologies; Review schematics and construction plans; Provide equipment specification consultation; Develop computer simulation models of your planned project; Help select experienced professionals with energy efficiency expertise; and Assist with system commissioning.

**State Water Resources Control Board: Clean Water State Revolving Fund (CWSRF) Program**

Deadline: Continuous

Amount/Financing: No maximum funding or disbursement limits. Financing Term up to 30 years or the useful life of the project. Interest Rate is ½ the most recent General Obligation (GO) Bond Rate at time of funding approval.

Eligibility: Any city, town, district, or other public body created under state law, including state agencies

[http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/)

The Clean Water State Revolving Fund (CWSRF) program offers low cost financing for a wide variety of water quality projects. The program has significant financial assets, and is capable of financing projects from <\$1 million to >\$100 million. Eligible projects include, but are not limited to:

1. Construction of publicly-owned treatment facilities: Wastewater treatment; Local sewers; Sewer interceptors; Water reclamation and distribution; Stormwater treatment; Combined sewers; Landfill leachate treatment
2. Implementation of nonpoint source (NPS) projects to address pollution associated with: Agriculture; Forestry; Urban Areas; Marinas; Hydromodification; Wetlands
3. Development and implementation of estuary comprehensive conservation and management plans for: San Francisco Bay; Morro Bay; Santa Monica Bay

**State Water Resources Control Board: Clean Water State Revolving Fund (CWSRF) Green Project Reserve Program**

Deadline: Applications accepted on a continuous basis

Amount: \$2.5 Million maximum; \$30 million allocated to entire program

Match: None

Eligibility: Municipalities

[http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/)

Effective with the Clean Water State Revolving Fund's (CWSRF) 2015 Capitalization Grant from U.S. EPA, the State Water Resources Control Board has \$30 million available to provide CWSRF loan (principal) forgiveness to projects that address water or energy efficiency, mitigate storm water runoff, or encourage sustainable project planning, design, and construction. There are four categories of green projects: green infrastructure, water efficiency, energy efficiency, and environmentally innovative activities.

### **State Water Resources Control Board: Drinking Water State Revolving Fund (DWSRF) Program**

Deadline: Continuous

Amount/Financing: No maximum disbursement limit. Interest rates average 2-3% and 20 year loan. Public water systems that serve small, disadvantaged communities may be eligible for 0% and 30 year loan.

Eligibility: Community water systems and non-profit, non-community water systems.

[http://www.waterboards.ca.gov/drinking\\_water/services/funding/SRF.shtml](http://www.waterboards.ca.gov/drinking_water/services/funding/SRF.shtml)

On October 21, 2014, the State Water Resources Control Board (State Water Board) adopted the *Policy for Implementing the Drinking Water State Revolving Fund (DWSRF Policy)* effective January 1, 2015. The purpose of the DWSRF is to provide financial assistance for the planning/design and construction of drinking water infrastructure projects that are needed to achieve or maintain compliance with federal and state drinking water statutes and regulations.

Funding for the DWSRF comes from federal grants, state sources, and loan repayment.

Applications are offered for the following two categories:

1. Construction Financing - These funds are for applicants with complete final plans, specifications, and environmental documentation.
2. Planning/Design Financing - These funds are for applicants who do not have final plans, specifications, and environmental documentation.

### **State Water Resources Control Board: Proposition 1 Small Community Wastewater Program**

Deadline: Continuous

Amount/Financing: \$260 Million allocated to program. Like CWSRF (see above) there is no maximum funding or disbursement limits. Financing Term up to 30 years or the useful life of the project. Interest Rate is ½ the most recent General Obligation (GO) Bond Rate at time of funding approval.

Eligibility: Most cities, towns, districts, or other public bodies created under state law, including state agencies

[http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/small\\_community\\_wastewater\\_grant/projects.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/small_community_wastewater_grant/projects.shtml)

Section 79723 of Prop 1 allocates \$260 million to the Clean Water State Revolving Fund (CWSRF) Small Community Grant (SCG) Fund. The State Water Board has an annual SCG appropriation of \$8 million dollars, which is administered consistent with the CWSRF Intended Use Plan (IUP), and the CWSRF Policy. The Prop 1 funds will supplement existing SCG

authority. Eligible projects are similar to the CWSRF program and include, but are not limited to:

1. Construction of publicly-owned treatment facilities: Wastewater treatment; Local sewers; Sewer interceptors; Water reclamation and distribution; Stormwater treatment; Combined sewers; Landfill leachate treatment
2. Implementation of nonpoint source (NPS) projects to address pollution associated with: Agriculture; Forestry; Urban Areas; Marinas; Hydromodification; Wetlands

**State Water Resources Control Board: Safe Drinking Water State Revolving Fund (SDWSRF)**

Deadline: Pre-application, requires annual invitation

Amount: \$ 500,000-\$5,000,000

Match: 20% of eligible project costs

[http://www.waterboards.ca.gov/drinking\\_water/services/funding/SRF.shtml](http://www.waterboards.ca.gov/drinking_water/services/funding/SRF.shtml)

This program provides support to engage in the demonstration of innovative technologies, methods, practices, and techniques in three areas: operational safety, infrastructure or equipment resiliency, and all-hazards emergency response and recovery methods.

**State Water Resources Control Board: Water and/or Energy Audits Program**

Deadline: Continuous

Amount: Up to \$35,000

Match: None

Eligibility: Any municipality, inter-municipal, interstate or state agency with facilities or activities eligible for Clean Water State Revolving Fund (CWSRF) financing may apply.

[http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/)

This program is for CWSRF-eligible agencies that need financial assistance to find out if they can improve water and energy efficiency. The State Water Resource Control Board will provide funding to conduct a Water and/or Energy Audit to assess an agency's current practices and identify potentially inefficient water and/or energy use. The State Water Resources Control Board can fund 100% of audit costs, up to a maximum of \$35,000. Applications are submitted online by submitting a Water or Energy Audit Financial Assistance Application with attachments through FFAST (Financial Assistance Application Submittal Tool).

**USDA Rural Development: Water & Waste Disposal Grant/Loan Program**

Deadline: Continuous

Amount/Financing: Grant amount varies. Loan has up to 40-year payback period, on a fixed interest rate of 3.125% or lower.

Eligibility: state and local government entities, private nonprofits, federally-recognized tribes in rural areas with fewer than 10,000 people.

<http://www.rd.usda.gov/programs-services/water-waste-disposal-loan-grant-program/ca>

This program provides long-term low interest loans for clean and reliable drinking water systems, sanitary sewage disposal, sanitary solid waste disposal, and storm water drainage to households and businesses in eligible rural areas. Funds may be used to finance the acquisition,

construction or improvement of: Drinking water sourcing, treatment, storage and distribution; Sewer collection, transmission, treatment and disposal; Solid waste collection, disposal and closure; and Storm water collection, transmission and disposal. In some cases, funding may also be available for related activities such as: Legal and engineering fees; Land acquisition, water and land rights, permits and equipment; Start-up operations and maintenance; Interest incurred during construction; Purchase of existing facilities to improve service or prevent loss of service; and Other costs determined to be necessary for completion of the project.

## ENVIRONMENT & CONSERVATION FUNDING

### California Farmland Conservancy Program

Deadline: Continuous

Amount: Varies

Match: 5% of grant total

[http://www.consrv.ca.gov/dlrp/cfcp/funding/Pages/request\\_grant\\_app.aspx](http://www.consrv.ca.gov/dlrp/cfcp/funding/Pages/request_grant_app.aspx)

The Department of Conservation's California Farmland Conservancy Program provides grants to local governments and qualified nonprofit organizations for:

- voluntary acquisition of conservation easements on agricultural lands that are under pressure of being converted to non-agricultural uses;
- temporary purchase of agricultural lands that are under pressure of being converted to non-agricultural uses, as a phase in the process of placing an agricultural conservation easement;
- agricultural land conservation planning and policy projects; and,
- restoration of and improvements to agricultural land already under easement

## TRANSPORTATION FUNDING

### California Statewide Communities Development Authority: Total Road Improvement Program (TRIP)

Deadline: Continuous

Amount: Varies. Local governments leverage their State Motor Vehicle Fuel Tax to finance road improvement projects.

Eligibility: Local public agencies (cities and counties)

[http://cscda.org/Public-Agency-Programs/Total-Road-Improvement-Programs-\(TRIP\)](http://cscda.org/Public-Agency-Programs/Total-Road-Improvement-Programs-(TRIP))

CSCDA offers a pooled securitization program to assist local agencies in bonding against future payments to obtain funding for more projects today. As a pooled public offering, program participants will benefit from reduced issuance costs and better interest rates as compared to stand alone issues. The program does not require a pledge of the local agency's General Fund. The Gas Tax Accelerated Street Improvement Program will allow local governments to leverage their State Motor Vehicle Fuel Tax (the "Gas Excise Tax") to finance road improvement projects. The use of proceeds from the Gas Excise Tax, an 18-cent State excise tax collected on fuel sales, is restricted to the maintenance and construction of public streets and highways. The



obligations will be secured solely by a pledge of Gas Excise Tax revenues of the participating agencies.

## PARKS & RECREATION FUNDING

### **US Soccer Foundation: 2017 Innovative & Non-Traditional Soccer Program Grants**

*(formerly Program Grants)*

Deadline: February 10, 2016

Amount: \$30,000 - \$90,000 (dispersed over three years)

Match: None

Eligibility: Organizations with IRS approved tax-exempt status at the time of application that offer soccer-specific programming.

<https://ussoccerfoundation.org/grants/innovative-and-non-traditional-soccer-program-grants>

The U.S. Soccer Foundation recently announced changes to Program Grants. Moving forward, the Foundation will focus on one specific category or theme each year. In 2017, the Foundation, will begin accepting applications from organizations that are implementing innovative and/or non-traditional soccer programs in their communities. Awardees will receive up to a three year-grant of \$10,000-\$30,000 a year. These grants can be used to purchase soccer equipment and/or cover operating expenses. Awardees will be required to send one person to the U.S. Soccer Foundation's Urban Soccer Symposium, held in Washington D.C. The Foundation will cover expenses associated with attending the event.

### **US Soccer Foundation: 2017 Safe Places to Play Grants**

Deadlines:

- Spring Grants Cycle: LOIs due February 3, 2017; Application due February 10, 2017
- Summer Grants Cycle: LOIs due May 26, 2017; Application due June 2, 2017
- Fall Grants Cycle: LOIs due September 29, 2017; Application due October 6, 2017

Amount: \$4,000 - \$50,000 or a percentage of total project amount in form of vendor credit (see details below)

Match: None required officially; applicants must contribute additional funds not covered by the grant award

Eligibility: Tax-exempt organizations including: 501(c)(3) nonprofits, churches, individual schools or school districts, cities or municipalities.

<https://ussoccerfoundation.org/grants/application-process/>

Safe Places to Play grants are available in four categories: Synthetic Turf, Lighting, Irrigation, and Sport Court. Multi-sport field projects are eligible for funding, but such fields must be used most the time for soccer. Multi-field projects are also eligible. All Safe Places to Play grants (except for Irrigation) can be awarded for either indoor or outdoor field projects. Grants are disbursed as in-kind credit with their respective vendor:

- Synthetic Turf Grant Amount: up to 10% of the Hellas project quote.
- Lighting Grant Amount: Typically in the range of 15%-30% of project total, with a maximum of \$25,000 per grant for single fields and \$50,000 for multi-field projects.

- Irrigation Grant Amount: Typically in the range of \$4,000 - \$15,000, with a maximum of \$15,000 per grant.
- Sport Court Grant Amount: Typically in the range of 15% - 50% of project total, with a maximum of \$30,000 per grant.

No cash is disbursed as part of this grant. Grantees must use the specific vendor as the supplier for their field project. Applicants are required to submit an LOI describing basics of the project prior to being approved to submit a full application for funding.

### **California Department of Housing & Community Development (HCD): Housing-Related Parks Program**

Deadline: February 23, 2017

Amount: Minimum grant amount: \$75,000; no set maximum award

Match: None

Eligibility: Cities and counties that, by the date set forth in the applicable NOFA, have adopted housing elements

<http://www.hcd.ca.gov/housing-policy-development/housing-related-parks-program/>

The HRP Program is designed to encourage cities and counties to develop new residential housing by rewarding those jurisdictions that approve housing affordable to lower-income households with grant funds for the costs of Park and Recreation Facility creation, development, or rehabilitation, including, but not limited to, the acquisition of land for the purposes of those activities as well as major maintenance, reconstruction, or demolition for purposes of reconstruction of facilities, and retrofitting work. The grant provides funding on a per-bedroom basis for each residential unit affordable to very low- and low-income households permitted during the Designated Program Year (DPY). Awards will be distributed on the following basis:

- \$500 per bedroom for each unit affordable to Low-Income Households
- \$750 per bedroom for each unit affordable to Very Low-Income Households
- The minimum grant amount based on funding for these units must be \$75,000

### **Major League Baseball Foundation: Baseball Tomorrow Fund**

Deadline: Quarterly (January 1, April 1, July 1, & October 1)

Amount: \$40,000 average award size

Match: 50% or more of total project cost

Eligibility: Tax exempt organizations including municipalities, school districts, and 501(c)(3) nonprofits

[http://web.mlbcommunity.org/index.jsp?content=programs&program=baseball\\_tomorrow\\_fund](http://web.mlbcommunity.org/index.jsp?content=programs&program=baseball_tomorrow_fund)

The Baseball Tomorrow Fund is a joint initiative between Major League Baseball and the Major League Baseball Players Association designed to promote and enhance the growth of youth participation in baseball and softball around the world by funding programs, fields, coaches' training, uniforms, and equipment. Grants are intended to finance a new program, expand or improve an existing program, undertake a new collaborative effort, or obtain facilities or equipment necessary for youth baseball or softball programs. The Baseball Tomorrow Fund supports projects that meet the following evaluation criteria: increase the number of youth participating in baseball and softball programs; improve the quality of youth baseball and softball programs.



## HOUSING & COMMUNITY DEVELOPMENT FUNDING

### **ArtPlace America: National Creative Placemaking Fund**

Deadline: February 14, 2017 (registration deadline); February 22, 2017 (application deadline)

Amount: Varies. \$9.5 million available for entire program

Match: None

Eligibility: Nonprofit organizations, local governing bodies, individual artists/designers, and for-profit organizations

<http://www.artplaceamerica.org/our-work/national-creative-placemaking-fund/introduction>

ArtPlace America is a collaboration of leading national and regional foundations that is working to position art and culture as a core sector of community planning and development. ArtPlace's National Creative Placemaking Fund has \$9.5 million available for projects that work with artists and arts organizations to build stronger, healthier communities anywhere in the United States. The Fund gives some emphasis to applications from selected localities; however, applications are welcome from all rural and urban regions all across the country, including the U.S. Territories. Visit the ArtPlace website to learn more about the Fund.

### **Kessler Foundation: Signature Employment Grants**

Deadline: Online grant concepts are due March 17, 2017; invited proposals must be submitted by July 10, 2017

Amount: \$100,000 to \$250,000

Match: None

Eligibility: Nonprofit organizations, public or private schools, and public institutions, such as universities and government agencies based in the United States or any of its territories are eligible to apply.

<http://kesslerfoundation.org/grantprograms/signatureemploymentgrants.php>

The Kessler Foundation's Signature Employment Grants provide support for non-traditional solutions that increase employment outcomes for individuals with disabilities. Grants ranging from \$100,000 to \$250,000 per year for up to two years are awarded nationally to fund pilot initiatives, demonstration projects, or social ventures that lead to the generation of new ideas to solve the high unemployment and underemployment of individuals with disabilities. Preference is given to interventions that overcome specific employment barriers related to long-term dependence on public assistance or advance competitive employment in a cost-effective manner. Although proposals can be submitted from any state, this year the Foundation has prioritized serving Americans with disabilities that live in rural states and other areas with more limited service delivery. Visit the Kessler Foundation's website to review the Signature Employment Grants guidelines.

### **California Department of Housing & Community Development (HCD): 2017 Veterans Housing and Homelessness Prevention (VHHP) Program**

Deadline: February 21, 2017

Amount: The maximum loan per project is \$10 million.

Financing Terms:

Eligibility: The Eligible Project Sponsor is the borrowing entity that HCD relies upon for experience and capacity, and which controls the project during development and occupancy.

<http://www.hcd.ca.gov/financial-assistance/veterans-housing-and-homelessness-prevention-program/>

The purpose of the VHHP program is to provide funding for acquisition, construction, rehabilitation and preservation of affordable multifamily housing for veterans and their families to allow veterans to access and maintain housing stability. Funds must be used to serve veterans and their families. VHHP funds will be provided as post-construction permanent loans. All Program funds shall be used for the development costs in CCR Section 7304 (a) and (b) and to refinance loans used to cover such costs. Program assistance shall have an initial term of fifty-five years or longer to match the period of affordability restrictions under the Low Income Housing Tax Credit Program. "Veteran" means any person who served in the active military, naval or air service of the United States or as a member of the National guard who was called to and released from active duty or active services for a period of not less than 90 consecutive days or was discharged from service due to a service related disability. This includes veterans with other-than-honorable discharges. At least 50 percent of the funds awarded shall serve veteran households with extremely low-incomes. Of those units targeted to extremely low-income veteran housing, 60 percent shall be supportive housing units.

### **Burlington Northern Santa Fe Railway Foundation**

Deadline: Continuous

Amount: \$100 - \$500,000

Match: None

Eligibility: Nonprofit organizations, local government agencies, and educational institutions in communities served by the Burlington Northern Santa Fe Railway

<http://www.bnsffoundation.org/>

The Burlington Northern Santa Fe Railway Foundation provides support in communities in the company's area of operations. The Foundation considers requests falling in the following categories:

- Civic Services: This area includes organizations which are concerned with the environment and local community issues, such as crime prevention, parks and recreation, diversity and community development.
- Cultural Organizations: This area includes performing arts, visual arts, fine arts, and museums and other related activities that offer opportunities for underserved children to experience cultural learning events.
- Educational Institutions: This area includes both public and private education, primarily at the college level. (Grants of an exceptional nature may be made to vocational and non-college schools. Preferably, contributions will be directed toward the improvement of the quality of education.)
- Health and Human Service Organizations: This area includes hospitals, medical programs, and programs that address chemical dependency treatment and prevention, spouse and child abuse, women's and children's aid, and transitional shelters.
- Youth Organizations: This area includes Boys & Girls Clubs, Camp Fire, Scouts, Junior Achievement, and similar groups.

Federated organizations such as United Way and American Red Cross are also supported.

To be considered for a grant, requests should meet at least two of the following criteria:

The organization or project has significant Burlington Northern Santa Fe (BNSF) employee participation; the organization or the services provided are in close proximity to a BNSF main

line or BNSF is the only railroad or major corporation in the applicant's area of the state; the request is related to the railroad industry; or, the request is for direct programming or project support.

**California Statewide Communities Development Authority: Taxable Bonds Program**

Deadline: Continuous

Amount: Varies. Financing is for low interest, tax-exempt bonds.

Eligibility: Public and private entities

<http://cscda.org/Apply-Online/Taxable-Bonds>

This program offers public and private entities taxable bonds for projects that provide public benefit and economic development. Longer term taxable bonds can often provide cost savings and other efficiencies.

*Note: This funding opportunity is being listed on the Municipal Grant List so that cities can offer it to eligible organizations within their community.*

**Economic Development Administration (EDA): FY2016 Public Works and Economic Adjustment Assistance Grant Programs**

Deadline: Continuous until new solicitation published

Amount: \$100,000 - \$3,000,000

Match: 50% of project cost

Eligibility: Cities; Counties; 501(c)(3) nonprofits; Public and State controlled institutions of higher education; Native American tribal governments; Private institutions of higher education; Special district governments

<http://www.eda.gov/funding-opportunities/>

Under this FFO, EDA solicits applications from applicants in rural and urban areas to provide investments that support construction, non-construction, technical assistance, and revolving loan fund projects under EDA's Public Works and EAA programs. Grants and cooperative agreements made under these programs are designed to leverage existing regional assets and support the implementation of economic development strategies that advance new ideas and creative approaches to advance economic prosperity in distressed communities. EDA provides strategic investments on a competitive- merit-basis to support economic development, foster job creation, and attract private investment in economically distressed areas of the United States.

**Union Pacific Foundation Community-Based Grant Program**

Deadline: Preliminary applications: August 14, annually; Final applications: August 15, annually

Amount: \$10,000

Match: None

Eligibility: Nonprofit organizations and local municipalities in communities served by the Union Pacific Railroad

<http://www.up.com/found/index.shtml>

The Union Pacific Foundation's mission is to improve the quality of life in the communities served by Union Pacific, primarily in the Midwestern and western United States. (A map of Union Pacific's service area is available on the [UP website](#).)The Foundation's Community-Based Grant Program provides support in the following areas:

- Community and Civic: The goal is to assist community-based organizations and related activities that improve and enrich the general quality of life. This category includes organizations such as aquariums, botanical gardens, children's museums, history/science museums, public libraries, public television and radio, and zoos.
- Health and Human Services: The goal is to assist organizations dedicated to improving the level of healthcare and providing human services in the community. Local affiliates of national health organizations may apply for local programs only, but not for general operating support.

The Foundation has a strong interest in promoting organizational effectiveness among nonprofits. To that end, the Foundation will dedicate the majority of these grants to help nonprofit organizations build their capacity, increase their impact, and operate more efficiently and effectively.

### **Wells Fargo Charitable Contributions Program**

Deadline: January 3 - September 30, annually

Amount: Varies; typically around \$50,000

Match: None

Eligibility: Nonprofit organizations

<http://www.wellsfargo.com/about/charitable/index.jhtml>

The Wells Fargo Charitable Contributions Program supports nonprofit organizations that address vital community needs and issues in the communities served by the bank.

Guidelines for charitable contributions vary from state to state. However, Wells Fargo generally supports the following areas of interest:

- community development, including affordable housing and homebuyer education, workforce development, financial literacy, and economic development;
- education, including higher education and K-12 education;
- human services, including childcare, healthcare, and basic needs;
- the environment, including green economy and clean technologies, natural resources, and endangered species; and,
- arts and culture, including performing arts and museums; and,
- civic engagement.

Wells Fargo prefers to fund outcome-driven programs versus unrestricted sponsorships and events for nonprofits.

## LAW ENFORCEMENT FUNDING

### US Department of Justice: Body-Worn Camera Policy and Implementation Program FY 2017 Competitive Grants

Deadline: February 16, 2016

Amount: Varies by grant type (see description below)

Match: 50% or more of the total project costs

Eligibility: public agencies of state government, units of local government, and federally recognized Indian tribal governments that perform law enforcement functions

<https://www.bja.gov/funding/BWCPIP17.pdf>

The FY 2017 BWC PIP will support the implementation of body-worn camera programs in law enforcement agencies across the country. The intent of the program is to help agencies develop, implement, and evaluate a BWC program as one tool in a law enforcement agency's comprehensive problem-solving approach to enhance officer interactions with the public and build community trust. Successful applicants will develop and implement policies and practices required for effective program adoption, and will address program factors including the purchase, deployment, and maintenance of camera systems and equipment; data storage and access; and privacy considerations. BJA expects the BWC programs to make a positive impact on the quality of policing in these jurisdictions and to inform national efforts to improve the use of BWCs more broadly. While BWC equipment may be purchased under this program, successful applicants must demonstrate a commitment and adherence to a strong BWC policy framework, including comprehensive policy adoption and requisite training. There are 4 applicant categories with specific award amounts as shown below:

- 1) **CATEGORY 1: Implementation or Expansion of BWC Programs for SMALL AGENCIES** (25 or fewer sworn officers) Award Amount: Minimum request of \$10,000; up to 40 awards nationwide
- 2) **CATEGORY 2: Implementation or Expansion of BWC Programs for MID-SIZED AGENCIES** (26-250 sworn officers) Award Amount: Maximum of \$400,000; up to 10 awards nationwide
- 3) **CATEGORY 3: Implementation or Expansion of BWC Programs for LARGE AGENCIES** (251-1000 sworn officers) Award Amount: Maximum of \$750,000; up to 8 awards nationwide
- 4) **CATEGORY 4: Implementation or Expansion of BWC Programs for EXTRA-LARGE AGENCIES** (More than 1000 sworn officers) Award Amount: Maximum of \$1 Million; up to 5 awards nationwide

### California Board of State & Community Corrections (BSCC): Proposition 47 Grant Program

Deadline: February 21, 2017

Amount: \$1 Million to \$6 Million

Match: No match required, however, public agency applicants must demonstrate how they will leverage other federal, state, and local funds or other social investments.

Eligibility: Public Agencies (incl. counties, cities, tribes, school districts)

[http://www.bscc.ca.gov/s\\_bsccprop47.php](http://www.bscc.ca.gov/s_bsccprop47.php)

Proposition 47, which reduced to misdemeanors penalties for some low-level crimes, requires the Board of State and Community Corrections (BSCC) to administer grant programs for mental

health and substance abuse treatment using a portion of the annual state savings. Proposition 47 grant funds must be used for mental health services, substance use disorder treatment, diversion programs, or some combination thereof. In addition to these required services and programs, applicants are encouraged to provide supplemental housing-related services and other community-based supportive services, such as job skills training, case management, and civil legal services.

**Open Society Foundations: Police Associations Leading 21st Century Policing**

Deadline: February 24, 2017

Amount: \$25,000 to \$200,000

Match: None

Eligibility: Local fraternal and sororal police associations in the United States

[https://www.opensocietyfoundations.org/grants/police-associations-leading-21st-century-policing-20170112?utm\\_source=Open+Society+Foundations&utm\\_campaign=5174b68b7f-Grants\\_RSS\\_email&utm\\_medium=email&utm\\_term=0\\_d16374add2-5174b68b7f-49765169](https://www.opensocietyfoundations.org/grants/police-associations-leading-21st-century-policing-20170112?utm_source=Open+Society+Foundations&utm_campaign=5174b68b7f-Grants_RSS_email&utm_medium=email&utm_term=0_d16374add2-5174b68b7f-49765169)

The Open Society Foundations recognize that recent events have generated new urgency to seek new solutions and create lasting collaborative relationships between local police and the public. Through the Police Associations Leading 21st Century Policing initiative, the Foundations invite local fraternal and sororal police associations in the United States to submit proposals for projects they wish to work on to increase trust between law enforcement officers and the communities they serve. The aim is to make grants to local police associations to help them to implement projects that relate to the recommendations of the President's Taskforce on 21st Century Policing. Visit the Foundations' website to download the request for proposals.

**US Department of Justice: Adult Drug Court Discretionary Grant Program FY 2017 Competitive Grant**

Deadline: February 28, 2017

Amounts: Grant Amounts vary by program as follows

- CATEGORY 1: Implementation Grant maximum: \$400,000
- CATEGORY 2: Enhancement Grant maximum: \$400,000

Match: Minimum of 25% matching funds from non-federal sources for each category

Eligibility: states, state and local courts, counties, units of local government, and federally recognized Indian tribal governments for Categories 1 & 2; State agencies only for Category 3 grants

<https://www.bja.gov/funding/DrugCourts17.pdf>

The purpose of the Adult Drug Court Discretionary Grant Program is to provide financial and technical assistance to eligible entities to develop and implement drug courts that effectively integrate evidence-based substance use disorder treatment, mandatory drug testing, sanctions and incentives, and transitional services in a judicially supervised court setting with jurisdiction over substance-misusers. BJA is accepting applications for FY 2017 grants to either establish new drug courts or enhance existing drug court programs using evidence-based principles and practices. Local governments are eligible to apply for two funding categories under this solicitation, including:

1. **CATEGORY 1: IMPLEMENTATION** -- Implementation grants are available to eligible jurisdictions that have completed a substantial amount of planning and are ready



to implement an evidence-based adult drug court. Applicants may propose to use funding for court operations and services; participant supervision, management, and services; provision and coordination of recovery support services including education, civil legal assistance, job training and placement, housing placement assistance, primary and behavioral health care, and childcare and other supportive services.

2. **CATEGORY 2: ENHANCEMENT** -- Enhancement grants are available to eligible jurisdictions with a fully operational adult drug court (to be eligible, the court must have been operating for at least 1 year as of September 30, 2017). Applicants are encouraged to include in their proposals funding to incorporate the evidence-based program principles included in the NADCP Adult Drug Court Best Practice Standards, and to specify which Standard(s) is/are addressed in the application and include in the program design details on how the Standard(s) will be implemented.

### **US Department of Justice: National Sexual Assault Kit Initiative (SAKI) FY 2017 Competitive Grant**

Deadline: March 2, 2017

Amounts: Grant Amounts vary by program as follows

- Purpose Area 1 -- 10 awards of up to \$3 million each
- Purpose Area 2 -- 10 awards of up to \$500,000 each
- Purpose Area 3 -- 5 awards of up to \$1 million each

Match: None required, but voluntary contributions are encouraged

Eligibility: law enforcement agencies of states, units of local government, federally recognized Indian tribal governments. Specific grants have different eligibility requirements (see Purpose Area descriptions below).

<https://www.bja.gov/funding/SAKI17.pdf>

The National Sexual Assault Kit Initiative (SAKI), administered by the Bureau of Justice Assistance (BJA), provides funding through a competitive grant program to support multidisciplinary community response teams engaged in the comprehensive reform of jurisdictions' approaches to sexual assault cases resulting from evidence found in previously unsubmitted sexual assault kits (SAKs). The focus of this solicitation is on those "un-submitted kits" which are defined as SAKs that have not been submitted to a forensic laboratory for testing with CODIS-eligible DNA methodologies. There are three different solicitations available under the SAKI grant program:

1. **PURPOSE AREA 1: Comprehensive Approach to Un-submitted Sexual Assault Kits** -- Applications are solicited from eligible agencies who can demonstrate their ability and commitment to implementing the comprehensive BJA model to address the issues that underlie the problem of un-submitted SAKs
2. **PURPOSE AREA 2: SAKI for Small Agencies** -- Applications are solicited from eligible entities to support targeted activities associated with un-submitted SAKs. Sites may apply for funding of up to \$500,000 to address any SAKI-related activity listed under Purpose Area 1 (see pages 10-13). These must be consistent with the BJA Model with modifications based on need, existing capacity and resources and local challenges. Eligible applicants under Purpose Area 2 are Small Law Enforcement Agencies that have less than 250 sworn officers OR Consortia of Small Agencies.
3. **PURPOSE AREA 3: Collection of Lawfully Owed DNA from Convicted Offenders to Assist with Sexual Assault Investigations and Prosecutions** -- This funding is

intended as enhancement funds for applicants who can clearly demonstrate that their jurisdiction has previously addressed, or is currently effectively addressing, the major issues associated with un-submitted SAKs. The goal of this purpose area is to enable the appropriate law enforcement and correctional authorities to plan and implement coordinated DNA collections of lawfully owed samples, testing, and CODIS uploads in accordance with applicable state law and for resolving sexual assault cases associated with previously un-submitted SAKs.

**US Department of Justice: Second Chance Act Reentry Program for Adults with Co-Occurring Substance Use and Mental Disorders FY 2017 Competitive Grant**

Deadline: March 14, 2017

Amount: Eight awards of up to \$650,000

Match: This solicitation does not require a match.

Eligibility: states, units of local government, and federally recognized Indian tribal governments  
<https://www.bja.gov/Funding/SCACOD.pdf>

Under this solicitation, BJA is seeking applications to implement or expand treatment programs for adults with co-occurring substance use and mental disorders who are returning to their communities following incarceration. Programs should expand and improve the screening and assessment for co-occurring disorders that takes place in jails and prisons, in-reach by community-based providers, and the reentry and community reintegration process. Proposed programs should improve the provision of treatment for adults (18 years and over) being treated for co-occurring substance use and mental disorders, focusing on pre- and post-release programming for every program participant.

**US Department of Justice: Smart Reentry - Focus on Evidence-based Strategies for Successful Reentry from Incarceration to Community FY 2017 Competitive Grant**

Deadline: March 14, 2017

Amount: Up to five awards of up to \$1,000,000 each

Match: 50% of the total project cost and may be in the form of cash or in-kind services.

Eligibility: State and local government agencies and federally recognized Indian tribal governments

<https://www.bja.gov/funding/SmartReentry.pdf>

The Second Chance Act of 2007 helps to address the significant challenges of reentry of incarcerated individuals into society by providing comprehensive responses to incarcerated adults who are returning to communities from prison, jail, and juvenile residential facilities. Programs funded under the Second Chance Act help to promote public safety by ensuring that the transition individuals make from prison and jail to the community is successful. The goal of the Smart Reentry Program is to support jurisdictions to develop and implement comprehensive and collaborative strategies that address the challenges posed by reentry to increase public safety and reduce recidivism for individuals reentering communities from incarceration who are at medium to high risk for recidivating. This process should provide the individual with appropriate evidence-based services—including reentry planning that addresses individual criminogenic needs identified through information obtained from an empirically validated risk/needs assessment that also reflects the risk of recidivism for each individual. The reentry plan should reflect both specific and ongoing pre-release and post-release needs, and a strategy for ensuring that these needs are met throughout the duration of the reentry process.



**US Department of Justice: Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhoods) FY 2017 Competitive Grant**

Deadline: March 28, 2017

Amount: 12 awards of up to \$200,000-\$500,000 each

Match: This solicitation does not require a match.

Eligibility: PSN team fiscal agents for the United States Attorney Office districts and federally recognized Indian tribal governments. All fiscal agents must be certified by the relevant U.S. Attorney's Office (USAO). Eligible USAO-certified fiscal agents include states, units of local government, educational institutions, faith-based and other community organizations, private nonprofit organizations, and federally recognized Indian tribal governments.

<https://www.bja.gov/funding/PSN17.pdf>

BJA's "Smart Suite" of programs invests in the development of practitioner-researcher partnerships that use data, evidence, and innovation to create strategies and interventions that are effective and economical. This data-driven approach enables jurisdictions to understand the full nature and extent of the crime challenges they are facing and to direct resources to the highest priorities. The Smart Suite of programs, which includes Project Safe Neighborhoods (PSN), represents a strategic approach that brings more "science" into criminal justice operations by leveraging innovative applications of analysis, technology, and evidence-based practices with the goal of improving performance and effectiveness while containing costs. PSN is designed to create safer neighborhoods through a sustained reduction in gang violence and gun crime. The program's effectiveness is based on the cooperation and partnerships of local, state, and federal agencies engaged in a unified approach led by the U.S. Attorney (USA) in each district. The USA is responsible for establishing a collaborative PSN team of federal, state, and local law enforcement and other community members to implement gang violence and gun crime enforcement, intervention, outreach, and prevention initiatives within the district. Through the PSN team, the USA will implement the five design features of PSN—partnerships, strategic planning, training, outreach, and accountability—to address specific gun crime and gang violence, in the most violent neighborhoods. Details on the five design features (also referred to as core elements) can be found on pages 5-7.

**US Department of Justice: FY 2017 National Initiatives: Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability (VALOR) Initiative**

Deadline: March 7, 2017

Amount: One award of \$500,000 for Category 1 grants; One award of \$2,500,000 for Category 2 grants; One award of \$2,500,000 for Category 3 grants

Match: None required

Eligibility: Not-for-profit and for-profit organizations; state and local governments; federally recognized Indian tribal governments; and institutions of higher education

<https://www.bja.gov/funding/VALOR17.pdf>

The Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability (VALOR) Initiative is an overarching program that addresses officer safety, wellness, resilience, and survival through multifaceted training, technical assistance, and specialized programs. USDOJ/BJA is seeking applications under three distinct categories for the FY 2017 Initiative:

1. *Law Enforcement and Community: Crisis Intervention Training Model* – A national training and technical assistance (TTA) provider to further develop and enrich BJA’s justice and mental health portfolio specific to law enforcement’s response and interaction with individuals with mental illness.
2. *Law Enforcement Agency and Officer Resilience Training Program* – A national TTA organization to identify, develop, implement, and analyze the effectiveness of resiliency concepts and skills within a law enforcement agency; serving as the foundation of a nationally delivered resiliency training.
3. *Specialized Officer Safety and Wellness Topics* – Training and Technical Assistance National Provider – A national TTA provider to develop and deliver specialized one-day and half-day state, local, and tribal law enforcement trainings across the nation specifically related to officer safety, wellness, and preparedness.

VALOR is critical to educating and providing resources to law enforcement professionals on officer safety- and wellness-related issues, techniques, and considerations so that they can be better prepared to serve the communities that rely on them.

**US Department of Justice: Law Enforcement National Initiatives: Improving Responses to Criminal Justice Issues FY 2017 Competitive Grant**

Deadline: March 7, 2017

Amount: One award of \$600,000 for Category 1 grants; One award of \$800,000 for Category 2 grants; One award of \$1,300,000 for Category 3 grants

Match: None required

Eligibility: for-profit (commercial) organizations, nonprofit organizations, and institutions of higher education

<https://www.bja.gov/funding/NationalInitiativesLE17.pdf>

The FY 2017 Law Enforcement National Initiatives: Improving Responses to Criminal Justice Issues Competitive Grant Announcement focuses on national initiatives to improve the functioning of the criminal justice system, specifically by (1) providing training to selected law enforcement to develop effective communication strategies; (2) continuing the National Center for Campus Public Safety, which was established in FY 2013; and (3) providing training and technical assistance (TTA) to law enforcement on performance management to improve trust and accountability with communities through the CompStat process.

**US Department of Justice: Swift, Certain, and Fair (SCF) Supervision Program – Including Project HOPE FY 2017 Competitive Grant**

Deadline: March 20, 2017

Amount: Five awards of up to \$600,000 each

Match: None required

Eligibility: States, units of local government, territories, and federally recognized Indian tribal governments

<https://www.bja.gov/funding/SCF17.pdf>

The Swift, Certain, and Fair (SCF) Supervision Program, is a strategic approach that brings more “science” into criminal justice operations by leveraging innovative applications of analysis, technology, and evidence-based practices with the goal of improving performance and effectiveness while containing costs. The SCF principles are intended to: (a) improve supervision strategies that reduce recidivism; (b) promote and increase collaboration among

agencies and officials who work in community corrections and related fields to enhance swift and certain supervision; (c) enhance the supervised persons' perception that the supervision decisions are fair, consistently applied, and consequences are transparent; and (d) improve the outcomes of individuals participating in these initiatives. Through this FY 2017 grant announcement, BJA will select multiple applicants to develop, implement, or enhance an SCF model. Applicants selected under this announcement will work with BJA and its SCF training and technical assistance (TTA) partner to implement the model with fidelity. BJA is supporting this effort to enhance public safety, foster collaboration, and improve the outcomes of individuals under the supervision of community corrections.

**US Department of Justice: Justice and Mental Health Collaboration Program FY 2017 Competitive Grant**

Deadline: April 4, 2017

Amount: 78 awards ranging from \$75,000 - \$300,000

Match: 20% of the project costs from non-federal funds

Eligibility: States, units of local government, territories, and federally recognized Indian tribal governments

<https://www.bja.gov/funding/JMHCP17.pdf>

The Justice and Mental Health Collaboration Program (JMHCPC) supports innovative cross-system collaboration to improve responses and outcomes for individuals with mental illnesses or co-occurring mental health and substance abuse disorders who come into contact with the justice system. BJA is seeking applications that demonstrate a collaborative project between criminal justice and mental health partners from eligible applicants to plan and implement justice and mental health strategies collectively designed between justice and mental health. This solicitation specifically seeks to increase early identification and front-end diversion of people with mental health and co-occurring substance use disorders identified at early intercept points within the justice system. This program seeks to increase the number of justice, mental health, and community partnerships; increase evidence-based practices and treatment responses to people with behavioral health disorders in the justice system; and increase the collection of health and justice data to accurately respond to the prevalence of justice-involved people with mental health and co-occurring substance use disorders.

## **FIRE DEPARTMENT FUNDING**

**FEMA: FY 2016 Staffing for Adequate Fire & Emergency Response (SAFER) Grant**

Deadline: February 10, 2017

Amount: Varies; \$340,000,000 allocated to entire program

Match: None

Eligibility: Eligibility: Volunteer Fire Departments; Career Fire Departments; Combination Fire Departments; Municipalities, Tribal Organizations

<https://www.fema.gov/staffing-adequate-fire-emergency-response-grants>

The Staffing for Adequate Fire and Emergency Response Grants (SAFER) was created to provide funding directly to fire departments and volunteer firefighter interest organizations to

help them increase or maintain the number of trained, "front line" firefighters available in their communities. The goal of SAFER is to enhance the local fire departments' abilities to comply with staffing, response and operational standards established by the NFPA (NFPA 1710 and/or NFPA 1720). The SAFER grant program is composed of two activities:

- *Hiring of Firefighters*: Career, combination, and volunteer fire departments are eligible to apply to hire firefighters for a 36-month period.
- *Recruitment and Retention of Volunteer Firefighters*: Combination fire departments; volunteer fire departments; and national, state, local, or tribal organizations that represent the interests of volunteer firefighters are eligible to apply for a 12 to 48-month period.

### **FM Global Fire Prevention Grant Program**

Deadline: April 1; August 1; and December 1 annually

Award amount: \$2500-\$5000

Match: None

Eligibility: Fire departments and brigades, as well as national, state, regional, local, and community organizations

<http://www.fmglobal.com/page.aspx?id=01060200>

The FM Global Fire Prevention Grant Program supports a wide array of fire prevention, preparedness, and control efforts throughout the U.S. and internationally. Funded projects include pre-fire planning for commercial, industrial, and institutional facilities; fire and arson prevention and investigation; and fire prevention education and training programs.

### **Firefighters Charitable Foundation**

Deadline: Continuous

Amount: Varies

Match: None

<http://www.ffcf.org/>

Assists fire and disaster victims; and supports Volunteer Fire Departments. Grants offered for the following needs/programs: AED (Automatic External Defibrillator); Fire Department Equipment Program; Community Smoke Detector Program; and the Juvenile Fire-setter Prevention and Intervention Program.

### **Fire Fighters Support Foundation, Inc.**

Deadline: Quarterly

Amount: \$5-10,000

Match: None

<http://www.fffoundation.org/assistance.html>

The Firefighters Support Foundation pro-actively makes contributions to funds established for the children of fallen firefighters. This financial support may be applied for by downloading, completing, and mailing an application on the foundation's website.

### **Fireman's Fund Heritage Program**

Deadline: Continuous

Amount: Varies

Match: None

[https://www.firemansfund.com/home/policyholders/about\\_us/supporting\\_firefighters/index.html](https://www.firemansfund.com/home/policyholders/about_us/supporting_firefighters/index.html)

Fireman's Fund awards grants to fire departments and fire & burn prevention organizations to support firefighters for safer communities. These grants can be used to purchase needed equipment, firefighter training, and community education programs.

## MISCELLANEOUS FUNDING

### **USCM and USA Funds: National Education Pathways with a Purpose Initiative**

Deadline: March 31, 2017

Amount: \$25,000 - \$100,000

Match: None

Eligibility: United States Conference of Mayors (USCM) Member Cities

<http://www.usmayors.org/pathwayswithapurpose/>

The National Education Pathways with a Purpose Initiative, a collaboration between the United States Conference of Mayors (USCM) and USA Funds, awards competitive grants to expand creative initiatives that mayors have developed in their cities to advance both college and career readiness and college completion. Cities are recognized for developing strong collaborations between K-12 and higher education systems and employers to address college preparation and long-term career success. Eligible programs must apply innovative approaches to achieve the following two goals: enhance student persistence in and completion of post-secondary education or training programs, and enhance employment of graduates of post-secondary education or training programs in high-value occupations. USCM Member Cities are eligible to apply for a total of \$200,000 in grants: \$100,000 to one large city with a population greater than 500,000; \$75,000 to a medium-sized city with a population between 200,000 and 500,000; and \$25,000 to a small city of under 200,000. The application deadline is March 31, 2017. Visit the USCM website to access the application guidelines booklet.

### **International Paper Foundation: Environmental Education & Literacy Grants**

Deadline: Quarterly (February 1, April 1, August 1, and October 1, annually)

Amount: \$100 - \$100,000

Match: None

Eligibility: Nonprofit organizations, government entities, and school districts

<http://www.internationalpaper.com/company/regions/north-america/ip-foundation-usa/apply-for-a-grant>

The foundation's primary focus areas include the following:

1. Environmental Education: The Foundation supports programs that help both younger and older generations understand a sustainable approach balancing environmental, social, and economic needs. Examples of supported programs include:
  - science-based programs targeting children;
  - outdoor classrooms at schools or in communities;
  - outdoor science programs tied to forestry, air, or water; and,
  - education-based programs that promote recycling, tree planting, and composting initiatives.
2. Literacy: The Foundation addresses literacy through support of programs that:
  - enhance availability of reading materials at school and community libraries;
  - enhance reading skills of children and adults; and,

- teach English as a Second Language (ESL).

The Foundation provides limited consideration for funding to new critical needs in company communities. Consideration is given to one-time, non-recurring needs which benefit the community at large. The Foundation considers providing “seed” money on a one-time basis for requests that identify a community-wide need and provide details of sustaining the initiative within the community beyond International Paper funding. The Foundation generally does not fund capital, economic development, or multi-year projects. Average grant awards are around \$100.

### **Sierra Pacific Foundation Grant**

Deadline: Annually on February 28

Amount: \$100 - \$50,000

Match: None

Eligibility: Nonprofit organizations

[http://www.spi-ind.com/spf\\_contributions.aspx](http://www.spi-ind.com/spf_contributions.aspx)

The Sierra Pacific Foundation supports a wide range of organizations that serve communities where Sierra Pacific Industries operates facilities, primarily in Northern California and Washington. Funding is provided for academic and community programs, particularly those that benefit children. Specific areas of interest include:

- K-12 and higher education;
- libraries;
- museums;
- civic affairs;
- arts and culture;
- parks and recreation;
- youth sports;
- health and social services; and,
- public safety, including drug and alcohol prevention.

Types of support include general operating and project support. Educational scholarships are also given to dependent children of company employees. Contribution request forms may be obtained from the nearest Sierra Pacific Industries office or by contacting the Foundation.

### **Stuart Foundation Grant Funding**

Deadline: Continuous (LOIs may be submitted at any time)

Amount: Varies. The amount requested from the Foundation should be proportionate to your organizational budget, project budget, and expected income from other sources

Match: None

Eligibility: school districts, universities, and government entities such as city or county agencies in California

<http://www.stuartfoundation.org/BecomeOurPartner>

The Stuart Foundation is dedicated to transforming the public education and child welfare systems in California and Washington so that all youth can learn and achieve in school and life. The Foundation supports nonprofit organizations that address the following priorities: The Education Systems category invests in coordinated programs, partnerships, and research and



policy analysis that help students to learn and achieve in school by developing effective education systems. The Vulnerable Youth in Child Welfare category partners with child welfare agencies to help children and youth in foster care to realize positive outcomes in the following focus areas: safety, permanency, well-being, education opportunities, and youth, family, and community engagement. Letters of inquiry may be submitted at any time; the Foundation will take up to 60 days to respond to an LOI.

### **The Kresge Foundation: Human Services Program**

Deadline: Continuous

Amount: Varies.

Match: None

Eligibility: government agencies and 501(c)(3) nonprofit organizations

<http://kresge.org/programs/human-services/advancing-effectiveness-human-serving-organizations>

The Kresge Foundation works to improve the life circumstances of poor and low-income children and adults and those living in underserved communities. Through the Human Services Program, the Foundation seeks to expand access and opportunity for individuals and families who are vulnerable and low-income by strengthening human services organizations and promoting new responses to challenges in the sector. One of the program's focus areas, "Advancing the effectiveness of human-serving organizations," provides grants to enhance the ability of high-performing organizations to innovate and effectively support individuals and families on the path to self-sufficient, self-determined lives. Preference is given to nonprofit organizations and government entities that employ integrated, innovative, culturally responsive approaches to change the circumstances of people outside the economic mainstream. Preliminary inquiries may be submitted throughout the year. Visit the Foundation's website for more information.

### **Whole Foods Market Community Giving Program**

Deadline: Continuous

Amount: Varies.

Match: None

Eligibility: Nonprofits and educational organizations in communities with company stores.

<http://www.wholefoodsmarket.com/mission-values/caring-communities/community-giving>

The Whole Foods Market Community Giving Program supports local nonprofit and educational organizations that are important to each community in the U.S. where stores are located.

Several times each year, Whole Foods Market stores hold community giving days (otherwise known as "5% Days") where five percent of that day's net sales are donated to a local nonprofit or educational organization. The groups that benefit from these 5% Days are as varied as the communities themselves. Each year Whole Foods Market gives a minimum of 5% of its net profits to nonprofit and educational organizations in the locations where the company has stores.

Examples of the types of organizations supported include:

- Education: school support organizations, after-school organizations, etc.;
- Community and culture: arts organizations, museums, parks, etc.;
- Human interest: elder care, children and youth, homeless assistance, etc.; and,
- Environmental issues: organic food and farming, natural wildlife protection, green living, etc.

Along with cash donations, Whole Foods Market donates food and other products to area food banks and shelters. Organizations interested in applying for support should contact the Marketing Director at their local store or complete the donation request form available on the company's website.

## UPCOMING FUNDING (ALL CATEGORIES)

### **California Natural Resources Agency: Urban Greening Grant Program**

Release: TBD (Likely late 2016. Draft Guidance currently available for review)

Deadline: TBD (Likely early 2017)

Amount: TBD

Match: None

Eligibility: Cities, counties, special districts, nonprofit organizations or joint powers authorities.

<http://resources.ca.gov/grants/urban-greening/>

The Urban Greening Program, funded by the Greenhouse Gas Reduction Fund, will fund projects that transform the built environment into places that are more sustainable, enjoyable, and effective in creating healthy and vibrant communities by establishing and enhancing parks and open space, using natural solutions to improving air and water quality and reducing energy consumption, and creating more walkable and bike-able trails. Grants will be awarded on a competitive basis. This program emphasizes, and gives priority to, projects that are proposed by and benefit the State's disadvantaged communities.

### **California Natural Resources Agency: 2017 Museum Grant Program**

Release: TBD (Spring 2017)

Deadline: TBD (September 2017)

Amount: Up to \$50,000

Match: Dollar for dollar

Eligibility: Public agency (federal, state, city, county, district, association of governments, joint powers or Federally Recognized Indian Tribe); Nonprofit organizations

<http://resources.ca.gov/grants/california-museum/>

The program is a competitive grant program to support small capital asset projects in museums. For purposes of this program "capital asset" means tangible physical property with an expected useful life of 15 years or more. A capital asset project may be either of the following:

1. Acquisition of real property, that is, tangible physical property, including easements; or
2. Development of real (tangible physical) property. "Development" includes but is not limited to, improvement, rehabilitation, restoration, enhancement, preservation and protection.

For purposes of this program, "museum" means a public or private nonprofit institution that is organized on a permanent basis for essentially educational or aesthetic purposes and that owns or uses tangible objects, cares for those objects, and exhibits them to the public on a regular basis.

A public agency, nonprofit entity or Federally Recognized Tribe responsible for the operation of a museum may apply on behalf of the museum; or, a museum located within a parent organization (i.e., a municipality, university, historical society or cultural center) may apply on its own if it independently fulfills all the eligibility requirements.



## Proposition 1 Funding Schedule

Proposition 1 authorized \$7.545 billion in general obligation bonds for water projects including surface and groundwater storage, ecosystem and watershed protection and restoration, and drinking water protection. The State Water Resources Control Board (State Water Board), Department of Water Resources, and other state agencies will administer Proposition 1 funds. Below is a listing of Proposition 1 funding opportunities that are currently available and upcoming.

| Agency / Funding Program                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Funding Amount                                                        | Match                                                                                                                                                          | Eligibility                                                                | Deadline                 | Link                                                                                                                                                                                                               |
|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>SWRCB:<br/>Prop 1 Drinking Water State Revolving Fund</b></p> | <p>Chapter 5, Section 79724(a) of Proposition 1 allocates \$260 million for drinking water grants and loans for public water system infrastructure improvements and related actions to meet safe drinking water standards ensure affordable drinking water, or both. These funds will be administered consistent with the DWSRF Intended Use Plan (DWSRF IUP) and the DWSRF Policy.</p> <p>The purpose of the DWSRF is to provide financial assistance for the planning/design and construction of drinking water infrastructure projects that are needed to achieve or maintain compliance with federal and state drinking water statutes and regulations. Funding for the DWSRF comes from federal grants, state sources, and loan repayment. Applications are offered for the following two categories:</p> <ul style="list-style-type: none"> <li>- <b>Construction Financing</b> - These funds are for applicants with complete final plans, specifications, and environmental documentation.</li> <li>- <b>Planning/Design Financing</b> - These funds are for applicants who do not have final plans, specifications, and environmental documentation.</li> </ul> | <p>\$260 Million in program</p> <p>No maximum disbursement limit.</p> | <p>Interest rates average 2-3% and 20 year loan. Public water systems that serve small, disadvantaged communities may be eligible for 0% and 30 year loan.</p> | <p>Community water systems and non-profit, non-community water systems</p> | <p><b>Continuous</b></p> | <p><a href="http://www.waterboards.ca.gov/water_issues/programs/grants_loans/dwsrf/scoping_workshops.shtml">http://www.waterboards.ca.gov/water_issues/programs/grants_loans/dwsrf/scoping_workshops.shtml</a></p> |

|                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                |                                                                                                                                               |                                                                                                                |                                           |                                                                                                                                                                                                                                                        |
|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>SWRCB: Small Community Wastewater Program</b></p> | <p>Section 79723 of Prop 1 allocates \$260 million to the Clean Water State Revolving Fund (CWSRF) Small Community Grant (SCG) Fund. The State Water Board has an annual SCG appropriation of \$8 million dollars, which is administered consistent with the CWSRF Intended Use Plan (IUP), and the CWSRF Policy. The Prop 1 funds will supplement existing SCG authority. Administering these funds as a part of the CWSRF Program allows grant funds to be easily leveraged with low-interest financing available through the CWSRF Program. Eligible projects include, but are not limited to: Construction of publicly-owned treatment facilities; Wastewater treatment; Local sewers; Sewer interceptors; Water reclamation and distribution; Stormwater treatment; Combined sewers; Landfill leachate treatment</p>                         | <p>\$260 million in program<br/>No maximum funding or disbursement limits.</p> | <p>Financing Term up to 30 years or the useful life of the project. Interest Rate is ½ the most recent General Obligation (GO) Bond Rate.</p> | <p>Most cities, towns, districts, or other public bodies created under state law, including state agencies</p> | <p><b>Continuous</b></p>                  | <p><a href="http://www.waterboards.ca.gov/water_issues/programs/grants_loans/small_community_wastewater_grant/projects.shtml">http://www.waterboards.ca.gov/water_issues/programs/grants_loans/small_community_wastewater_grant/projects.shtml</a></p> |
| <p><b>SWRCB: Water Recycling Fund</b></p>               | <p>The purpose of the WREP is to promote water recycling by providing technical and financial assistance to local agencies and other stakeholders in support of water recycling projects and research. Grant programs include:<br/>                 – <b>Planning Grants:</b> The purpose of the planning grant is to assist agencies or regions with completing feasibility studies for water recycling projects using treated municipal wastewater and/or treated groundwater from sources contaminated by human activities. Only local public agencies are eligible to apply for planning grants.<br/>                 – <b>Construction Grants:</b> The Water Recycling Funding Program provides grants and financing to eligible applicants for the construction of water recycling facilities. Construction projects may be funded with</p> | <p>\$75,000 (Planning Grants)<br/>\$15-\$20 Million (Construction Grants)</p>  | <p>50% (Planning Grants)<br/>35% (Construction Grants)</p>                                                                                    | <p>local public agencies</p>                                                                                   | <p><b>Continuous to December 2030</b></p> | <p><a href="http://www.waterboards.ca.gov/water_issues/programs/grants_loans/water_recycling/index.shtml">http://www.waterboards.ca.gov/water_issues/programs/grants_loans/water_recycling/index.shtml</a></p>                                         |

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|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                | <p>grants and low interest financing from a state bond, a CWSRF financing agreement, or combinations of funding sources. Eligible applicants are local public agencies, nonprofit organizations, public utilities, state &amp; federal recognized Indian tribes, and mutual water companies.</p>                                                                                                                                                                                                                                                                                                                                                       |                                                                                    |                         |                                                                                       |                                                               |                                                                                                                                                                                |
| <b>Upcoming Solicitations</b>                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                    |                         |                                                                                       |                                                               |                                                                                                                                                                                |
| <p><b>SWRCB:<br/>Prop 1<br/>Groundwater<br/>Sustainability<br/>Program</b></p> | <p>The State Water Board will administer \$800 million to prevent and cleanup contamination of groundwater that serves (or has served) as a source of drinking water. The funds can be provided as grants or loans. Program priorities are:</p> <ul style="list-style-type: none"> <li>- Threat posed by groundwater contamination to drinking water supply</li> <li>- Potential for groundwater contamination to spread/impair</li> <li>- Potential of project to enhance local water supply reliability</li> <li>- Potential of project to recharge vulnerable, high-use basins</li> <li>- Projects with no viable responsible party(ies)</li> </ul> | <p>\$800 million for total program<br/>Funding mechanisms are grants and loans</p> | <p>Match amount TBD</p> | <p>Public Agencies, Tribes, Public Utilities, Non-Profits, Mutual Water Companies</p> | <p><b>First Round Solicitation/ Review – Fall 2016/17</b></p> | <p><a href="http://www.waterboards.ca.gov/water_issues/programs/grants_loans/gw_funding/">http://www.waterboards.ca.gov/water_issues/programs/grants_loans/gw_funding/</a></p> |





Office of the City Manager

ACTION CALENDAR  
 October 15, 2019  
*(Continued from September 24, 2019)*

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Kelly Wallace, Interim Director, Health, Housing and Community Services Department

Subject: Pathways STAIR Center: First Year Data Evaluation and Results-Based Accountability Dashboard

SUMMARY

On June 27, 2018, the City of Berkeley, in partnership with Bay Area Community Services (BACS), welcomed the first guests into the STAIR Center, the first Navigation Center for people experiencing homelessness in the East Bay. June 30, 2019 marked the end of the first full fiscal year of the program.

This report is part of our effort in the Health, Housing and Community Services Department to increase transparency and accountability about agency performance. Included as an attachment is an initial dashboard for STAIR using a Results-Based Accountability (RBA) framework, which distills program performance down to three categories: How much did we do? How well did we do it? Is anyone better off?

During the program's first year, 170 individuals accessed a STAIR Center bed, with 128 having exited the shelter and 95 of those receiving flexible funding/rapid rehousing assistance. Nearly 4 in 5 of those individuals slept in an encampment the night before entering the STAIR Center. 101 clients exited to permanent housing by June 30, 2019; this includes 82 clients housed from the STAIR Center shelter (64% of all exits) and 19 clients housed directly from the streets via outreach. On average, clients exiting a STAIR Center bed to housing took just under 3 months (88 days) to do so.

Thirty clients (23% of all exits) left the STAIR Center back to homelessness. Among those who exited to permanent housing, 22% eventually returned back to homelessness. This percentage includes 3 individuals who were unable to graduate the STAIR Rapid rehousing program and returned back to homelessness before the end of case management and partial rent subsidy. Too little time has passed to draw conclusions about the long-term success of the rapid rehousing component of the program.

Moving forward, HHCS intends to provide such performance dashboards on the STAIR Center on a quarterly basis and extend the dashboard to other homeless programs.

## CURRENT SITUATION AND ITS EFFECTS

### *The Pathways STAIR Center: An Overview*

On any given night in Berkeley in 2019, 1,108 people experience homelessness, with nearly three quarters of them (813) living without shelter, in places not meant for human habitation. The City has experienced an increase in the number of people living in encampments, most of whom are unable to access traditional homeless services such as emergency shelters. To address this problem, the City opened the STAIR Center in June, 2018. The STAIR Center is a comprehensive Housing First program with three components:

- A *street outreach* component, with two full-time outreach workers, maintains a consistent presence in Berkeley's encampments, builds relationships with their residents, and offers vacant STAIR Center beds to individuals with the highest-needs.
- A *shelter* component offers 45 beds in a low-barrier, service-rich environment. At the STAIR Center, located on a block of 2nd Street between Cedar and Virginia in West Berkeley, program guests receive intensive housing search and application assistance and live in a shelter environment with no curfews, one meal a day, laundry, showers, and accommodations for pets and possessions.
- A *rapid rehousing* component provides access to flexible funding to help overcome housing barriers. The amount and duration of the funding is tailored to the specific needs of each recipient; while some may need only security deposit assistance to regain housing, for example, others may need several months of partial or full rent subsidy. Rapid rehousing recipients also receive ongoing case management services to ensure their tenancy and transition to housing self-sufficiency is successful. While not everyone will succeed in rapid rehousing, no one is placed into a housing situation that they have no hope of maintaining on their own within one year.<sup>1</sup>

### *Measuring Program Performance with Results-Based Accountability*

The Health, Housing and Community Services Department is working closely with staff and community based partners to deepen our positive impact on the community, especially for those most vulnerable. Central to this effort is using a highly regarded framework called Results Based Accountability (RBA). RBA has a proven track record

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<sup>1</sup> For more information on rapid rehousing in Berkeley, please see City staff's 2018 Information Report on Rapid Rehousing ([https://www.cityofberkeley.info/Clerk/City\\_Council/2018/04\\_Apr/Documents/2018-04-24\\_Item\\_39\\_Rapid\\_Rehousing\\_What\\_it\\_Can.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/04_Apr/Documents/2018-04-24_Item_39_Rapid_Rehousing_What_it_Can.aspx)) and the 1000 Person Plan to Address Homelessness in Berkeley ([https://www.cityofberkeley.info/Clerk/City\\_Council/2019/02\\_Feb/Documents/2019-02-26\\_Item\\_20\\_Referral\\_Response\\_1000\\_Person\\_Plan.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/02_Feb/Documents/2019-02-26_Item_20_Referral_Response_1000_Person_Plan.aspx)).

in improving the quality of life for people and communities. The STAIR Center is the City's first homeless program to be included in this effort. This report and the attached dashboard summarize data using this organizational framework.

Within the RBA framework, we first define the outcome or results we hope to achieve to have the greatest positive impact in the community. Next we decide how we can measure progress on that result. Data are collected and reported on an ongoing basis to guide our understanding and inform efforts to enhance progress towards those results. Performance measures answer three key questions:

- How much did we do?
- How well did we do it?
- Is anyone better off?

RBA is a new way of accounting for our work. Moving forward, HHCS intends to provide quarterly RBA Performance dashboards on the STAIR Center, and eventually extend this to other homeless agencies and programs. Through these reports, we hope to increase transparency and accountability on how public dollars are being spent to serve the City's mission to end homelessness. The ultimate goal is to improve the impact we are having and the quality of our work.

#### *STAIR Center: Summary of Year One (June 27, 2018 – June 30, 2019) Performance*

##### **How much did we do?**

Since the program's opening, 170 individuals have spent at least one night in a STAIR Center shelter bed, with 128 having exited the shelter. A total of 95 people have received rapid rehousing (RRH) or flex fund assistance to date. Among those, and as of June 30, 2019, 54 were still being supported with a RRH subsidy.

Demographics and characteristics among STAIR bed users are as follows:

- The average client age is 48.
- 64% of clients identify as male, 35% as female, and 1% as transgender.
- 58% of clients identify as Black or African-American; 28% as White; 3% as American Indian or Alaska Native; and 1% as Asian. 9% identified with more than one race, and 1% refused to state their racial identity. 12% of all clients identify as Latinx.
- 77% of all clients at STAIR report receiving a source of income, for an average monthly income of \$898. This includes 11% of clients who report earned income, at an average of \$1,458 per month. 44% of clients at STAIR receive disability income (SSI or SSDI), receiving \$896 per month on average. An additional 21% were receiving County General Assistance (\$337/month on average).

##### **How well did we do?**

The STAIR Center is targeted to Berkeleyans living in encampments. Among those who ever used the STAIR Center shelter during the first year (170 individuals total), 79%

(135 individuals total) had spent their prior night sleeping in an encampment. An additional 13% (22 individuals) spent their prior night in another shelter or transitional housing bed, and 8% (13 individuals) spent their prior night in a temporary or institutional setting (such as a hospital or detox center).

On average, all clients who have exited the STAIR Center took 84 days to do so. Those who exited to permanent housing took 88 days to do so on average. Clients who are currently active in the program have been in their beds for an average of 82 days.

The STAIR Center has maintained an average nightly occupancy rate of 89% since opening, but as of this writing it is 96% full. Large vacancy rates have coincided with a large number of residents exiting the shelter to permanent housing destinations, creating bed turnover that sometimes takes a few days to fill.

### **Is anyone better off?**

Of those who exited the STAIR Center shelter during the first year (128 total):

- 30 have exited back to homelessness (23%);
- 101 clients have exited to permanent housing. This includes 82 clients housed from the STAIR Center shelter (64% of all STAIR Center shelter exits) and 19 clients housed directly from the streets via outreach. 15 clients exited to permanent supportive housing, 63 exited to rapid rehousing programs with an ongoing partial subsidy, 7 reunited with family or friends, 8 moved into a rental with another form of subsidy (i.e., a Section 8 voucher or equivalent), and 8 moved into housing units with no ongoing financial assistance.
- 13 clients exited to institutional or temporary settings, including other homeless programs, jail, or hospitals (10%)
- 1 client was deceased, and 2 exited to unknown destinations.

Of the 95 people who have received RRH or flex fund assistance,

- Five clients graduated from RRH, taking on the cost of the rental themselves, while an additional 33 transitioned to some other subsidy not funded through the STAIR's budget.
- Three exited to homelessness before case management had ended, and three more eventually returned to homelessness after graduating the program into permanent housing. We will continue to assess how this return rate compares to that of other rapid rehousing programs.

Among everyone who has accessed one or more component of the STAIR Center's programming (outreach, shelter, and/or rapid rehousing) and exited to a permanent housing destination, 22% have returned back to homelessness. Among those who received rapid rehousing assistance and exited to a permanent housing destination, only 3 (8%) returned back to homelessness. Again, we will continue to monitor this count to determine an accurate reflection of the program's true recidivism rate.



BACKGROUND

On April 4, 2017, Council voted unanimously to refer the creation of the STAIR Center, as part of the Pathways Project to Address Homelessness in Berkeley, to the City Manager. Council allocated the funding for the capital creation of the program on June 27, 2017, and the allocated program funds on December 5, 2017. Roughly 7 months later, the City and BACS opened the STAIR Center, on June 27, 2018, and the program's first full fiscal year of operations concluded on June 30, 2019.

ENVIRONMENTAL SUSTAINABILITY

Some individuals who had been living in encampment areas with considerable environmental impacts have moved into the STAIR Center, but the overall environmental impact of the program overall cannot be quantified with the data available.

POSSIBLE FUTURE ACTION

HHCS staff will continue to provide quarterly dashboard updates on the STAIR program, and intends to expand this framework to other homeless programs as well.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Staff time.

CONTACT PERSON

Peter Radu, Homeless Services Coordinator, HHCS, (510) 981-5435.

Laura Schroeder, Community Services Specialist III, HHCS, (510) 981-5411.

Attachments:

- 1: Pathways STAIR Center Program: Results-Based Accountability Year One Performance Dashboard.

# PATHWAYS STAIR CENTER PROGRAM

June 2018-June 2019



The City of Berkeley has experienced an increase in the number of people living in encampments, most of whom are unable to access traditional homeless services such as emergency shelters. To address this problem, the City opened the STAIR Center in June of 2018. The STAIR Center has three components: (1) street outreach, (2) a 45-bed, low-barrier, service-rich shelter, and (3) rapid rehousing, which includes time-limited financial assistance (including rent subsidies) to help overcome housing barriers. At the STAIR Center shelter, located on a block of 2nd Street between Cedar and Virginia in West Berkeley, program guests receive intensive housing search and application assistance and enjoy no curfews, one meal a day, laundry, showers, and accommodations for pets and possessions.

## How Much Did We Do?

45

NUMBER OF BEDS AT STAIR SHELTER

170

NUMBER OF CLIENTS SERVED AT THE STAIR SHELTER

95

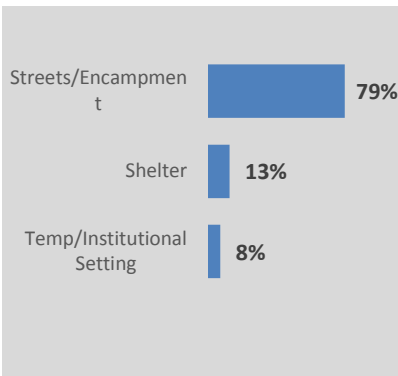
INDIVIDUALS RECEIVING RAPID REHOUSING ASSISTANCE

## How Well Did We Do It?

% of STAIR Shelter clients from the Streets/Encampments

79%

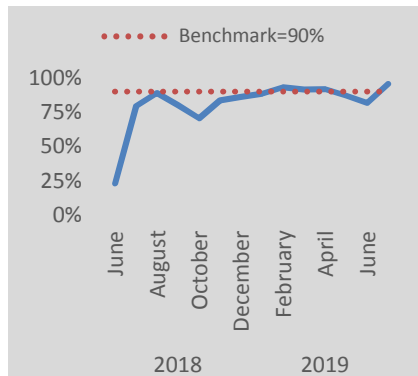
Where Clients Resided Prior to the STAIR Shelter



Average Occupancy Rate of STAIR Shelter

89%

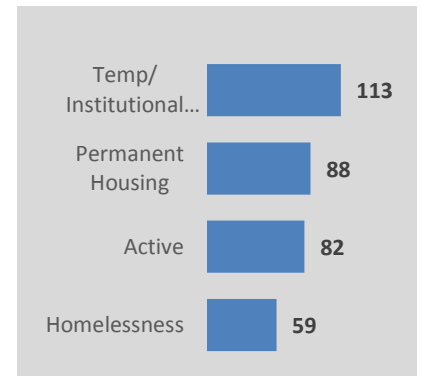
Occupancy Rate of STAIR Shelter by Month



Average Length of Stay at STAIR Shelter To Date in Days

84 days

Average Length of Stay at STAIR Shelter by Selected Exit Destinations



## Is Anyone Better Off?

64%

EXIT TO PERMANENT HOUSING FROM STAIR SHELTER

23%

EXIT TO HOMELESSNESS FROM STAIR SHELTER

22%

RETURN TO HOMELESSNESS FROM PERMANENT HOUSING

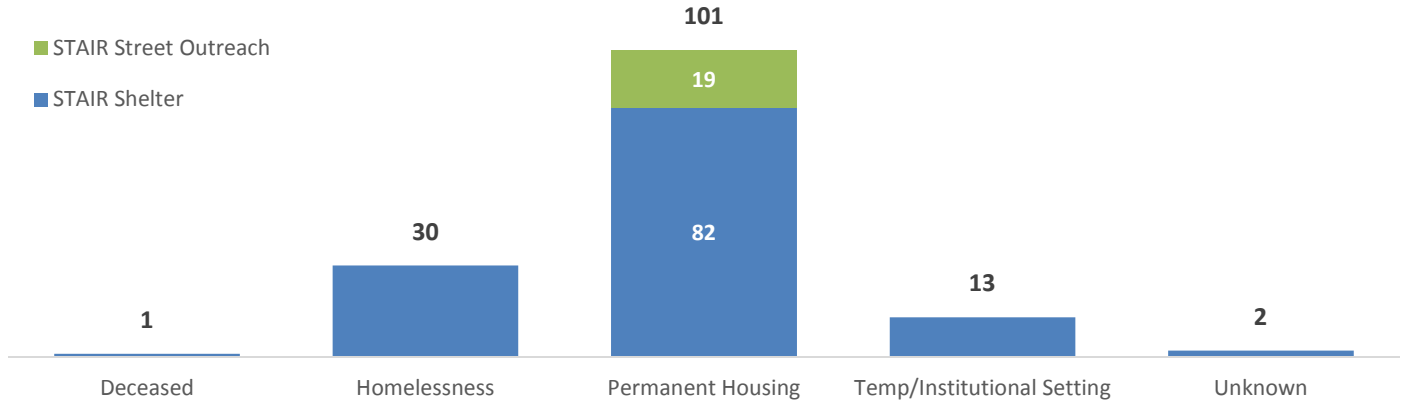
# PATHWAYS STAIR CENTER PROGRAM

June 2018-June 2019



**Number of Exits by Destination from STAIR Center Program**  
(Includes those that obtained permanent housing from street outreach)

N:147

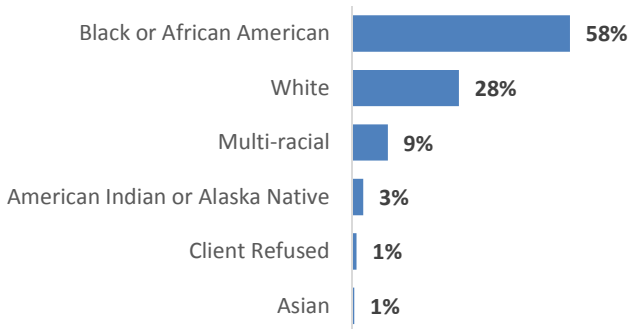


## STAIR SHELTER DEMOGRAPHICS

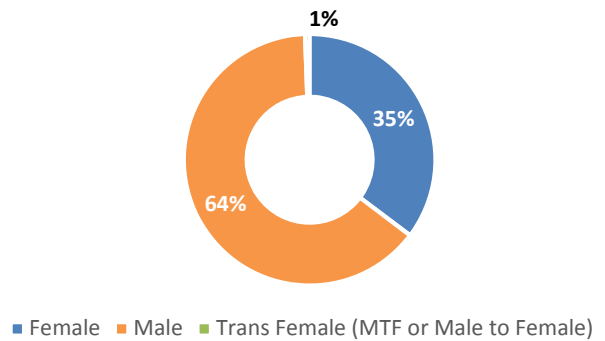
All Clients to Date

N:170

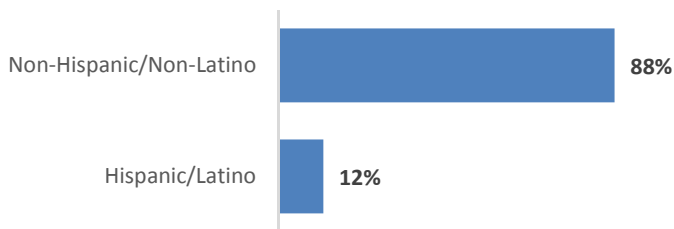
### Race



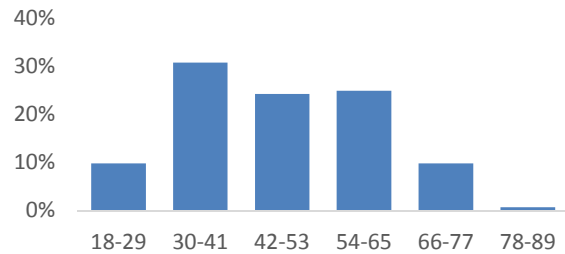
### Gender



### Ethnicity



### Age



**Notes**

<sup>1</sup> Permanent Housing includes clients that receive rapid rehousing assistance. Rapid rehousing connects individuals to affordable rental units with time limited financial assistance. A full description of our rapid rehousing program can be found at [www.cityofberkeley.info/Clerk/City\\_Council/2018/04\\_Apr/Documents/2018-04-24\\_Item\\_39\\_Rapid\\_Rehousing\\_What\\_it\\_Can.aspx](http://www.cityofberkeley.info/Clerk/City_Council/2018/04_Apr/Documents/2018-04-24_Item_39_Rapid_Rehousing_What_it_Can.aspx)

<sup>4</sup> Return to Homelessness from Permanent Housing is the % of those that obtained permanent housing but were unable to maintain housing during the time period and returned to homelessness, as indicated by a re-enrollment in another homeless program.





Office of the City Manager

ACTION CALENDAR  
 October 15, 2019  
*(Continued from September 24, 2019)*

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Kelly Wallace, Interim Director, Health, Housing and Community Services  
 Subject: Referral Response: Lava Mae Mobile Shower and Hygiene Services

INTRODUCTION

In response to two separate Council referrals, this report provides information on the City's ongoing collaboration with the nonprofit organization Lava Mae to provide the City's homeless community with access to mobile showers and hygiene services.

CURRENT SITUATION AND ITS EFFECTS

This report responds to two referrals: 1) referral # DMND0002483 that originally appeared on the agenda of the May 26, 2015 Council meeting and was sponsored by Councilmember Droste; and 2) a short term referral from the City Council that originally appeared on the agenda of the November 13, 2018 Council meeting and was sponsored by Councilmembers Davila and Hahn.

Coordinating mobile hygiene efforts in partnership with Lava Mae is a Strategic Plan Priority Project, advancing our goal to provide housing support services for our most vulnerable community members.

Staff from HHCS and Public Works coordinated with Lava Mae staff to select two pilot sites for mobile hygiene stations: West Berkeley at Second Street and Cedar Street (adjacent to the STAIR Center) and South Berkeley at the Progressive Baptist Church parking lot on Alcatraz Avenue and King Street (one block from Adeline Street). These sites were selected using several criteria: proximity to current encampments, geographic distribution across the city, ability to accommodate Lava Mae's truck and trailer and the access to necessary water and sewer infrastructure.

Lava Mae established weekly service beginning in May 2019, serving the South Berkeley site on Mondays and the West Berkeley site on Thursdays. Staff notified the service providers in the North County Coordinated Entry System and Lava Mae did direct outreach to local residents, businesses and encampments in proximity to the pilot sites. The South Berkeley location is averaging eight guests per service time (48 showers total) and the West Berkeley site is averaging seven guests (47 showers total).

Lava Mae noted typically by this point they are averaging 20 guests per location. Lava Mae and HHCS staff are working together to identify ways to improve and increase outreach and consider alternative options for pilot sites that may better reach the community, including the safe parking site as appropriate.

#### BACKGROUND

Lava Mae is a nonprofit organization founded in 2013 that provides mobile hygiene services, including hot showers, to homeless community members in the Bay Area and Los Angeles. They've served over 19,000 guests and provided over 69,000 showers since their launch. They've recently innovated one-stop "Pop-Up Care Villages" to dramatically expand access to essential services for people living on the streets.

#### ENVIRONMENTAL SUSTAINABILITY

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

#### POSSIBLE FUTURE ACTION

The City could consider entering into a Memorandum of Understanding with Lava Mae to coordinate and improve services and outreach for the local homeless community. The City could also consider hosting one of Lava Mae's "Pop Up Care Village" which brings in partners to provide expanded services including food, clothing, haircuts, animal care, vaccines, health screenings and access to legal and social services.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Lava Mae provides services free of charge to Berkeley residents. There are costs associated with the staff time required to conduct outreach, coordinate services and ensure water and sewer infrastructure is working properly.

#### CONTACT PERSON

Mike Uberti, Community Development Project Coordinator, HHCS, (510) 981-5114.

#### Attachments:

- 1: Original Referral Report #1 from May 26, 2015: Mobile Shower Referral
- 2: Original Referral Report #2 from November 13, 2018: Short-term referral to City Manager to complete steps necessary to establish Lava Mae services in Berkeley

CONSENT CALENDAR

May 26, 2015

To: Honorable Mayor and Members of the City Council  
From: Councilmember Lori Droste  
Subject: Mobile Shower Referral

RECOMMENDATION

Refer to the Homeless Commission and City Manager the establishment of a mobile shower unit in Berkeley and assess the feasibility/cost of such a project in comparison to existing programs.

BACKGROUND

In 2009, Berkeley had 680 people without permanent housing. With its large homeless population, Berkeley could benefit from a mobile shower program. The City's website currently lists two locations for showers available to the homeless- one in the downtown area, and one in Willard Park. A mobile shower unit could potentially serve more people in a more efficient manner.

The City of San Francisco has been developing a mobile shower program in conjunction with Lavamae.org. The program is housed in a former MTA bus and can serve multiple people in different communities every day. Lavamae.org offers resources, budgets, and outlines for replicating their project. This referral would use those resources and documents, as well as other information, to outline the feasibility of creating a similar model in Berkeley.

FINANCIAL IMPLICATIONS

Staff time

ENVIRONMENTAL SUSTAINABILITY

N/A

CONTACT PERSON

Councilmember Droste, 510-981-7180



Cheryl Davila  
Councilmember  
District 2

ACTION CALENDAR  
November 13, 2018

To: Honorable Mayor and Members of the City Council  
From: Councilmembers Cheryl Davila and Sophie Hahn  
Subject: Short-term referral to City Manager to complete steps necessary to establish Lava Mae services in Berkeley

RECOMMENDATION

Short-term referral to the City Manager to coordinate with Fire, Planning and Public Works Department Heads to provide permits, identify locations and allow access to water and disposal hook-ups necessary to bring Lava Mae shower services to Berkeley's homeless populations within 90 days for a 6-8 week pilot.

This includes:

- Determining locations to set up portable shower (Possible locations will be identified by the City of Berkeley Homeless Service Team but could include 2180 Milvia Parking Lot, Adeline & Alcatraz behind Here/There encampment, Harrison and 8<sup>th</sup>, the Corporation Yard and/or Jones and 2<sup>nd</sup>.)
- Identifying water source for hook ups designated to dispense water for showers, either fire hydrants (preferred) or garden hose spigots
- Parking permits for shower trailer
- Identifying sewage manholes designated to pump out/dump gray and black water (H<sub>2</sub>O) into the sewer system
- Calendaring a Fire Department inspection to inspect the propane to heat up the H<sub>2</sub>O on the first day of operation or through a dry run.

Starting January 2019, Lava Mae is prepared to bring shower service two days a week to two consistent locations (one day per a location) at no charge to the City of Berkeley or the users of the services. The proposal is to start with an 8-week pilot in two locations to test sites.

BACKGROUND

Lava Mae brings critical services to the streets to rekindle dignity and hope for people experiencing homelessness through their Mobile Hygiene Service and Pop-Up Care Villages. Doniece Sandoval founded Lava Mae in 2013 when she began by converting public transportation buses into showers and toilets on wheels to deliver hygiene and



rekindle dignity for our unhoused neighbors in San Francisco. Lava Mae has expanded their shower services to Oakland and Los Angeles, serving 15,000+ guests who have taken 52,000+ showers in mobile units across Los Angeles and the Bay Area.

Lava Mae also organizes day-long Pop-Up Care Villages that bring much needed essential services like dental care, holistic health services, haircuts, clothing and hot food offered in a friendly, community setting with art and live music. In addition, they have inspired 100+ new mobile hygiene programs across the United States and around the world, and launched the first-ever open source toolkit and platform to help people everywhere replicate their mobile hygiene service in their own communities.

Lava Mae has raised all of the funds needed to run their program through private sources. Therefore, all of Lava Mae's services are offered free of charge to those utilizing them and to the cities hosting their services. In order to provide these services, Lava Mae needs support in identifying water hook-up, disposal locations, and parking locations; and the required city permits. Anonymous demographic information collected by Lava Mae will be shared with the City of Berkeley. Lava Mae has secured a permit and meter from EBMUD to latch into hydrants.

#### FISCAL IMPACTS OF RECOMMENDATION

Lava Mae covers all costs. Lava Mae has a construction meter from EBMUD, which typically cost \$20 per service day for six hours of service water.

The cost to the City is staff time to issue permits, inspect propane system, and identify ideal locations for water hook ups, parking and sewer manholes for pump outs. The cost for the water could be absorbed by the City for approximately, two thousand dollars, annually to provide much needed shower services.

#### ENVIRONMENTAL SUSTAINABILITY

Bringing Lava Mae to Berkeley will increase public health of those who are homeless by providing access to clean showers, health and sanitation services. Lava Mae expanding its services to Berkeley can also be a resource in case of a climate emergency event or an earthquake if people lack access to home showers.

#### CONTACT PERSON

Cheryl Davila, Councilmember District 2                      510.981.7120

#### ATTACHMENTS & LINKS:

- Lava Mae details
- Lava Mae Pop-Up Care Village flyer
- [Lava Mae website](#)
- Video testimonies:
  - <https://youtu.be/rmpBGWEmYWk>
  - <https://youtu.be/Sa2xnW31q0s>



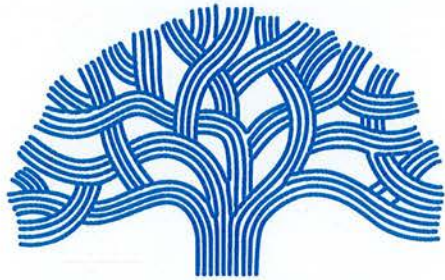
Lava Mae is a San Francisco based non-profit that brings critical services to the streets - delivered with an unexpected level of care we call Radical Hospitality - to rekindle dignity and hope for people experiencing homelessness through our Mobile Hygiene Service, Pop Up Care Villages, and BuildIt Toolkit for replication of our services.

We come equipped with a mobile hygiene trailer with three individual and private stalls featuring full bathrooms. One is ADA accessible and designed for ease of use with wheelchair access. We provide all necessary hygiene items including fresh towels, socks, soap, shampoo/conditioner, moisturizer, razors, toothbrush/toothpaste, and many more. Our services are 5 ½ hours long of actual shower time and each guest gets 15-20 minutes. We typically serve anywhere from 30-50 guests in a day. **We cover all of the costs associated with providing our services.**

**In order to operate Lava Mae, we need:**

- **Parking:** Our truck and trailer total 40 ft in length which is about 2 parking spaces long. We need a City-sanctioned parking location and permit.
- **Water source:** We have an EBMUD hydrant meter so most hydrants will work depending on the fitting or adapter needed. We can also hook to a standard garden hose faucet bibb. We need the City to identify water hook-ups.
- **Sewage Manhole Dumping:** Our trailer comes with a 330 gallon black/greywater tank that needs to be dumped twice per a day of service. Preferably somewhere within a few blocks and relatively safe. We need the City to identify and approve a manhole for this use. The dumping process takes no more than 10-15 minutes.

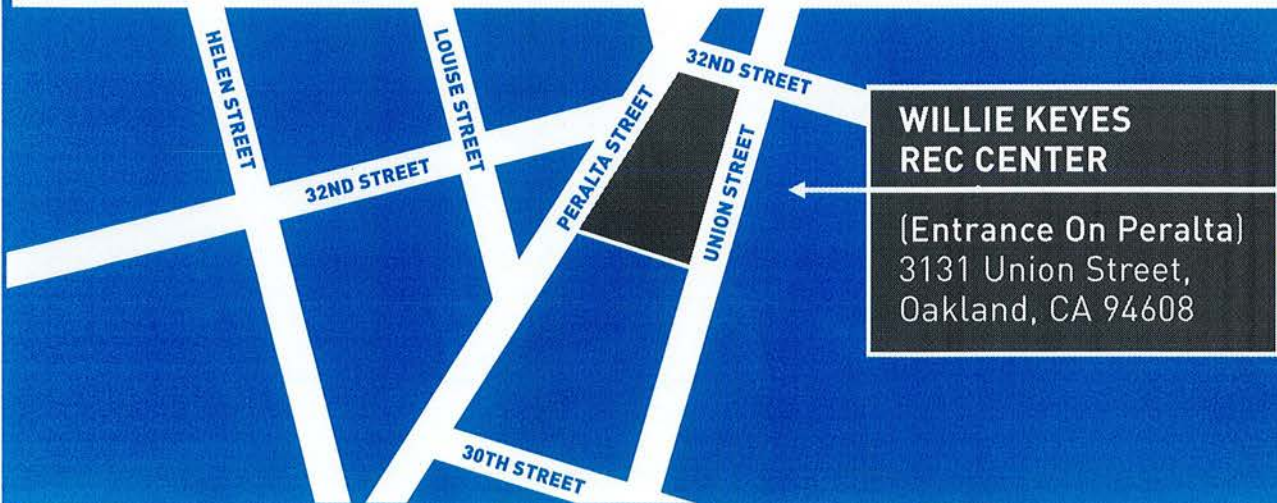
# lava mae



## POP-UP CARE VILLAGE OAKLAND

### Tuesday, October 30th, 11am - 4pm

Hot Food, Clothing, Haircuts, Art, Medical,  
Live Music & More







Office of the City Manager

## ACTION CALENDAR

October 15, 2019

*(Continued from September 24, 2019)*

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: LaTanya Bellow, Director, Human Resources  
 Subject: Settlement Authority of City Manager for Workers' Compensation Claims

### RECOMMENDATION

Adopt a Resolution to establish and grant authority to the City Manager or his/her designee to settle workers' compensation claims up to \$75,000 per employee claim, and establish and grant authority to the Human Resources Director to settle workers' compensation claims up to \$50,000 per employee claim.

### FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts association with this resolution.

### CURRENT SITUATION AND ITS EFFECTS

Currently the City Manager has authority to purchase goods and services up to \$50,000. However, City Council has not granted authority to the City Manager or the Human Resources Director to settle workers' compensation claims nor set parameters for when City Council approval is required. The purpose of the attached resolution is to establish clear settlement authority for the City Manager or his/her designee and the Human Resources Director to allow for adequate oversight and efficient management of workers compensation claims.

### BACKGROUND

There are two different methods for which a workers' compensation claim may be settled. Claims are settled by either Stipulations with Request for Award (Stips) or Compromise and Release (C&R). Stipulated settlements involve agreement on the amount of temporary or permanent disability payments the injured employee receives including payment for medical care. C&R settlements involve agreement on the amount to resolve the claim in a lump sum payment including estimated cost for future medical care. C&R settlements release the City from paying future medical expenses.

The City has established contractual guidelines with our Third Party Administrator (TPA). Our TPA has authority to expend up to \$10,000 for settlement authority and any amount that exceeds \$10,000 requires City authorization. The TPA currently submits to the Human Resources Department (HR) a Settlement Authority Request (SAR) for all

claims including claims which settlement amounts are below the \$10,000 threshold. The SAR received from our TPA includes a summary of the claim history, applicable medical reports, Workers' Compensation Appeal Board findings and awards, and all other documentation relevant to the claim such as liens or demand letters from attorneys. The Human Resources Department will review the request and either deny or grant approval by way of Department Head signature. Upon receipt of a signed SAR, the TPA will proceed with settling the workers' compensation claim with the injured employee.

The Human Resources Department current settlement authorization procedures state HR may authorize settlement for all claims up to \$100,000. This level of authority is not appropriate and not aligned with City Manager and other Department Head level of authority. City Council will receive a formal Workers' Compensation report annually to strengthen the process.

Many surrounding cities have established authority levels for their workers' compensation programs. The following table summarizes the authorization levels of surrounding jurisdictions:

| Agency                           | Threshold                                                                                                        |
|----------------------------------|------------------------------------------------------------------------------------------------------------------|
| City of Richmond                 | Up to \$19,999 for Risk Manager. Over \$20,000 requires City Manager approval.                                   |
| City of Oakland                  | Risk Manager has up to \$99,999. Director approval required over \$100,000.                                      |
| City of San Leandro              | HR Manager and Analyst up to \$5,000. City Manager approved up to \$49,999. City Council approval over \$50,000. |
| City of Hayward                  | Human Resources staff approval up to \$99,999. City Council approval required over \$100,000.                    |
| City and County of San Francisco | Claims Adjuster approval 25% for stipulated awards and compromise & release                                      |

|  |                                                                                                                                                                                                                                                                                      |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>up to \$20,000 per claimant.</p> <p>Claims Supervisor 50% for stipulated awards and up to \$50,000 for compromise and release.</p> <p>Claims Manager 100% for stipulated awards and compromise and release up to \$150,000.</p> <p>Director – Unlimited settlement authority.</p> |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

ENVIRONMENTAL SUSTAINABILITY

None.

RATIONALE FOR RECOMMENDATION

Based on authorization limits in other jurisdictions, HR recommends that City Council adopt the attached resolution providing the City Manager or his/her designee with authority to settle claims up to \$75,000 per employee claim, and establish and grant authority to the Human Resources Director to settle workers' compensation claims up to \$50,000 per employee claim. Claims that exceed \$75,000 will require City Council approval. This recommendation will allow the City Manager and Human Resources Director to have increased oversight and improved tracking of the City's workers' compensation program. This recommendation will also establish clear guidelines and procedures for staff managing the workers' compensation program to follow. Establishing a settlement authority ensures consistency and that equity is applied to the settlement process. The goal is to settle claims judiciously so that City workers' compensation funds are protected and monitored

CONTACT PERSON

LaTanya Bellow, Director, Human Resources, 981-6807

Attachments:

- 1: Resolution



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

Settlement Authority of City Manager for Workers' Compensation

WHEREAS, the City of Berkeley is Self-Insured for Workers' Compensation since 1979; and

WHEREAS, the Workers' Compensation insurance industry is regulated by the State of California, Department of Industrial Relations; and

WHEREAS, the State of California, Labor Code Sections 5000 to 5106 and 5702 establishes regulations for settlement of workers' compensation claims by stipulation or compromise and release; and

WHEREAS, the City of Berkeley must authorize settlement authority of claims through the workers' compensation claim process; and

WHEREAS, the City of Berkeley currently does not have established settlement authority for the City Manager nor the Human Resources Director.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or his/her designee is authorized to settle workers' compensation claims in an amount not to exceed \$75,000 per claim, and the Human Resources Director is authorized to settle workers' compensation employee claims in the an amount not to exceed \$50,000 per employee claim.





Office of the City Manager

ACTION CALENDAR

October 3, 2017

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Sarah Reynoso, Director of Human Resources

Subject: Bi-Annual Report on Workers' Compensation

RECOMMENDATION

Review and discuss the presentation on Workers' Compensation for claims activity covering the first half of Fiscal Year 2017 (July 1, 2016 to December 31, 2016).

SUMMARY

The April 25, 2017 Information Report details the City's Workers' Compensation Program and related costs. The Information Report, restated herein, focuses on the Workers' Compensation claims activity for the first half of Fiscal Year 2017 (July 1, 2016 to December 31, 2016).

FISCAL IMPACTS OF RECOMMENDATION

None

CURRENT SITUATION AND ITS EFFECTS

The first half of FY 2017 reflects a significant decrease of 18 new workers' compensation injury claims from the second half of FY 2016 - from 107 to 89 new claims. This is significant since the total number of claims reported for all employees with a date of injury in FY 2016 increased by one (1) claim from FY 2015 (from 200 to 201). The decrease in claims in the first half of FY 2017 should translate into cost containment for the City's Workers' Compensation Program (hereinafter "Program"). This is because the average life of an open Workers' Compensation Claim is three to five years (six to seven years for serious, complex, or litigated claims), and maintaining a low claim rate generally results in controlled future costs.

Human Resources Department staff continue to monitor, evaluate, and implement practices to improve the effectiveness and efficiency of the Program. The sustained focus on safety, injury prevention, early medical intervention, ergonomics, claims management, as well as supervisor and employee responsibilities will enable the City to continue to control the claim volume and related costs.

**Workers' Compensation Program**

1. **Safety and Training**: The City's Occupational Health and Safety staff, in cooperation with staff from the Department of Public Works, developed a comprehensive safety training calendar to ensure all employees participate in safety training that is relevant to daily operations. Since 2014, the City has added or revised/updated training courses in the following areas: Forklift; Confined Space; Trenching/Shoring and Excavation; Heat/Illness Prevention Training; Pre- and Post-Vehicle Inspection; Industrial Truck Safety; Supervisor Safety Responsibility; Blood Borne Pathogen; Portable Ladder Safety and Fall Protection. New courses are added as needed, when determined by the the Citywide Safety Committee, departmental managers, or as recommended by the Occupational Health and Safety Officer.
2. **Cal OSHA**: On January 11, 2016, a City of Berkeley Public Works Zero Waste Division employee was fatally injured while performing his regular duties (collection route service). The City immediately notified the California Occupational Safety and Health Administration (Cal OSHA) of the fatality. Cal OSHA investigated the fatality and issued the City eight (8) citations based upon its inspection and investigation of the incident. Citations related to haulage vehicles and the use of parking brakes on inclines, and the inspection of vehicles for conditions that could cause failures in operating systems were the most significant citations. The maximum exposure for the citations totaled \$98,425. The City's Occupational Health and Safety Officer along with Zero Waste managers and supervisors worked closely with Cal OSHA, refining and implementing safety protocols. As part of a post-appeal settlement order, Cal OSHA reduced the City's fines, with total fines reduced by 62%.
3. **Claims and Lost Time (Indemnity Days)**: A day's absence from work related to a Workers' Compensation related injury is categorized as an "Indemnity Day". Indemnity days can severely impact the operation of the work unit as well as impact the total cost of the Program.

The City experienced a decrease in lost time (indemnity days) for the first half of the FY 2017 as compared to the same period in FY 2016 for all claims. There were 4,811 indemnity days in the first half of FY 2016 compared to 4,639 indemnity days in FY 2017, which is an overall reduction of 172 days. The indemnity days noted below are partial and full calendar days off due to the injury. The significant reduction in indemnity days is primarily related to the efforts by Parks, Recreation and Waterfront; Health Housing & Community Services; and City Manager whose focus on workplace safety resulted in the greatest amount of reduction in lost time. Staff continue to focus on safety, ergonomics, administrative return to work efforts and supervisor/employee communication to minimize lost time due to injuries.



| Department                           | Indemnity Days<br>7/1/15-12/31/15 | Indemnity Days<br>7/1/16-12/31/16 | Increase<br>(Decrease) |
|--------------------------------------|-----------------------------------|-----------------------------------|------------------------|
| City Manager                         | 392                               | 165                               | (227)                  |
| Finance                              | 0                                 | 16                                | 16                     |
| Fire                                 | 1,480                             | 1,737                             | 257                    |
| HHCS                                 | 268                               | 2                                 | (266)                  |
| Library                              | 15                                | 51                                | 36                     |
| Human Resources                      | 0                                 | 0                                 | 0                      |
| Information Systems                  | 0                                 | 0                                 | 0                      |
| Parks & Waterfront                   | 401                               | 32                                | (369)                  |
| Planning                             | 0                                 | 0                                 | 0                      |
| Police                               | 1,571                             | 1,661                             | 90                     |
| Public Works                         | 665                               | 975                               | 310                    |
| Rent Board                           | 19                                | 0                                 | (19)                   |
| <b>Total<br/>Increase/(Decrease)</b> | <b>4,811</b>                      | <b>4,639</b>                      | <b>(172)</b>           |

4. Prior Year Claim Costs: The cost for claims filed in prior years (since 1979) continue to contribute substantially to the overall cost of the City's Program. As noted in the chart below, the City paid \$5,082,852 in FY 2016 and \$2,655,087 for the first half of FY 2017. Given the increased health care costs and increases to State Mandated Temporary Disability Rates, the City continues to work hard to control claim costs. This information is provided in further detail later in this report.

| Fiscal Year of Reported Injury     | Amount Paid on Claims in FY 2013 | Amount Paid on Claims in FY 2014 | Amount Paid on Claims in FY 2015 | Amount Paid on Claims in FY 2016 | Amount Paid on Claims in 1 <sup>st</sup> half of FY 2017 |
|------------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------------------------------|
| <i># of Claims Paid</i>            | 690                              | 640                              | 594                              | 575                              | 446                                                      |
| <b>Total Amount Paid on Claims</b> | <b>\$6,055,515</b>               | <b>\$4,966,315</b>               | <b>\$4,929,238</b>               | <b>\$5,082,852</b>               | <b>\$2,655,087</b>                                       |

5. Claim Volume:

**Total Claims**: The City experienced an overall decrease in total claim volume, with a notable decrease in claims with a date of injury in FY 2017 as compared to the same time period in FY 2016 (from 94 in FY 2016 to 89 in FY 2017). This decrease occurred despite a slight increase of four (4) claims filed by Non-Sworn employees, as noted below:

| <b>All Claims – July 1 to December 31</b> |                |                |                            |
|-------------------------------------------|----------------|----------------|----------------------------|
|                                           | <b>FY 2016</b> | <b>FY 2017</b> | <b>Increase/(Decrease)</b> |
| Fire Safety Employees                     | 22             | 19             | (3)                        |
| Police Safety Employees                   | 25             | 19             | (6)                        |
| Non-Sworn Employees                       | 47             | 51             | 4                          |
| <b>Total</b>                              | <b>94</b>      | <b>89</b>      | <b>(5)</b>                 |

**Indemnity Claims:** Indemnity claims have exposure beyond medical treatment, with one or more of the following components present: lost time, permanent disability, litigation, and surgery. These claims tend to be the most severe and pose a greater liability to the City than Medical Only claims. Therefore, a reduction in Indemnity claims is a positive step in controlling the City's overall Workers' Compensation liability. There was a reduction in Citywide (Fire, Police and Non-Sworn employees) Indemnity claims in the first half of FY 2017 as compared to the same time period in FY 2016, with a total reduction of nine (9) claims (from 48 in FY 2016 to 39 in FY 2017).

| <b>Indemnity Claims – July 1 to December 31</b> |                |                |                            |
|-------------------------------------------------|----------------|----------------|----------------------------|
|                                                 | <b>FY 2016</b> | <b>FY 2017</b> | <b>Increase/(Decrease)</b> |
| Fire Safety Employees                           | 13             | 10             | (3)                        |
| Police Safety Employees                         | 14             | 11             | (3)                        |
| Non-Sworn Employees                             | 21             | 18             | (3)                        |
| <b>Total</b>                                    | <b>48</b>      | <b>39</b>      | <b>(9)</b>                 |

**Medical Only:** For Medical Only claims (injuries that require minimal medical treatment and do not incur any lost time, permanent disability, or litigation), the City experienced an decrease in Police Safety claims offset by an increase in claims filed by Non-Sworn employees, resulting in a net increase of four (4) claims as noted below:

| <b>Medical Only Claims - July 1 to December 31</b> |                |                |                            |
|----------------------------------------------------|----------------|----------------|----------------------------|
|                                                    | <b>FY 2016</b> | <b>FY 2017</b> | <b>Increase/(Decrease)</b> |
| Fire Safety Employees                              | 9              | 9              | 0                          |
| Police Safety Employees                            | 11             | 8              | (3)                        |
| Non-Sworn Employees                                | 26             | 33             | 7                          |
| <b>Total</b>                                       | <b>46</b>      | <b>50</b>      | <b>4</b>                   |

Although it is difficult to predict whether Indemnity or Medical Only claims will remain at these levels during the remainder of FY 2017, early medical intervention for reported injuries, continuous efforts on increasing safety awareness, and improved efficiencies in claims management should directly impact the number of injuries in the workplace.



6. **Case Resolution:** Case resolution is an important aspect of any Workers' Compensation Program. A Workers' Compensation claim can be resolved (settled) and agreed to by the parties (injured employee and the City) either through "Stipulation" or a "Compromise and Release". However, if the parties are unable to resolve and settle a claim with either a Stipulation or Compromise and Release, the matter could be ultimately determined by a Workers' Compensation Appeals Board Judge who would issue a "Findings and Award".
- a. Stipulation: A Stipulated Settlement is an agreement where the parties agree to the findings of a specific medical report(s). A Stipulated Settlement may result in future disability payments and medical treatment. The main components of a Stipulated Settlement are the percentage of disability the injured employee suffered and whether or not the injured employee needs further medical care. The percentage of disability derives from the doctor's medical opinion of the employee's level of disability as a result of the workplace injury. Under Workers' Compensation statutes, there is a set formula for determining the percentage of disability, which is based on the limitations set forth in the medical report, combined with the injured employee's age and occupation. The disability benefits under Stipulated Settlement are paid by the City over time. They are not paid in a lump sum unless the disability payment has already ended.
  - b. Compromise & Release: In contrast, in a Compromise & Release (C&R) Settlement can permanently resolve all or part of the issues for a single claim or multiple claims. C & R settlements are the most cost effective for employers when the agreement terminates the employer's obligation to pay any further expenses incurred after the agreement has been signed, including but not limited to the employee's procurement of further medical treatment for the injury or injuries. However, as with Stipulations, this type of settlement must be approved by a Workers' Compensation Appeals Board Judge if the injured worker is not represented by an Attorney.
  - c. Findings & Award: A Findings & Award (F&A) is the award following a decision made by a Workers' Compensation Appeals Board Judge, either after a trial or after an appeal of a prior decision by a Judge. This type of award is necessary when the parties are unable to reach a settlement on their own by Stipulation or C & R.

During the first half of FY 2017, 12 cases were settled, 10 by Stipulation and two (2) by C & R, with settlement amounts ranging from \$4,350 to \$175,000. Of the 12 cases settled, six (6) claims did not require Applicant Attorney Representation and six (6) did not require Defense Attorney Representation. None of the resolved cases required a Judge's Finding and Award.

7. **Claim Closures:** Innovative Claim Solutions, Inc., (ICS), the City's Workers' Compensation Third Party Administrator, continues to focus on closing new, as well as old claims. During the first half of FY 2017, ICS closed a total of 121 claims, (64 Indemnity and 57 Medical Only claims). The goal of ICS is to reduce the open claim inventory in order to control estimated future costs.

| Claims Closed      |           |              |       |
|--------------------|-----------|--------------|-------|
| Fiscal Year        | Indemnity | Medical Only | Total |
| 2013               | 196       | 108          | 298   |
| 2014               | 178       | 103          | 281   |
| 2015               | 162       | 120          | 282   |
| 2016               | 143       | 88           | 231   |
| 2017 (to 12/31/16) | 64        | 57           | 121   |

8. **Open Claims:** The chart below reflects the City's Open Claim Inventory at the end of each fiscal year. As of December 31, 2016, the City's total open claim inventory continues to remain under 400. Of the total open claims in FY 2017, 366 are Indemnity Claims and 27 are Medical Only Claims. ICS reduced the City's Third Party Administrative Fees for the City's Program for FY 2017 by five percent (5%) because of the reduction in the number of Open Indemnity claims in FY 2015 and FY 2016 (from 390 in FY 2013).

| Open Claim Inventory |           |              |       |
|----------------------|-----------|--------------|-------|
| Fiscal Year          | Indemnity | Medical Only | Total |
| 2013                 | 390       | 38           | 428   |
| 2014                 | 355       | 37           | 392   |
| 2015                 | 336       | 19           | 355   |
| 2016                 | 364       | 28           | 392   |
| 2017 (to 12/31/16)   | 366       | 27           | 393   |

9. **Check Volume:** Check volume is directly related to the total number of claims, both for claims closed in the current period (127 in FY 2017 as noted above) and open claims (393 in FY 2017) for as long as the claim remains open. For example, the City's current oldest open claim has an injury date of January 14, 1976. Since this claim was filed, the City has paid a total of \$692,499 as of December 31, 2016, with additional anticipated payments totaling \$154,408, for a total anticipated cost of \$846,907 for the anticipated life of the claim. The following chart details the number of claims, number of checks and amount paid on all claims by fiscal year from FY 2003 through the first half of FY 2017.

| Check Volume |                  |                  |                |
|--------------|------------------|------------------|----------------|
| Fiscal Year  | # of Claims Paid | # of Checks Paid | Total Payments |
| 2003         | 810              | 8,908            | \$6,695,782    |
| 2004         | 859              | 8,337            | \$6,240,209    |



| Check Volume       |                  |                  |                |
|--------------------|------------------|------------------|----------------|
| Fiscal Year        | # of Claims Paid | # of Checks Paid | Total Payments |
| 2005               | 779              | 7,547            | \$6,338,107    |
| 2006               | 733              | 5,763            | \$5,343,914    |
| 2007               | 699              | 5,338            | \$5,726,321    |
| 2008               | 737              | 5,502            | \$6,212,657    |
| 2009               | 698              | 5,562            | \$6,824,448    |
| 2010               | 853              | 5,831            | \$5,398,792    |
| 2011               | 680              | 5,904            | \$5,579,194    |
| 2012               | 692              | 5,958            | \$5,692,912    |
| 2013               | 690              | 5,620            | \$6,055,515    |
| 2014               | 640              | 5,017            | \$4,966,315    |
| 2015               | 594              | 4,923            | \$4,929,238    |
| 2016               | 575              | 4,612            | \$5,082,852    |
| 2017 (to 12/31/17) | 446              | 4,653            | \$2,655,087    |

- 10. Bill Review Services:** An essential component of any successful workers' compensation cost containment program is bill review services. Bill review ensures that the fees for services submitted by medical providers comply with the State of California Fee Schedule for Workers' Compensation injuries. Diamond Bill Review, Inc. provides these services for the City of Berkeley.

During the first half of FY 2016, a total of 3,038 bills amounting to \$2,634,111 in billed charges were submitted for review and adjusted to the fee schedule and PPO discounts that resulted in a 61% net savings, or a total of \$1,618,508. During the same period in FY 2017, a total of 3,853 bills amounting to \$2,767,441 in charges were submitted for review and adjusted to the fee schedule and PPO discounts that resulted in a 58% net savings, or a total of \$1,592,612.

- 11. Nurse Case Management Program:** The City continues to utilize Nurse Case Management (NCM) services to encourage appropriate medical intervention, early return to work, increased physician communication, professional nurses and cost containment strategies. Utilizing NCM services reduces unnecessary medical treatment costs and delays, and provides medical advice to injured workers throughout the course of their claim. Because the nurses are licensed clinical professionals, they can provide medical advice to injured employees, facilitate medical treatment and offer realistic expectations for recovery. As of December 31, 2016, the City has no active NCM cases. However, Nurse Case Managers were assigned to four (4) cases during FY 2016 and FY 2017 that resulted in successful intervention.

- 12. Employer's Annual Fee Assessment:** Each Self-Insured Employer is assessed an annual fee by the State of California based upon the number of

open Indemnity claims, number of employees and wages paid at the end of each fiscal year. Annual fees paid by employers help cover the costs of the State's Workers' Compensation Program for each fiscal year after the employer's fees are paid to the State. The City's fee for FY 2016 was \$153,759 based upon 336 open Indemnity claims at the end of FY 2015, and \$156,340 for FY 2017 based upon 364 open Indemnity claims at the end of FY 2016, combined with the number of employees and wages at the end of each Fiscal Year.

13. **Excess Insurance Recoveries:** As of December 31, 2016, \$121,840.28 was successfully recovered by ICS from the City's Excess Carrier for 10 claims covered by Excess Insurance. Of note, the Excess Carrier previously utilized by the City has made it increasingly difficult, repeatedly thwarting efforts to reimburse the City for costs of claims that exceeded the retention level set forth by the Excess Insurance contract. It has taken ICS hundreds of hours of work, systematically researching and reconstructing very old claims with voluminous medical records in an effort to assist the City to force the Excess Insurance Carrier to reimburse the City for costs above retention levels. ICS should be commended for the work they have done on this matter by recovering more than \$1,132,102 in FY 2016 and the first half of FY 2017 with further anticipated recoveries in the remainder of FY 2017. It is important to note that recovery of Excess Insurance money is not part of a Third Party Administrator's contract requirements.
14. **Pharmacy Benefit Management Program (PBMP):** In an effort to reduce pharmacy costs for the City's Program, ICS recommended and the City implemented a PBMP in FY 2016 to offer generic drugs to Injured Workers as an alternative to name brand drugs. We do not yet have sufficient data to determine whether this program is successful; however, staff will provide Council with an assessment in the subsequent Report on Workers' Compensation.

### **Summary of the City's Workers' Compensation Program as of 12/31/16**

- The total number of Indemnity Claims with a date of injury in the 1<sup>st</sup> half of FY 2017 compared to the 2<sup>nd</sup> half of FY 2016 decreased from 56 in the 2<sup>nd</sup> half of FY 2016 to 39 in the 1<sup>st</sup> half of FY 2017. All employees (both Fire and Police Sworn show a reduction of six (6) Indemnity Claims; and Non-Sworn show a reduction of five (5) claims). Attachment 1 (Appendix I); Attachment 7 (Chart 1).
- The total number of Medical Only claims with a date of injury in the 1<sup>st</sup> half of FY 2017 compared to the 2<sup>nd</sup> half of FY 2016 decreased by one (1) claim, from 51 in the 2<sup>nd</sup> half of FY 2016 to 50 in the 1<sup>st</sup> half of FY 2017. We anticipate a continued downward trend in the number of claims from 102 in FY 2015 to 97 in FY 2016 and 50 as of December 31, 2016. Attachment 2 (Appendix II); Attachment 7 (Chart 2).



- Overall, the grand total number of Indemnity and Medical Only claims with a date of injury in the 1<sup>st</sup> half of FY 2017 compared to the 2<sup>nd</sup> half of FY 2016 decreased by 18 claims, from 107 in the 2<sup>nd</sup> half of FY 2016 to 89 in the 1<sup>st</sup> half of FY 2017. Attachment 3 (Appendix III); Attachment 7 (Chart 3).
- On a department-wide basis, the incidence of Workers' Compensation Claims decreased from FY 2015 to FY 2016 in four (4) departments (Auditor a reduction of 1; City Manager a reduction of 7; Library a reduction of 2; and Police a reduction of 16). Five departments incurred increases, including Finance; Fire; Health, Housing and Community Services; Parks, Recreation and Waterfront; and Public Works. See Attachment 4 (Appendix IV). The Occupational Health and Safety Officer and Safety Specialist continue to conduct targeted safety trainings in all major departments in an effort to prevent and/or reduce the severity of future injuries.
- Cost per claim information for all units is subject to great fluctuations based on the nature of the underlying injury and maturity of the claim. As claims mature, they can migrate from Medical Only to Indemnity, depending upon the type and severity of the injury and related medical costs. Although the Indemnity cost per claim for all units decreased substantially in the 1<sup>st</sup> half of FY 2017 as compared to the same period in FY 2016 (\$24,358 in the 1<sup>st</sup> half of FY 2016 compared to \$12,643 in the 1<sup>st</sup> half of FY 2017), these numbers do not reflect the true potential cost of the claims. Ultimately, as referenced above, the true cost of any claim will depend upon the severity of the injury. See Attachment 5 (Appendix V); Attachment 7 (Chart 4).
- As noted above, costs for claims filed in prior years continue to contribute substantially to the overall cost of the City's Program. Although we see an increase in costs for the first half of FY 2017, (\$2,655,087 compared to \$2,396,755 for the same period in FY 2016), when viewed on a fiscal year basis, the City has experienced a reduction, from a high of \$6,055,515 in FY 2013 to \$5,082,852 in FY 2016). See Attachment 6 (Appendix VI).
- On a bi-annual basis, ICS provides the City with comparative statistical analysis of the City's Program. This information is summarized in Attachment 8.

## BACKGROUND

Since 2004, the Human Resources Department reports to Council on the City's Program and costs. This has allowed Human Resources Department staff to examine and evaluate work procedures and practices with the goal of improving the effectiveness and efficiency of the Program. For this period, the various approaches taken in injury prevention, claims management, and employee responsibility, contributed to a drop in both City lost time and incidence of injury. However, the continued increased health care and related services costs contribute significantly to overall workers' compensation costs.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

This report responds to Council request for discussion.

ALTERNATIVE ACTION CONSIDERED

None

CONTACT PERSON

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Attachments:

- 1: Appendix I - Indemnity Claims Activity
- 2: Appendix II – Medical Only Claims Activity
- 3: Appendix III – Grand Total of Indemnity and Medical Only Claim Activity
- 4: Appendix IV – Year to Year Claim Activity by Department
- 5: Appendix V – Cost per Claim
- 6: Appendix VI – Current Year's Expenses from Prior Year Claims
- 7: Chart 1 – Indemnity Claims  
Chart 2 – Medical Only Claims  
Chart 3 – Grand Total Indemnity and Medical Only Claims  
Chart 4 – Indemnity – Cost/Claim
- 8: Innovative Claim Solutions (ICS) Comparative Data

**Appendix I**  
**Indemnity Claims Activity**  
As of December 31, 2016

**Indemnity Claims** are Workers' Compensation claims with exposure beyond medical treatment. Indemnity claims exposure includes cost associated with lost time, litigation or permanent disability. The tables below identify the number of Indemnity claims with a date of injury over the past five (5) fiscal years. The data is first summarized for all City Indemnity claims, followed by Safety and Non-Safety Employees.

There are approximately 127 Sworn Fire Employees with approximately 13 Non-Sworn Clerical and Administrative Staff in the Fire Department. There are 181 Sworn Police Employees, with 99 Police Department positions with classifications such as Parking Enforcement Officer, Community Service Officer and Public Safety Dispatcher, as well as other Non-Sworn Clerical and Administrative Staff. There are a total of 1,495 Full-Time Equivalent (FTE) budgeted, but not necessarily filled positions, of which 421 positions are for Sworn Employees and 1,073 are Non-Sworn FTE positions.

| Indemnity Claims / Total for All Employees |                         |                         |          |
|--------------------------------------------|-------------------------|-------------------------|----------|
| Fiscal Year                                | 1 <sup>st</sup> Half FY | 2 <sup>nd</sup> Half FY | Total FY |
| <b>2013</b>                                | 60                      | 48                      | 108      |
| <b>2014</b>                                | 48                      | 47                      | 95       |
| <b>2015</b>                                | 57                      | 41                      | 98       |
| <b>2016</b>                                | 48                      | 56                      | 104      |
| <b>2017</b>                                | 39                      |                         | 39       |

| Indemnity Claims Filed by Sworn <i>Fire</i> Employees (Units A & B) |                         |                         |          |
|---------------------------------------------------------------------|-------------------------|-------------------------|----------|
| Fiscal Year                                                         | 1 <sup>st</sup> Half FY | 2 <sup>nd</sup> Half FY | Total FY |
| <b>2013</b>                                                         | 12                      | 8                       | 20       |
| <b>2014</b>                                                         | 5                       | 6                       | 11       |
| <b>2015</b>                                                         | 17                      | 14                      | 31       |
| <b>2016</b>                                                         | 13                      | 16                      | 29       |
| <b>2017</b>                                                         | 10                      |                         | 10       |

| Indemnity Claims Filed by Sworn <i>Police</i> Employees (Units E & F) |                         |                         |          |
|-----------------------------------------------------------------------|-------------------------|-------------------------|----------|
| Fiscal Year                                                           | 1 <sup>st</sup> Half FY | 2 <sup>nd</sup> Half FY | Total FY |
| <b>2013</b>                                                           | 11                      | 11                      | 22       |
| <b>2014</b>                                                           | 11                      | 17                      | 28       |
| <b>2015</b>                                                           | 21                      | 10                      | 31       |
| <b>2016</b>                                                           | 14                      | 17                      | 31       |
| <b>2017</b>                                                           | 11                      |                         | 11       |

| Indemnity Claims Filed by <i>Non-Sworn</i> Employees |                         |                         |          |
|------------------------------------------------------|-------------------------|-------------------------|----------|
| Fiscal Year                                          | 1 <sup>st</sup> Half FY | 2 <sup>nd</sup> Half FY | Total FY |
| <b>2013</b>                                          | 37                      | 29                      | 66       |
| <b>2014</b>                                          | 32                      | 24                      | 56       |
| <b>2015</b>                                          | 19                      | 17                      | 36       |
| <b>2016</b>                                          | 21                      | 23                      | 44       |
| <b>2017</b>                                          | 18                      |                         | 18       |



**Appendix II**  
**Medical Only Claims Activity**  
 As of December 31, 2016

**Medical Only Claims** are claims that require medical treatment, but do not incur any lost time, litigation or permanent disability, and therefore the severity of injury is lower. The table below shows the number of Medical Only claims with a date of injury over the past five (5) fiscal years, broken out by Sworn Fire, Sworn Police, Non-Sworn employees and all employees combined, with a Grand Total for Medical Only claims.

| Medical Only Claims / Total for All Employees |                         |                         |          |
|-----------------------------------------------|-------------------------|-------------------------|----------|
| Fiscal Year                                   | 1 <sup>st</sup> Half FY | 2 <sup>nd</sup> Half FY | Total FY |
| <b>2013</b>                                   | 40                      | 60                      | 100      |
| <b>2014</b>                                   | 47                      | 43                      | 90       |
| <b>2015</b>                                   | 65                      | 37                      | 102      |
| <b>2016</b>                                   | 46                      | 51                      | 97       |
| <b>2017</b>                                   | 50                      |                         | 50       |

| Medical Only Claims Filed by Sworn <i>Fire</i> Employees (Units A & B) |                         |                         |          |
|------------------------------------------------------------------------|-------------------------|-------------------------|----------|
| Fiscal Year                                                            | 1 <sup>st</sup> Half FY | 2 <sup>nd</sup> Half FY | Total FY |
| <b>2013</b>                                                            | 7                       | 7                       | 14       |
| <b>2014</b>                                                            | 3                       | 2                       | 5        |
| <b>2015</b>                                                            | 11                      | 2                       | 13       |
| <b>2016</b>                                                            | 9                       | 8                       | 17       |
| <b>2017</b>                                                            | 9                       |                         | 9        |

| Medical Only Claims Filed by Sworn <i>Police</i> Employees (Units E & F) |                         |                         |          |
|--------------------------------------------------------------------------|-------------------------|-------------------------|----------|
| Fiscal Year                                                              | 1 <sup>st</sup> Half FY | 2 <sup>nd</sup> Half FY | Total FY |
| <b>2013</b>                                                              | 18                      | 18                      | 36       |
| <b>2014</b>                                                              | 10                      | 12                      | 22       |
| <b>2015</b>                                                              | 26                      | 10                      | 36       |
| <b>2016</b>                                                              | 11                      | 13                      | 24       |
| <b>2017</b>                                                              | 8                       |                         | 8        |

| Medical Only Claims Filed by Non-Sworn Employees |                         |                         |          |
|--------------------------------------------------|-------------------------|-------------------------|----------|
| Fiscal Year                                      | 1 <sup>st</sup> Half FY | 2 <sup>nd</sup> Half FY | Total FY |
| <b>2013</b>                                      | 15                      | 35                      | 50       |
| <b>2014</b>                                      | 34                      | 29                      | 63       |
| <b>2015</b>                                      | 28                      | 25                      | 53       |
| <b>2016</b>                                      | 26                      | 30                      | 56       |
| <b>2017</b>                                      | 33                      |                         | 33       |

**Appendix III**  
**Grand Total Indemnity and Medical Only Claims Activity**  
As of December 31, 2016

| <b>Fiscal Year</b> | <b>1<sup>st</sup> Half FY</b> | <b>2<sup>nd</sup> Half FY</b> | <b>Total FY</b> |
|--------------------|-------------------------------|-------------------------------|-----------------|
| <b>2013</b>        | 100                           | 108                           | 208             |
| <b>2014</b>        | 95                            | 90                            | 185             |
| <b>2015</b>        | 122                           | 78                            | 200             |
| <b>2016</b>        | 94                            | 107                           | 201             |
| <b>2017</b>        | 89                            |                               | 89              |

**Appendix IV**  
**Claim Activity by Department**

The table below shows the number of Indemnity claims and Medical Only claims with a date of injury in FY 2014, FY 2015 and FY 2016, organized by department.

| Department                           | Fiscal Year 2014 |           |            | Fiscal Year 2015 |            |            | Fiscal Year 2016 |           |            |
|--------------------------------------|------------------|-----------|------------|------------------|------------|------------|------------------|-----------|------------|
|                                      | Indemnity        | Medical   | Total      | Indemnity        | Medical    | Total      | Indemnity        | Medical   | Total      |
| City Attorney                        | 0                | 0         | 0          | 0                | 0          | 0          | 0                | 0         | 0          |
| City Auditor                         | 0                | 0         | 0          | 1                | 0          | 1          | 0                | 0         | 0          |
| City Clerk                           | 0                | 0         | 0          | 0                | 0          | 0          | 0                | 0         | 0          |
| City Manager                         | 4                | 1         | 5          | 4                | 4          | 8          | 0                | 1         | 1          |
| Economic Development                 | 0                | 0         | 0          | 0                | 0          | 0          | 0                | 0         | 0          |
| Finance                              | 1                | 2         | 3          | 0                | 0          | 0          | 2                | 0         | 2          |
| Fire*                                | 11               | 5         | 16         | 31               | 14         | 45         | 30               | 17        | 47         |
| Health, Housing & Community Services | 9                | 5         | 14         | 4                | 6          | 10         | 8                | 7         | 15         |
| Human Resources                      | 2                | 0         | 2          | 0                | 0          | 0          | 0                | 0         | 0          |
| Information Technology               | 0                | 3         | 3          | 1                | 0          | 1          | 0                | 1         | 1          |
| Library                              | 2                | 2         | 4          | 3                | 1          | 4          | 1                | 1         | 2          |
| Mayor and Council                    | 0                | 0         | 0          | 0                | 0          | 0          | 0                | 0         | 0          |
| Parks, Rec. & Waterfront             | 4                | 26        | 30         | 4                | 6          | 10         | 7                | 12        | 19         |
| Planning                             | 1                | 0         | 1          | 1                | 0          | 1          | 1                | 0         | 1          |
| Police*                              | 36               | 26        | 62         | 35               | 45         | 80         | 34               | 30        | 64         |
| Police Review Comm.                  | 1                | 0         | 1          | 0                | 0          | 0          | 0                | 0         | 0          |
| Public Works                         | 24               | 20        | 44         | 14               | 26         | 40         | 21               | 28        | 49         |
| Rent Board                           | 0                | 0         | 0          | 0                | 0          | 0          | 0                | 0         | 0          |
| <b>Grand Total</b>                   | <b>95</b>        | <b>90</b> | <b>185</b> | <b>98</b>        | <b>102</b> | <b>200</b> | <b>104</b>       | <b>97</b> | <b>201</b> |

\*Includes Sworn and Non-Sworn employees.



**Appendix V**  
**Costs per Claim**  
As of December 31, 2016

The table below shows the costs associated with Indemnity claims with a date of injury in FY 2013 through FY 2017. The information is broken down by Sworn Fire employees, Sworn Police employees, Non-Sworn Employees and all employees for each fiscal year. The Indemnity claim cost may change over time if additional payments are made for additional services provided in future years, and Medical Only claims may convert to Indemnity claims over time, which is another reason the cost of claims may change.

| <b>Fire (Units A &amp; B) Indemnity Claims/Cost</b> |                |                    |                    |              |
|-----------------------------------------------------|----------------|--------------------|--------------------|--------------|
| <b>Fiscal Year</b>                                  |                | <b>1st Half FY</b> | <b>2nd Half FY</b> | <b>Total</b> |
| <b>2013</b>                                         | Total Claims   | 12                 | 8                  | 20           |
|                                                     | Paid Total     | \$195,459          | \$76,797           | 272,255      |
|                                                     | Reserves       | \$0                | \$0                | 0            |
|                                                     | Incurred Total | \$195,459          | \$76,797           | 272,255      |
|                                                     | Cost per Claim | \$16,288           | \$9,600            | \$13,613     |
| <b>2014</b>                                         | Total Claims   | 5                  | 6                  | 11           |
|                                                     | Paid Total     | \$141,555          | \$45,701           | 187,256      |
|                                                     | Reserves       | \$45,393           | \$26,639           | 72,032       |
|                                                     | Incurred Total | \$186,948          | \$72,340           | 259,289      |
|                                                     | Cost per Claim | \$37,390           | \$12,057           | \$23,572     |
| <b>2015</b>                                         | Total Claims   | 17                 | 14                 | 31           |
|                                                     | Paid Total     | \$631,642          | \$273,212          | 904,854      |
|                                                     | Reserves       | \$289,082          | \$238,087          | 527,169      |
|                                                     | Incurred Total | \$920,724          | \$511,299          | 1,432,023    |
|                                                     | Cost per Claim | \$54,160           | \$36,521           | \$46,194     |
| <b>2016</b>                                         | Total Claims   | 13                 | 16                 | 29           |
|                                                     | Paid Total     | \$145,305          | \$246,928          | 392,233      |
|                                                     | Reserves       | \$82,873           | \$158,274          | 241,148      |
|                                                     | Incurred Total | \$228,178          | \$405,202          | 633,380      |
|                                                     | Cost per Claim | \$17,552           | \$25,325           | \$21,841     |
| <b>2017</b>                                         | Total Claims   | 10                 |                    | 10           |
|                                                     | Paid Total     | \$121,009          |                    | 121,009      |
|                                                     | Reserves       | \$143,124          |                    | 143,124      |
|                                                     | Incurred Total | \$264,133          |                    | 264,133      |
|                                                     | Cost per Claim | \$26,413           |                    | \$26,413     |

| <b>Police (Units E &amp; F) Indemnity Claims/Cost</b> |                |                 |                    |              |
|-------------------------------------------------------|----------------|-----------------|--------------------|--------------|
| <b>Fiscal Year</b>                                    |                | <b>1st Half</b> |                    | <b>Total</b> |
|                                                       |                | <b>FY</b>       | <b>2nd Half FY</b> |              |
| <b>2013</b>                                           | Total Claims   | 11              | 11                 | 22           |
|                                                       | Paid Total     | \$371,282       | \$392,255          | 763,537      |
|                                                       | Reserves       | \$103,527       | \$174,549          | 278,077      |
|                                                       | Incurred Total | \$474,809       | \$566,805          | 1,041,613    |
|                                                       | Cost per Claim | \$43,164        | \$51,528           | \$47,346     |
| <b>2014</b>                                           | Total Claims   | 11              | 17                 | 28           |
|                                                       | Paid Total     | \$90,535        | \$351,043          | 441,578      |
|                                                       | Reserves       | \$13,240        | \$66,151           | 79,391       |
|                                                       | Incurred Total | \$103,775       | \$417,194          | 520,969      |
|                                                       | Cost per Claim | \$9,434         | \$24,541           | \$18,606     |
| <b>2015</b>                                           | Total Claims   | 21              | 10                 | 31           |
|                                                       | Paid Total     | \$320,192       | \$106,573          | 426,765      |
|                                                       | Reserves       | \$226,018       | \$161,501          | 387,520      |
|                                                       | Incurred Total | \$546,210       | \$268,075          | 814,285      |
|                                                       | Cost per Claim | \$26,010        | \$26,807           | \$26,267     |
| <b>2016</b>                                           | Total Claims   | 14              | 17                 | 31           |
|                                                       | Paid Total     | \$225,283       | \$237,015          | 462,298      |
|                                                       | Reserves       | \$199,338       | \$299,367          | 498,705      |
|                                                       | Incurred Total | \$424,621       | \$536,382          | 961,003      |
|                                                       | Cost per Claim | \$30,330        | \$31,552           | \$31,000     |
| <b>2017</b>                                           | Total Claims   | 11              |                    | 11           |
|                                                       | Paid Total     | \$55,369        |                    | 55,369       |
|                                                       | Reserves       | \$65,071        |                    | 65,071       |
|                                                       | Incurred Total | \$120,440       |                    | 120,440      |
|                                                       | Cost per Claim | \$10,949        |                    | \$10,949     |

| <b>Non-Safety (Non-Sworn) Employees Indemnity Claims/Cost</b> |                |                        |                        |              |
|---------------------------------------------------------------|----------------|------------------------|------------------------|--------------|
| <b>Fiscal Year</b>                                            |                | <b>1st Half<br/>FY</b> | <b>2nd Half<br/>FY</b> | <b>Total</b> |
| <b>2013</b>                                                   | Total Claims   | 37                     | 29                     | 66           |
|                                                               | Paid Total     | \$1,033,810            | \$744,348              | 1,778,157    |
|                                                               | Reserves       | \$326,962              | \$273,612              | 600,574      |
|                                                               | Incurred Total | \$1,360,772            | \$1,017,959            | 2,378,731    |
|                                                               | Cost per Claim | \$36,778               | \$35,102               | \$36,041     |
| <b>2014</b>                                                   | Total Claims   | 32                     | 24                     | 56           |
|                                                               | Paid Total     | \$785,643              | \$637,522              | 1,423,165    |
|                                                               | Reserves       | \$172,345              | \$319,017              | 491,362      |
|                                                               | Incurred Total | \$957,989              | \$956,539              | 1,914,527    |
|                                                               | Cost per Claim | \$29,937               | \$39,856               | \$34,188     |
| <b>2015</b>                                                   | Total Claims   | 19                     | 17                     | 36           |
|                                                               | Paid Total     | \$627,933              | \$267,447              | 895,379      |
|                                                               | Reserves       | \$356,830              | \$218,093              | 574,923      |
|                                                               | Incurred Total | \$984,762              | \$485,540              | 1,470,302    |
|                                                               | Cost per Claim | \$51,830               | \$28,561               | \$40,842     |
| <b>2016</b>                                                   | Total Claims   | 21                     | 23                     | 44           |
|                                                               | Paid Total     | \$161,187              | \$257,116              | 418,303      |
|                                                               | Reserves       | \$257,602              | \$791,431              | 1,049,033    |
|                                                               | Incurred Total | \$418,789              | \$1,048,547            | 1,467,336    |
|                                                               | Cost per Claim | \$19,942               | \$45,589               | \$33,349     |
| <b>2017</b>                                                   | Total Claims   | 18                     |                        | 18           |
|                                                               | Paid Total     | \$32,059               |                        | 32,059       |
|                                                               | Reserves       | \$143,158              |                        | 143,158      |
|                                                               | Incurred Total | \$175,217              |                        | 175,217      |
|                                                               | Cost per Claim | \$9,734                |                        | \$9,734      |

| <b>Grand Total Indemnity Claims/Cost Incurred for All Employees</b> |                   |                        |                        |              |
|---------------------------------------------------------------------|-------------------|------------------------|------------------------|--------------|
| <b>Fiscal Year</b>                                                  |                   | <b>1st Half<br/>FY</b> | <b>2nd Half<br/>FY</b> | <b>Total</b> |
| <b>2013</b>                                                         | Total Claims      | 60                     | 48                     | 108          |
|                                                                     | Paid Total        | \$1,600,550            | \$1,213,399            | 2,813,950    |
|                                                                     | Reserves          | \$430,489              | \$448,161              | 878,651      |
|                                                                     | Incurred Total    | \$2,031,040            | \$1,661,561            | 3,692,600    |
|                                                                     | Cost per<br>Claim | \$33,851               | \$34,616               | \$34,191     |
| <b>2014</b>                                                         | Total Claims      | 48                     | 47                     | 95           |
|                                                                     | Paid Total        | \$1,017,733            | \$1,034,266            | 2,051,999    |
|                                                                     | Reserves          | \$230,979              | \$411,807              | 642,785      |
|                                                                     | Incurred Total    | \$1,248,712            | \$1,446,073            | 2,694,785    |
|                                                                     | Cost per<br>Claim | \$26,015               | \$30,768               | \$28,366     |
| <b>2015</b>                                                         | Total Claims      | 57                     | 41                     | 98           |
|                                                                     | Paid Total        | \$1,579,766            | \$647,232              | 2,226,998    |
|                                                                     | Reserves          | \$871,930              | \$617,681              | 1,489,612    |
|                                                                     | Incurred Total    | \$2,451,696            | \$1,264,913            | 3,716,610    |
|                                                                     | Cost per<br>Claim | \$43,012               | \$30,852               | \$37,925     |
| <b>2016</b>                                                         | Total Claims      | 48                     | 56                     | 104          |
|                                                                     | Paid Total        | \$531,775              | \$741,059              | 1,272,834    |
|                                                                     | Reserves          | \$539,814              | \$1,249,072            | 1,788,886    |
|                                                                     | Incurred Total    | \$1,071,588            | \$1,990,131            | 3,061,719    |
|                                                                     | Cost per<br>Claim | \$22,325               | \$35,538               | \$29,440     |
| <b>2017</b>                                                         | Total Claims      | 39                     |                        | 39           |
|                                                                     | Paid Total        | \$208,437              |                        | 208,437      |
|                                                                     | Reserves          | \$351,353              |                        | 351,353      |
|                                                                     | Incurred Total    | \$559,790              |                        | 559,790      |
|                                                                     | Cost per<br>Claim | \$14,354               |                        | \$14,354     |



| <b>Fire (Unit A &amp; B) Medical Only Claims/Cost</b> |                |                    |                    |              |
|-------------------------------------------------------|----------------|--------------------|--------------------|--------------|
| <b>Fiscal Year</b>                                    |                | <b>1st Half FY</b> | <b>2nd Half FY</b> | <b>Total</b> |
| <b>2013</b>                                           | Total Claims   | 7                  | 7                  | 14           |
|                                                       | Paid Total     | \$2,408            | \$3,090            | \$5,498      |
|                                                       | Reserves       | \$0                | \$0                | \$0          |
|                                                       | Incurred Total | \$2,408            | \$3,090            | \$5,498      |
|                                                       | Cost per Claim | \$344              | \$441              | \$393        |
| <b>2014</b>                                           | Total Claims   | 3                  | 2                  | 5            |
|                                                       | Paid Total     | \$2,302            | \$2,784            | \$5,086      |
|                                                       | Reserves       | \$0                | \$0                | \$0          |
|                                                       | Incurred Total | \$2,302            | \$2,784            | \$5,086      |
|                                                       | Cost per Claim | \$767              | \$1,392            | \$1,017      |
| <b>2015</b>                                           | Total Claims   | 11                 | 2                  | 13           |
|                                                       | Paid Total     | \$3,191            | \$916              | \$4,107      |
|                                                       | Reserves       | \$0                | \$0                | \$0          |
|                                                       | Incurred Total | \$3,191            | \$916              | \$4,107      |
|                                                       | Cost per Claim | \$290              | \$458              | \$316        |
| <b>2016</b>                                           | Total Claims   | 9                  | 8                  | 17           |
|                                                       | Paid Total     | \$5,342            | \$3,963            | \$9,305      |
|                                                       | Reserves       | \$688              | \$0                | \$688        |
|                                                       | Incurred Total | \$6,030            | \$3,963            | \$9,993      |
|                                                       | Cost per Claim | \$670              | \$495              | \$588        |
| <b>2017</b>                                           | Total Claims   | 9                  |                    | 9            |
|                                                       | Paid Total     | \$1,183            |                    | \$1,183      |
|                                                       | Reserves       | \$2,093            |                    | \$2,093      |
|                                                       | Incurred Total | \$3,276            |                    | \$3,276      |
|                                                       | Cost per Claim | \$364              |                    | \$364        |

| <b>Police (Units E &amp; F) Medical Only Claims/Cost</b> |                |                        |                        |              |
|----------------------------------------------------------|----------------|------------------------|------------------------|--------------|
| <b>Fiscal Year</b>                                       |                | <b>1st Half<br/>FY</b> | <b>2nd Half<br/>FY</b> | <b>Total</b> |
| <b>2013</b>                                              | Total Claims   | 18                     | 18                     | 36           |
|                                                          | Paid Total     | \$5,941                | \$9,151                | \$15,092     |
|                                                          | Reserves       | \$0                    | \$0                    | \$0          |
|                                                          | Incurred Total | \$5,941                | \$9,151                | \$15,092     |
|                                                          | Cost per Claim | \$330                  | \$508                  | \$419        |
| <b>2014</b>                                              | Total Claims   | 10                     | 12                     | 22           |
|                                                          | Paid Total     | \$4,412                | \$11,967               | \$16,379     |
|                                                          | Reserves       | \$0                    | \$0                    | \$0          |
|                                                          | Incurred Total | \$4,412                | \$11,967               | \$16,379     |
|                                                          | Cost per Claim | \$441                  | \$997                  | \$745        |
| <b>2015</b>                                              | Total Claims   | 26                     | 10                     | 36           |
|                                                          | Paid Total     | \$26,989               | \$11,316               | \$38,305     |
|                                                          | Reserves       | \$0                    | \$0                    | \$0          |
|                                                          | Incurred Total | \$26,989               | \$11,316               | \$38,305     |
|                                                          | Cost per Claim | \$1,038                | \$1,132                | \$1,064      |
| <b>2016</b>                                              | Total Claims   | 11                     | 13                     | 24           |
|                                                          | Paid Total     | \$10,901               | \$13,272               | \$24,173     |
|                                                          | Reserves       | \$0                    | \$0                    | \$0          |
|                                                          | Incurred Total | \$10,901               | \$13,272               | \$24,173     |
|                                                          | Cost per Claim | \$991                  | \$1,021                | \$1,007      |
| <b>2017</b>                                              | Total Claims   | 8                      |                        | 8            |
|                                                          | Paid Total     | \$9,509                |                        | \$9,509      |
|                                                          | Reserves       | \$1,269                |                        | \$1,269      |
|                                                          | Incurred Total | \$10,778               |                        | \$10,778     |
|                                                          | Cost per Claim | \$1,347                |                        | \$1,347      |

| <b>Non-Safety Medical Only Claims/Cost</b> |                |                        |                        |              |
|--------------------------------------------|----------------|------------------------|------------------------|--------------|
| <b>Fiscal Year</b>                         |                | <b>1st Half<br/>FY</b> | <b>2nd Half<br/>FY</b> | <b>Total</b> |
| <b>2013</b>                                | Total Claims   | 15                     | 35                     | 50           |
|                                            | Paid Total     | \$13,106               | \$28,526               | \$41,632     |
|                                            | Reserves       | \$0                    | \$11,979               | \$11,979     |
|                                            | Incurred Total | \$13,106               | \$40,505               | \$53,611     |
|                                            | Cost per Claim | \$874                  | \$1,157                | \$1,072      |
| <b>2014</b>                                | Total Claims   | 34                     | 29                     | 63           |
|                                            | Paid Total     | \$35,577               | \$49,135               | \$84,711     |
|                                            | Reserves       | \$0                    | \$0                    | \$0          |
|                                            | Incurred Total | \$35,577               | \$49,135               | \$84,711     |
|                                            | Cost per Claim | \$1,046                | \$1,694                | \$1,345      |
| <b>2015</b>                                | Total Claims   | 28                     | 25                     | 53           |
|                                            | Paid Total     | \$46,043               | \$19,934               | \$65,977     |
|                                            | Reserves       | \$0                    | \$0                    | \$0          |
|                                            | Incurred Total | \$46,043               | \$19,934               | \$65,977     |
|                                            | Cost per Claim | \$1,644                | \$797                  | \$1,245      |
| <b>2016</b>                                | Total Claims   | 26                     | 30                     | 56           |
|                                            | Paid Total     | \$26,451               | \$35,839               | \$62,289     |
|                                            | Reserves       | \$1,161                | \$476                  | \$1,638      |
|                                            | Incurred Total | \$27,612               | \$36,315               | \$63,927     |
|                                            | Cost per Claim | \$1,062                | \$1,210                | \$1,142      |
| <b>2017</b>                                | Total Claims   | 33                     |                        | 33           |
|                                            | Paid Total     | \$26,805               |                        | \$26,805     |
|                                            | Reserves       | \$10,977               |                        | \$10,977     |
|                                            | Incurred Total | \$37,782               |                        | \$37,782     |
|                                            | Cost per Claim | \$1,145                |                        | \$1,145      |



| <b>Grand Total Medical Only Claims/Costs Incurred for All Employees</b> |                |                        |                        |              |
|-------------------------------------------------------------------------|----------------|------------------------|------------------------|--------------|
| <b>Fiscal Year</b>                                                      |                | <b>1st Half<br/>FY</b> | <b>2nd Half<br/>FY</b> | <b>Total</b> |
| <b>2013</b>                                                             | Total Claims   | 40                     | 60                     | 100          |
|                                                                         | Paid Total     | \$21,455               | \$40,767               | \$62,222     |
|                                                                         | Reserves       | \$0                    | \$11,979               | \$11,979     |
|                                                                         | Incurred Total | \$21,455               | \$52,746               | \$74,201     |
|                                                                         | Cost per Claim | \$536                  | \$879                  | \$742        |
| <b>2014</b>                                                             | Total Claims   | 47                     | 43                     | 90           |
|                                                                         | Paid Total     | \$42,291               | \$63,885               | \$106,177    |
|                                                                         | Reserves       | \$0                    | \$0                    | \$0          |
|                                                                         | Incurred Total | \$42,291               | \$63,885               | \$106,177    |
|                                                                         | Cost per Claim | \$900                  | \$1,486                | \$1,180      |
| <b>2015</b>                                                             | Total Claims   | 65                     | 37                     | 102          |
|                                                                         | Paid Total     | \$76,222               | \$32,166               | \$108,389    |
|                                                                         | Reserves       | \$0                    | \$0                    | \$0          |
|                                                                         | Incurred Total | \$76,222               | \$32,166               | \$108,389    |
|                                                                         | Cost per Claim | \$1,173                | \$869                  | \$1,063      |
| <b>2016</b>                                                             | Total Claims   | 46                     | 51                     | 97           |
|                                                                         | Paid Total     | \$42,693               | \$53,074               | \$95,767     |
|                                                                         | Reserves       | \$1,849                | \$476                  | \$2,326      |
|                                                                         | Incurred Total | \$44,543               | \$53,550               | \$98,092     |
|                                                                         | Cost per Claim | \$968                  | \$1,050                | \$1,011      |
| <b>2017</b>                                                             | Total Claims   | 50                     |                        | 50           |
|                                                                         | Paid Total     | \$37,498               |                        | \$37,498     |
|                                                                         | Reserves       | \$14,339               |                        | \$14,339     |
|                                                                         | Incurred Total | \$51,837               |                        | \$51,837     |
|                                                                         | Cost per Claim | \$1,037                |                        | \$1,037      |

| <b>Fire (Unit B) Grand Total Indemnity and Medical Only Claims/Cost</b> |                |                    |                    |              |
|-------------------------------------------------------------------------|----------------|--------------------|--------------------|--------------|
| <b>Fiscal Year</b>                                                      |                | <b>1st Half FY</b> | <b>2nd Half FY</b> | <b>Total</b> |
| <b>2013</b>                                                             | Total Claims   | 19                 | 15                 | 34           |
|                                                                         | Paid Total     | \$197,867          | \$79,887           | \$277,754    |
|                                                                         | Reserves       | \$0                | \$0                | \$0          |
|                                                                         | Incurred Total | \$197,867          | \$79,887           | \$277,754    |
|                                                                         | Cost per Claim | \$20,328           | \$9,637            | \$8,169      |
| <b>2014</b>                                                             | Total Claims   | 8                  | 8                  | 16           |
|                                                                         | Paid Total     | \$143,857          | \$48,485           | \$192,342    |
|                                                                         | Reserves       | \$45,393           | \$26,639           | \$72,032     |
|                                                                         | Incurred Total | \$189,251          | \$75,124           | \$264,375    |
|                                                                         | Cost per Claim | \$28,677           | \$18,781           | \$16,523     |
| <b>2015</b>                                                             | Total Claims   | 28                 | 16                 | 44           |
|                                                                         | Paid Total     | \$634,833          | \$274,128          | \$908,961    |
|                                                                         | Reserves       | \$289,082          | \$238,087          | \$527,169    |
|                                                                         | Incurred Total | \$923,915          | \$512,215          | \$1,436,130  |
|                                                                         | Cost per Claim | \$65,448           | \$53,439           | \$32,639     |
| <b>2016</b>                                                             | Total Claims   | 22                 | 24                 | 46           |
|                                                                         | Paid Total     | \$150,646          | \$250,891          | \$401,537    |
|                                                                         | Reserves       | \$83,561           | \$158,274          | \$241,836    |
|                                                                         | Incurred Total | \$234,208          | \$409,165          | \$643,373    |
|                                                                         | Cost per Claim | \$21,142           | \$33,700           | \$13,986     |
| <b>2017</b>                                                             | Total Claims   | 19                 |                    | 19           |
|                                                                         | Paid Total     | \$122,192          |                    | \$122,192    |
|                                                                         | Reserves       | \$145,217          |                    | \$145,217    |
|                                                                         | Incurred Total | \$267,409          |                    | \$267,409    |
|                                                                         | Cost per Claim | \$23,809           |                    | \$14,074     |

| <b>Police (Units E &amp; F) Grand Total Indemnity and Medical Only Claims/Cost</b> |                |                    |                    |              |
|------------------------------------------------------------------------------------|----------------|--------------------|--------------------|--------------|
| <b>Fiscal Year</b>                                                                 |                | <b>1st Half FY</b> | <b>2nd Half FY</b> | <b>Total</b> |
| <b>2013</b>                                                                        | Total Claims   | 29                 | 29                 | 58           |
|                                                                                    | Paid Total     | \$377,223          | \$401,406          | \$778,629    |
|                                                                                    | Reserves       | \$103,527          | \$174,549          | \$278,077    |
|                                                                                    | Incurred Total | \$480,750          | \$575,955          | \$1,056,705  |
|                                                                                    | Cost per Claim | \$40,371           | \$45,131           | \$18,219     |
| <b>2014</b>                                                                        | Total Claims   | 21                 | 29                 | 50           |
|                                                                                    | Paid Total     | \$94,947           | \$363,010          | \$457,958    |
|                                                                                    | Reserves       | \$13,240           | \$66,151           | \$79,391     |
|                                                                                    | Incurred Total | \$108,187          | \$429,161          | \$537,348    |
|                                                                                    | Cost per Claim | \$10,243           | \$30,020           | \$10,747     |
| <b>2015</b>                                                                        | Total Claims   | 47                 | 20                 | 67           |
|                                                                                    | Paid Total     | \$347,180          | \$117,889          | \$465,069    |
|                                                                                    | Reserves       | \$226,018          | \$161,501          | \$387,520    |
|                                                                                    | Incurred Total | \$573,199          | \$279,391          | \$852,589    |
|                                                                                    | Cost per Claim | \$25,770           | \$29,461           | \$12,725     |
| <b>2016</b>                                                                        | Total Claims   | 25                 | 30                 | 55           |
|                                                                                    | Paid Total     | \$236,184          | \$250,287          | \$486,471    |
|                                                                                    | Reserves       | \$199,338          | \$299,367          | \$498,705    |
|                                                                                    | Incurred Total | \$435,522          | \$549,654          | \$985,176    |
|                                                                                    | Cost per Claim | \$36,452           | \$43,788           | \$17,912     |
| <b>2017</b>                                                                        | Total Claims   | 19                 |                    | 19           |
|                                                                                    | Paid Total     | \$64,878           |                    | \$64,878     |
|                                                                                    | Reserves       | \$66,340           |                    | \$66,340     |
|                                                                                    | Incurred Total | \$131,218          |                    | \$131,218    |
|                                                                                    | Cost per Claim | \$14,156           |                    | \$6,906      |

| <b>Non-Safety Units Grand Total Indemnity and Medical Only Claims/Cost</b> |                |                    |                    |              |
|----------------------------------------------------------------------------|----------------|--------------------|--------------------|--------------|
| <b>Fiscal Year</b>                                                         |                | <b>1st Half FY</b> | <b>2nd Half FY</b> | <b>Total</b> |
| <b>2013</b>                                                                | Total Claims   | 52                 | 64                 | 116          |
|                                                                            | Paid Total     | \$1,046,916        | \$772,874          | \$1,819,789  |
|                                                                            | Reserves       | \$326,962          | \$285,591          | \$612,553    |
|                                                                            | Incurred Total | \$1,373,878        | \$1,058,465        | \$2,432,343  |
|                                                                            | Cost per Claim | \$53,428           | \$33,130           | \$20,968     |
| <b>2014</b>                                                                | Total Claims   | 66                 | 53                 | 119          |
|                                                                            | Paid Total     | \$821,220          | \$686,656          | \$1,507,876  |
|                                                                            | Reserves       | \$172,345          | \$319,017          | \$491,362    |
|                                                                            | Incurred Total | \$993,565          | \$1,005,673        | \$1,999,238  |
|                                                                            | Cost per Claim | \$28,406           | \$38,163           | \$16,800     |
| <b>2015</b>                                                                | Total Claims   | 47                 | 42                 | 89           |
|                                                                            | Paid Total     | \$673,975          | \$287,381          | \$961,356    |
|                                                                            | Reserves       | \$356,830          | \$218,093          | \$574,923    |
|                                                                            | Incurred Total | \$1,030,805        | \$505,474          | \$1,536,279  |
|                                                                            | Cost per Claim | \$45,266           | \$24,553           | \$17,262     |
| <b>2016</b>                                                                | Total Claims   | 47                 | 53                 | 100          |
|                                                                            | Paid Total     | \$187,638          | \$292,955          | \$480,592    |
|                                                                            | Reserves       | \$258,764          | \$791,907          | \$1,050,670  |
|                                                                            | Incurred Total | \$446,401          | \$1,084,862        | \$1,531,263  |
|                                                                            | Cost per Claim | \$19,935           | \$39,448           | \$15,313     |
| <b>2017</b>                                                                | Total Claims   | 51                 |                    | 51           |
|                                                                            | Paid Total     | \$58,864           |                    | \$58,864     |
|                                                                            | Reserves       | \$154,135          |                    | \$154,135    |
|                                                                            | Incurred Total | \$213,000          |                    | \$213,000    |
|                                                                            | Cost per Claim | \$7,676            |                    | \$4,176      |



| <b>Grand Total Indemnity and Medical Only Claims/Cost Incurred for All Employees</b> |                |                    |                    |              |
|--------------------------------------------------------------------------------------|----------------|--------------------|--------------------|--------------|
| <b>Fiscal Year</b>                                                                   |                | <b>1st Half FY</b> | <b>2nd Half FY</b> | <b>Total</b> |
| <b>2013</b>                                                                          | Total Claims   | 100                | 108                | 208          |
|                                                                                      | Paid Total     | \$1,622,005        | \$1,254,167        | \$2,876,172  |
|                                                                                      | Reserves       | \$430,489          | \$460,140          | \$890,630    |
|                                                                                      | Incurred Total | \$2,052,495        | \$1,714,307        | \$3,766,802  |
|                                                                                      | Cost per Claim | \$41,318           | \$31,654           | \$18,110     |
| <b>2014</b>                                                                          | Total Claims   | 95                 | 90                 | 185          |
|                                                                                      | Paid Total     | \$1,060,025        | \$1,098,151        | \$2,158,176  |
|                                                                                      | Reserves       | \$230,979          | \$411,807          | \$642,785    |
|                                                                                      | Incurred Total | \$1,291,003        | \$1,509,958        | \$2,800,961  |
|                                                                                      | Cost per Claim | \$25,191           | \$33,824           | \$15,140     |
| <b>2015</b>                                                                          | Total Claims   | 122                | 78                 | 200          |
|                                                                                      | Paid Total     | \$1,655,989        | \$679,398          | \$2,335,387  |
|                                                                                      | Reserves       | \$871,930          | \$617,681          | \$1,489,612  |
|                                                                                      | Incurred Total | \$2,527,919        | \$1,297,079        | \$3,824,998  |
|                                                                                      | Cost per Claim | \$41,337           | \$32,805           | \$19,125     |
| <b>2016</b>                                                                          | Total Claims   | 94                 | 107                | 201          |
|                                                                                      | Paid Total     | \$574,468          | \$794,133          | \$1,368,601  |
|                                                                                      | Reserves       | \$541,663          | \$1,249,548        | \$1,791,211  |
|                                                                                      | Incurred Total | \$1,116,131        | \$2,043,681        | \$3,159,812  |
|                                                                                      | Cost per Claim | \$24,358           | \$39,692           | \$15,720     |
| <b>2017</b>                                                                          | Total Claims   | 89                 |                    | 89           |
|                                                                                      | Paid Total     | \$245,935          |                    | \$245,935    |
|                                                                                      | Reserves       | \$365,692          |                    | \$365,692    |
|                                                                                      | Incurred Total | \$611,627          |                    | \$611,627    |
|                                                                                      | Cost per Claim | \$12,643           |                    | \$6,872      |

**Appendix VI**  
As of December 31, 2016

As previously reported to the Council, the number of claims filed, particularly Indemnity claims, continue to incur a high level of expense for injuries that occurred in prior years. These expenses include, but are not limited to payments for medical treatment, such as physical therapy, medication and rehabilitation, as well as Temporary Disability for lost time. Also, permanent Disability awards and litigation expenses to adjudicate a claim, are included in the Indemnity costs of a claim. The table below shows Workers' Compensation Payments made by Innovative Claim Solutions over the past five (5) fiscal years by date of entry. This table does not include expenses for the City's 365 Day Salary Continuation Benefit paid by the City's Auditors for time off work and to attend medical appointments, which are in addition to Temporary Disability Payments mandated by the State of California.

| <b>Fiscal Year of Reported Injury</b> | <b>Amount Paid on Claims in Fiscal 2013</b> | <b>Amount Paid on Claims in Fiscal 2014</b> | <b>Amount Paid on Claims in Fiscal 2015</b> | <b>Amount Paid on Claims in Fiscal 2016</b> | <b>Amount Paid on Claims in Fiscal 2017 (to 12/31/16)</b> |
|---------------------------------------|---------------------------------------------|---------------------------------------------|---------------------------------------------|---------------------------------------------|-----------------------------------------------------------|
| <b># of Claims Paid</b>               | 690                                         | 640                                         | 594                                         | 575                                         | 446                                                       |
| 1950 to 1979                          | \$18,058                                    | \$15,653                                    | \$18,663                                    | \$19,387                                    | \$8,510                                                   |
| 1980 to 1989                          | \$9,978                                     | \$17,358                                    | \$113,783                                   | \$23,876                                    | \$16,291                                                  |
| 1990 to 1999                          | \$523,082                                   | \$619,803                                   | \$591,906                                   | \$460,378                                   | \$232,328                                                 |
| 2000                                  | \$114,349                                   | \$38,952                                    | \$21,494                                    | \$16,970                                    | \$21,416                                                  |
| 2001                                  | \$260,377                                   | \$128,175                                   | \$58,645                                    | \$62,625                                    | \$25,383                                                  |
| 2002                                  | \$166,810                                   | \$78,180                                    | \$47,765                                    | \$142,630                                   | \$75,409                                                  |
| 2003                                  | \$139,891                                   | \$62,998                                    | \$59,142                                    | \$226,106                                   | -\$21,049                                                 |
| 2004                                  | \$208,883                                   | \$91,176                                    | \$112,018                                   | \$128,615                                   | \$55,127                                                  |
| 2005                                  | \$467,663                                   | \$68,651                                    | \$18,208                                    | \$23,221                                    | \$29,202                                                  |
| 2006                                  | \$200,798                                   | \$78,551                                    | \$52,823                                    | \$55,832                                    | \$23,403                                                  |
| 2007                                  | \$54,145                                    | \$51,151                                    | \$25,965                                    | \$47,633                                    | \$12,468                                                  |
| 2008                                  | \$357,607                                   | \$154,809                                   | \$198,785                                   | \$62,476                                    | \$63,634                                                  |
| 2009                                  | \$345,710                                   | \$197,517                                   | \$400,563                                   | \$139,145                                   | \$253,194                                                 |
| 2010                                  | \$353,244                                   | \$243,994                                   | \$156,618                                   | \$178,277                                   | \$49,183                                                  |
| 2011                                  | \$649,981                                   | \$409,110                                   | \$440,985                                   | \$366,914                                   | \$110,649                                                 |
| 2012                                  | \$1,453,512                                 | \$952,740                                   | \$453,653                                   | \$346,474                                   | \$168,453                                                 |
| 2013                                  | \$742,427                                   | \$1,009,918                                 | \$497,914                                   | \$466,357                                   | \$145,291                                                 |
| 2014                                  | \$0                                         | \$747,579                                   | \$864,393                                   | \$446,773                                   | \$101,391                                                 |
| 2015                                  | \$0                                         | \$0                                         | \$795,907                                   | \$1,121,373                                 | \$418,057                                                 |
| 2016                                  | \$0                                         | \$0                                         | \$0                                         | \$747,789                                   | \$620,811                                                 |
| 2017                                  | \$0                                         | \$0                                         | \$0                                         | \$0                                         | \$245,935                                                 |
| <b>Total Amount Paid on Claims</b>    | <b>\$6,055,515</b>                          | <b>\$4,966,315</b>                          | <b>\$4,929,238</b>                          | <b>\$5,082,852</b>                          | <b>\$2,655,087</b>                                        |

Chart 1  
Indemnity Claims as of 12-31-16

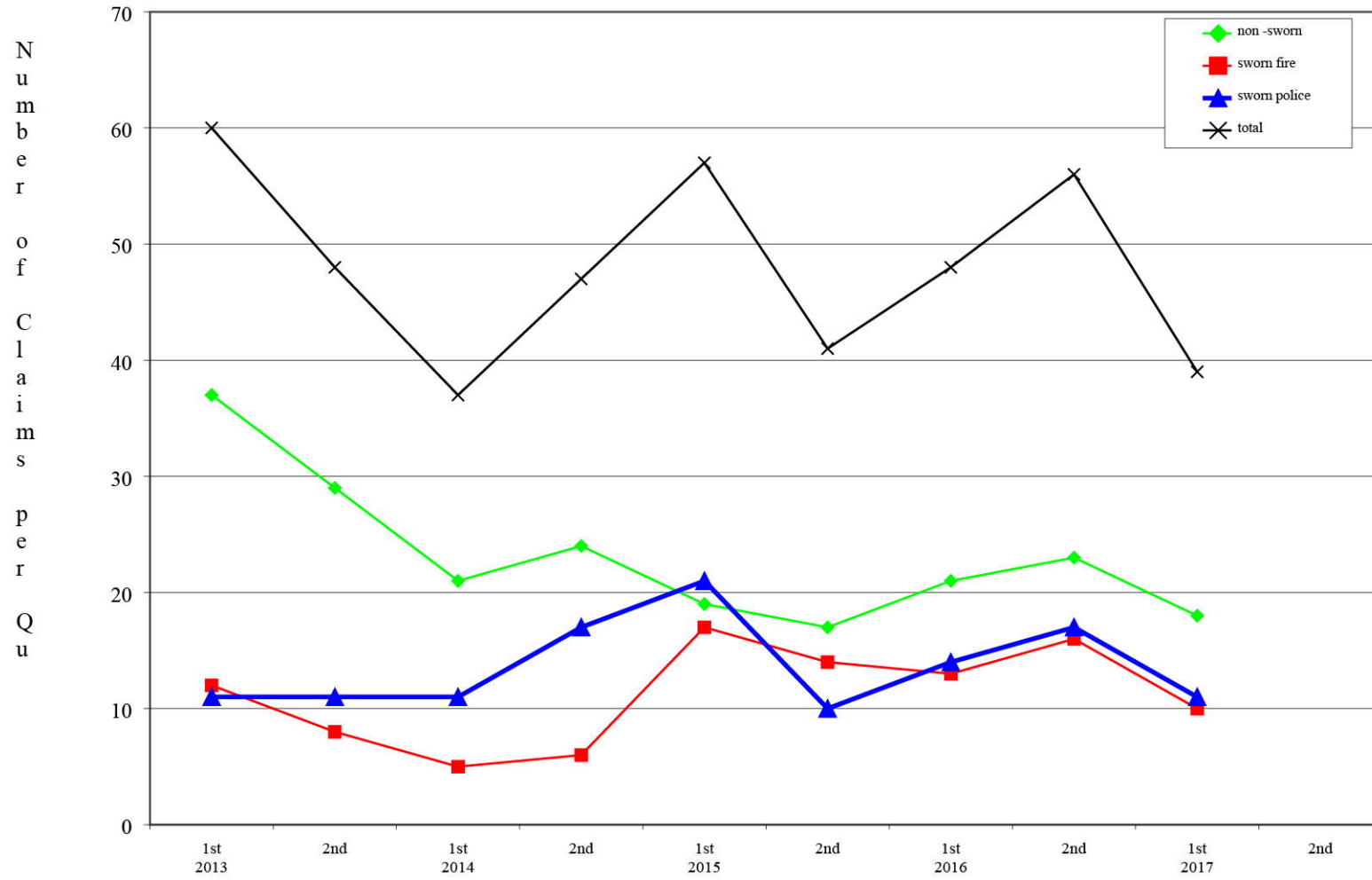




Chart 2  
Medical Only Claims as of 12-31-16

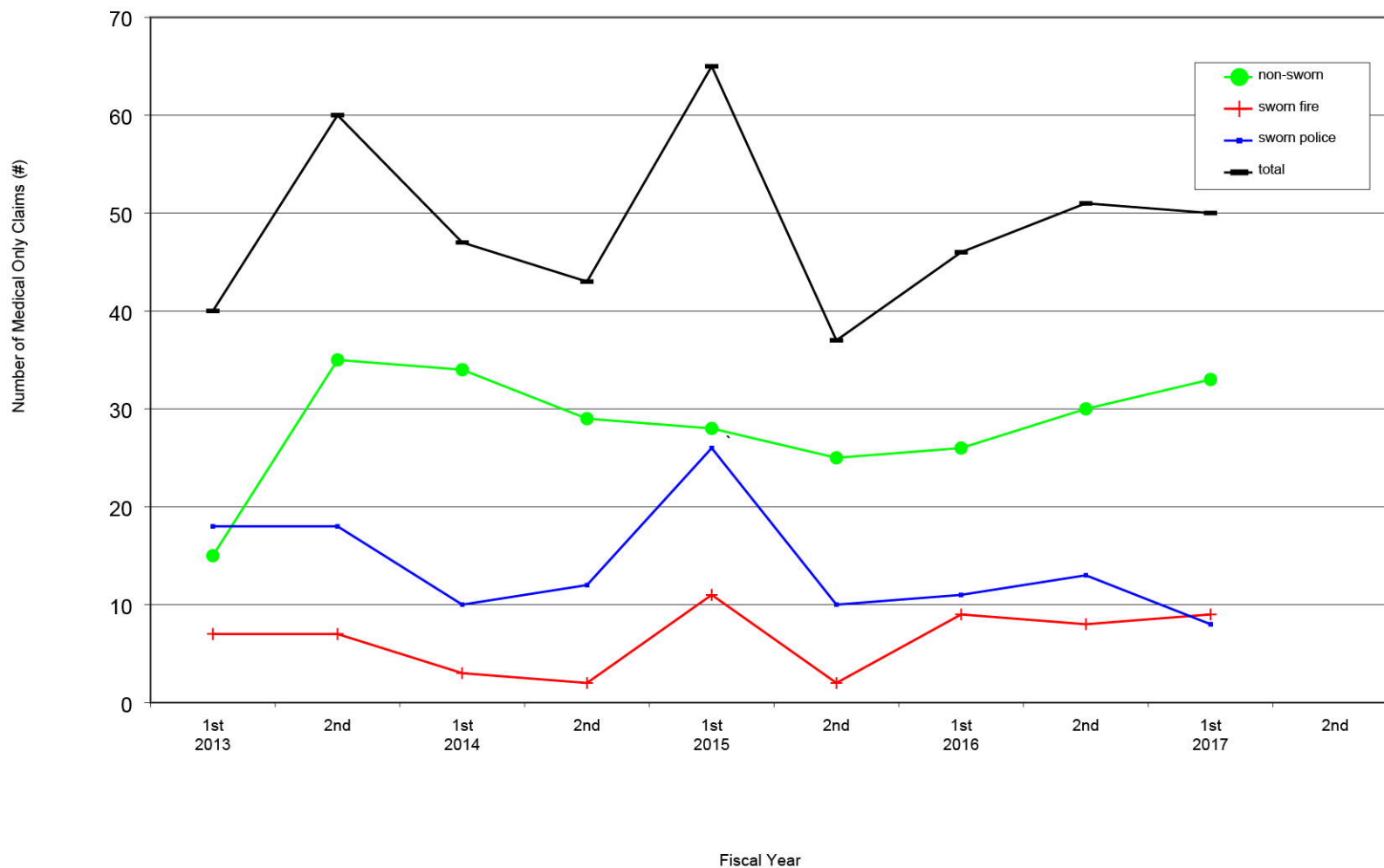


Chart 3  
Grand Total Indemnity and Medical Only Claims as of 12-31-16

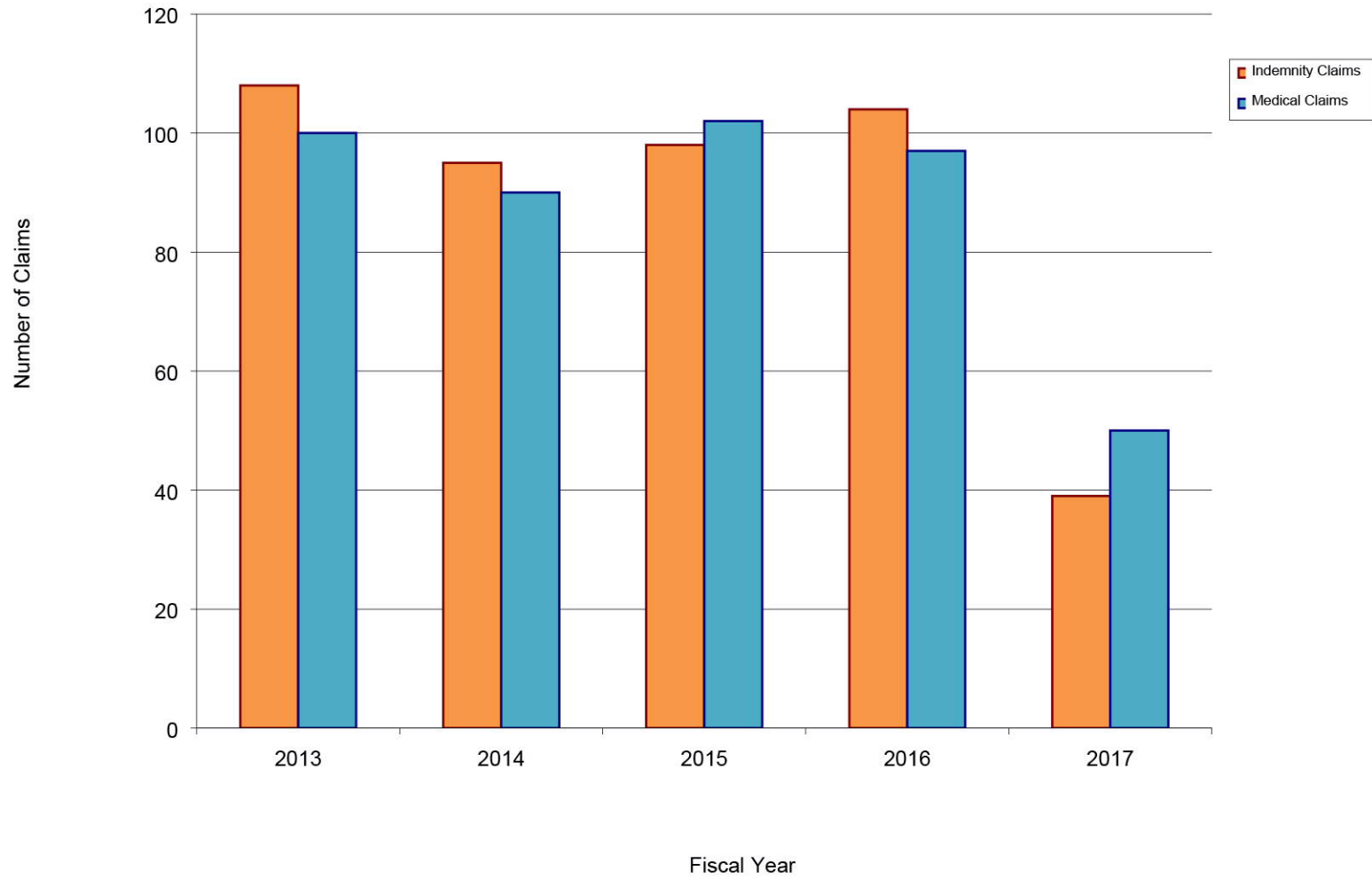
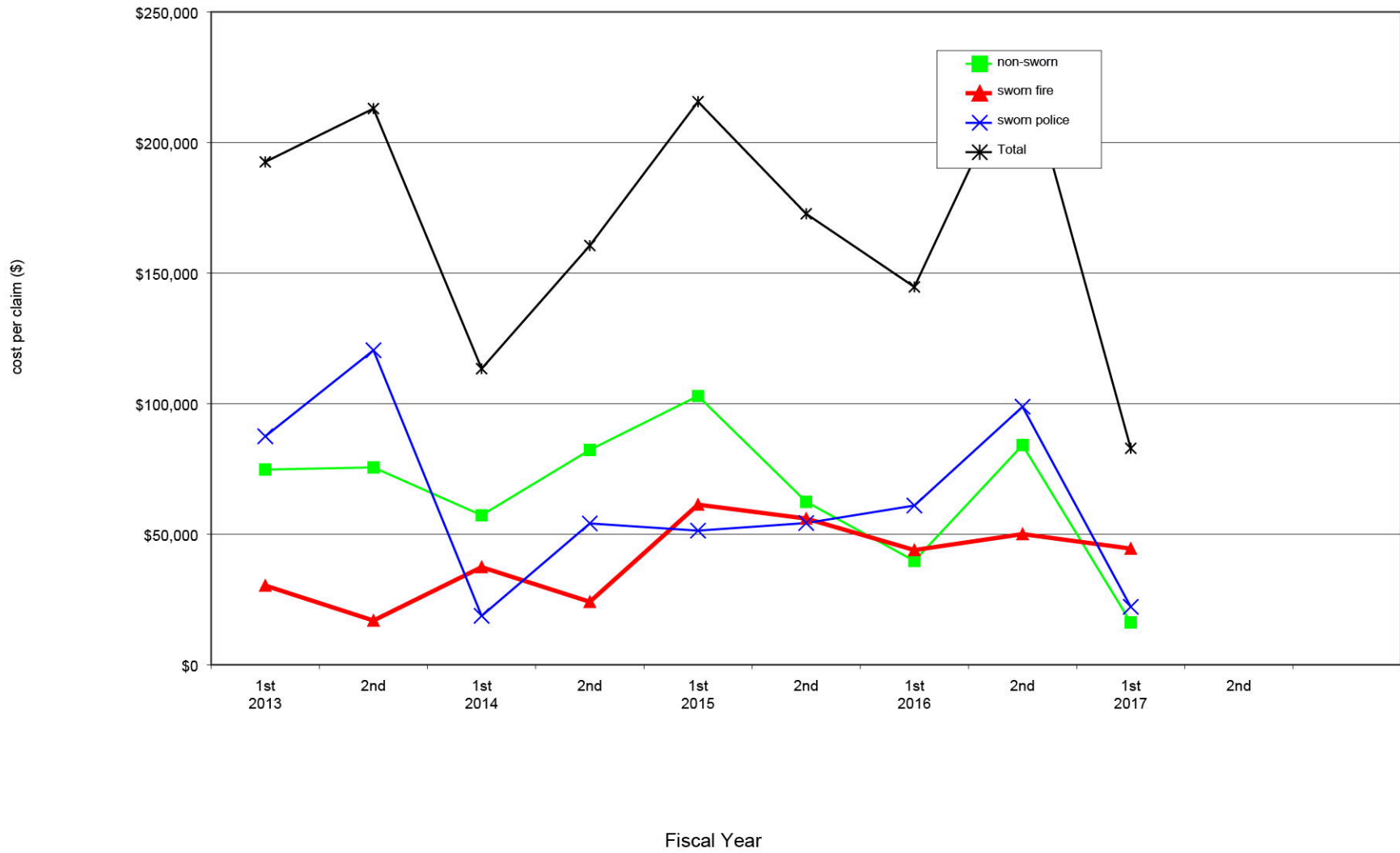


Chart 4  
Indemnity - Cost/Claim as of 12-31-16



**Innovative Claim Solutions (ICS) Comparative Data****Comparative Payment Analysis – All Claims**

The following chart depicts a comparison of total benefits paid for all claims by pay type for July 1<sup>st</sup> through December 31<sup>st</sup> of FY 2016 compared to FY 2017. There was an increase in all categories for medical expenses except hospital payments, which is consistent with the rising costs of health care. Although there was a 331% increase in C & R Indemnity Payments, C & R Settlements for the City of Berkeley, these payments completely dispose of the claim and end the City's obligation to pay future medical, legal, indemnity and other associated claim payments.

| <b>Amount paid in Six Months</b> | <b>7/1/15 - 12/31/15</b> | <b>7/1/16 - 12/31/16</b> | <b>Absolute Change</b> | <b>Percent Change</b> |
|----------------------------------|--------------------------|--------------------------|------------------------|-----------------------|
| Temporary Disability / 4850 Paid | \$630,401                | \$732,475                | \$102,074              | 16%                   |
| Permanent Disability             | \$478,808                | \$435,150                | -\$43,657              | -9%                   |
| C & R Indemnity                  | \$23,009                 | \$67,870                 | \$44,861               | 195%                  |
| C & R Medical                    | \$25,041                 | \$108,000                | \$82,959               | 331%                  |
| Hospital Paid                    | \$281,665                | \$230,341                | -\$51,324              | -18%                  |
| Doctor Paid                      | \$205,846                | \$270,745                | \$64,899               | 32%                   |
| Pharmacy Paid                    | \$168,441                | \$531,805                | \$72,702               | 16%                   |
| All other Medical Paid           | \$290,663                | \$5,000                  | \$5,000                | 100%                  |
| Defense Attorney Paid            | \$128,732                | \$88,865                 | -\$39,867              | -31%                  |
| Other Legal Paid                 | \$164,150                | \$184,835                | \$20,686               | 13%                   |
| <b>Total Paid:</b>               | <b>\$2,396,755</b>       | <b>\$2,655,087</b>       | <b>\$258,332</b>       | <b>11%</b>            |

**Temporary Disability/Labor Code (LC) 4850 Benefits Paid – FY 2017**

Fire and Police Sworn employees receive benefits under the California Labor Code (LC) Section 4850 (also known as 4850 Time or Benefits). LC 4850 provides up to one (1) year of full salary payments, without tax deduction, for police officers, firefighters and other safety personnel when temporarily totally disabled due to an industrial injury.

The chart below depicts all LC 4850 Benefits paid to Sworn Fire and Sworn Police employees, Temporary Disability Benefits paid to Non-Sworn employees and Sworn employees who exhausted their one (1) year of 4850 benefits but were still off work for their injury in the first half of FY 2016 compared to the first half of FY2017. (Does not include City Salary Continuation payments).

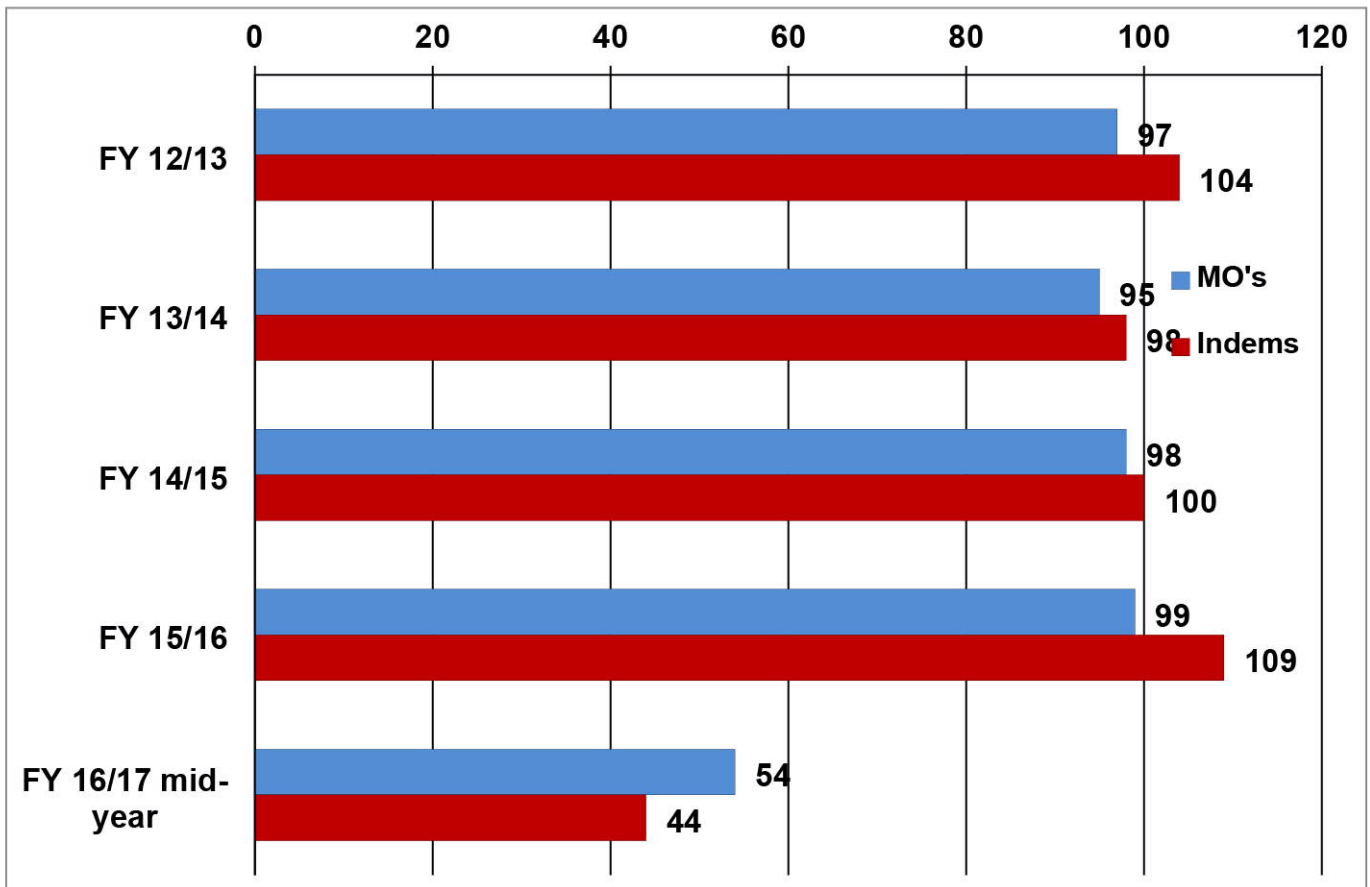
| <b>Department</b>     | <b>Paid 7/1/15 –<br/>12/31/15</b> | <b>Paid 7/1/16 –<br/>12/31/16</b> | <b>Difference</b> |
|-----------------------|-----------------------------------|-----------------------------------|-------------------|
| CITY MANAGER          | \$40,530                          | \$16,494                          | <b>-\$24,037</b>  |
| FINANCE               | \$0                               | \$1,844                           | \$1,844           |
| FIRE                  | \$231,144                         | \$278,101                         | \$46,956          |
| HHCS                  | \$8,995                           | \$0                               | <b>-\$8,995</b>   |
| HOUSING               | \$0                               | \$322                             | \$322             |
| LIBRARY               | \$588                             | \$5,328                           | \$4,741           |
| PARKS & WATERFRONT    | \$22,923                          | \$2,792                           | <b>-\$20,130</b>  |
| POLICE                | \$237,918                         | \$265,123                         | \$27,205          |
| PUBLIC WORKS          | \$86,309                          | \$162,469                         | \$76,161          |
| RENT BOARD            | \$1,993                           | \$0                               | <b>-\$1,993</b>   |
| <b>Net Total Paid</b> | <b>\$630,401</b>                  | <b>\$732,475</b>                  | <b>\$102,074</b>  |

**Claims by Date Entered**

The data below reflects the number of Indemnity and Medical Only claims by fiscal year for FY 2013 through mid-year FY 2017 based upon the date they were entered into the ICS System, as opposed to the date of injury. The number of claims for each fiscal year may change by date entered because an employee has up to one year from the date they “know” about the injury to file a claim.

| Fiscal Year Entered | Medical Only | Indemnity | Total |
|---------------------|--------------|-----------|-------|
| FY 12/13            | 97           | 104       | 201   |
| FY 13/14            | 95           | 98        | 193   |
| FY 14/15            | 98           | 100       | 198   |
| FY 15/16            | 99           | 109       | 208   |
| FY 16/17 mid-year   | 54           | 44        | 98    |

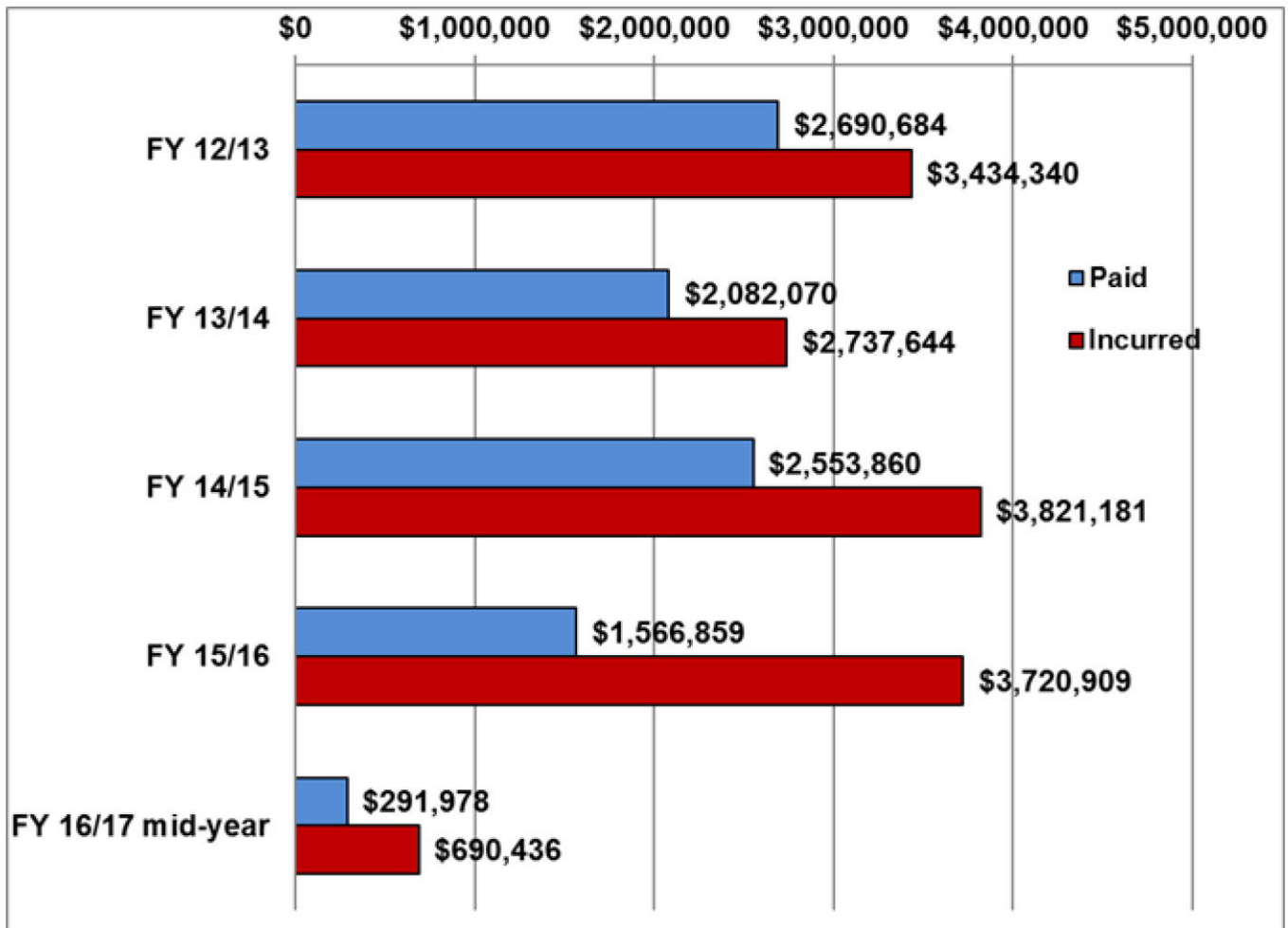
The following graphs depict claims entered from July 1<sup>st</sup> through December 31<sup>st</sup> of each fiscal year, from FY 2013 to FY 2017. The number of claims entered will differ from the number of claims by date of injury for each fiscal year because as noted above, an employee may report an injury up to one year from the date they have knowledge of the injury.





**Total Paid and Incurred\* - FY 2017 (through December 31, 2016)**

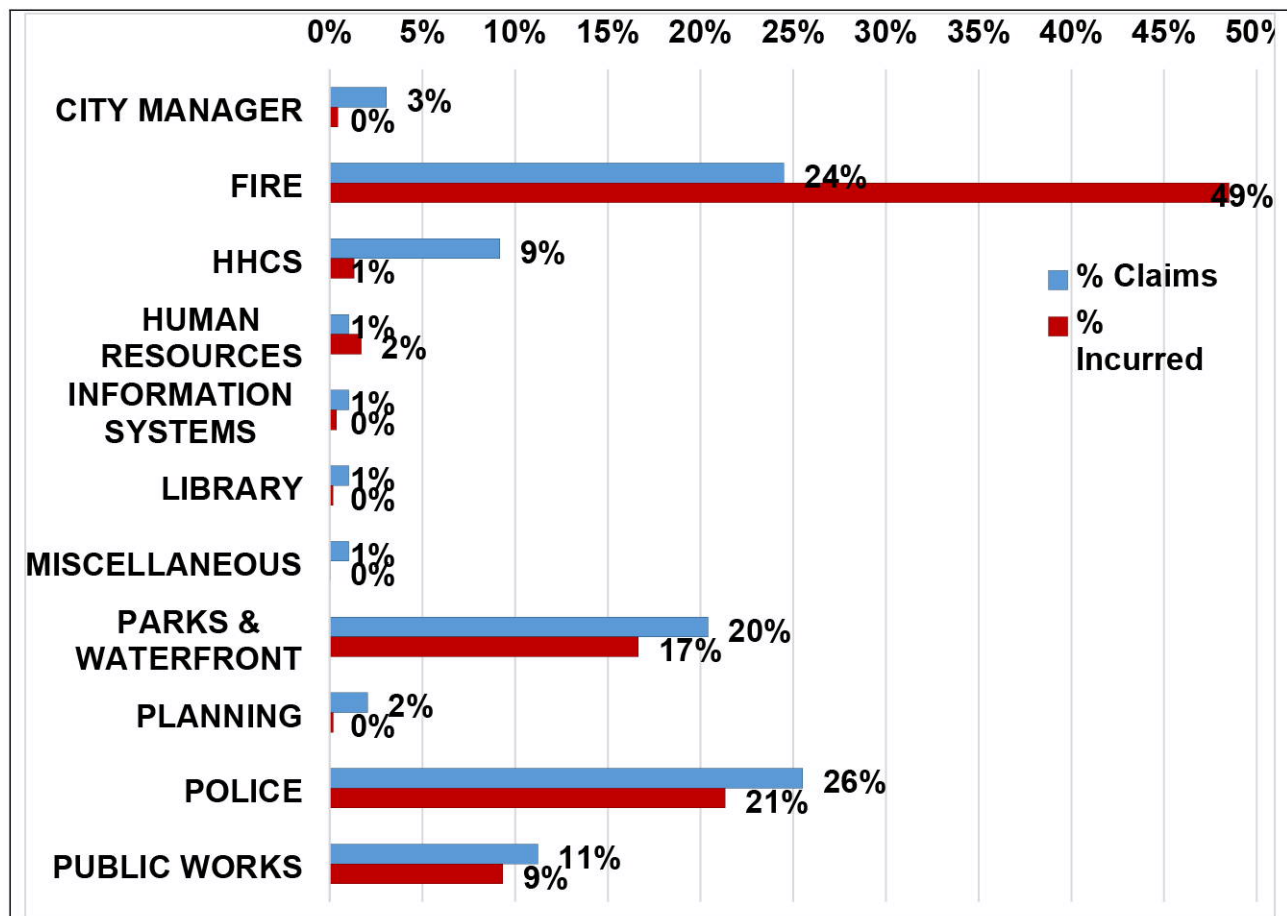
| Fiscal year entered | Paid        | Estimated Future Liability | Incurred    |
|---------------------|-------------|----------------------------|-------------|
| FY 12/13            | \$2,690,684 | \$743,656                  | \$3,434,340 |
| FY 13/14            | \$2,082,070 | \$655,574                  | \$2,737,644 |
| FY 14/15            | \$2,553,860 | \$1,267,321                | \$3,821,181 |
| FY 15/16            | \$1,566,859 | \$2,154,050                | \$3,720,909 |
| FY 16/17 mid-year   | \$291,978   | \$398,458                  | \$690,436   |





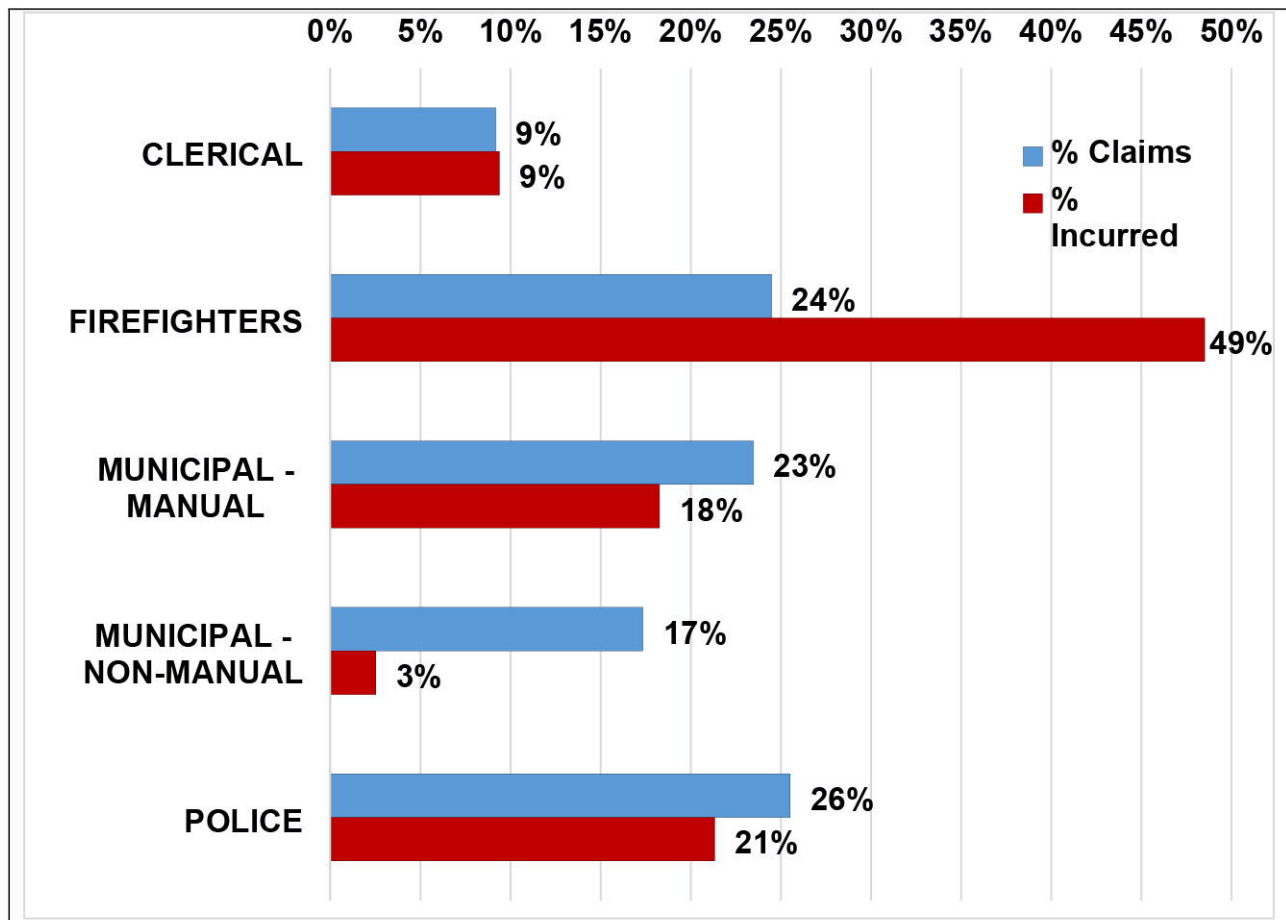
**Claim Frequency by Department – FY 2017 (through December 31, 2016)**

| Department          | Claims    | % Claims    | Incurred            | % Incurred  |
|---------------------|-----------|-------------|---------------------|-------------|
| CITY MANAGER        | 3         | 3%          | \$2,997.56          | 0%          |
| FIRE                | 24        | 24%         | \$334,875.16        | 49%         |
| HHCS                | 9         | 9%          | \$9,013.18          | 1%          |
| HUMAN RESOURCES     | 1         | 1%          | \$11,706.86         | 2%          |
| INFORMATION SYSTEMS | 1         | 1%          | \$2,557.27          | 0%          |
| LIBRARY             | 1         | 1%          | \$1,200.00          | 0%          |
| MISCELLANEOUS       | 1         | 1%          | \$185.39            | 0%          |
| PARKS & WATERFRONT  | 20        | 20%         | \$114,948.40        | 17%         |
| PLANNING            | 2         | 2%          | \$1,259.20          | 0%          |
| POLICE              | 25        | 26%         | \$147,227.32        | 21%         |
| PUBLIC WORKS        | 11        | 11%         | \$64,465.93         | 9%          |
| <b>Totals</b>       | <b>98</b> | <b>100%</b> | <b>\$690,436.27</b> | <b>100%</b> |



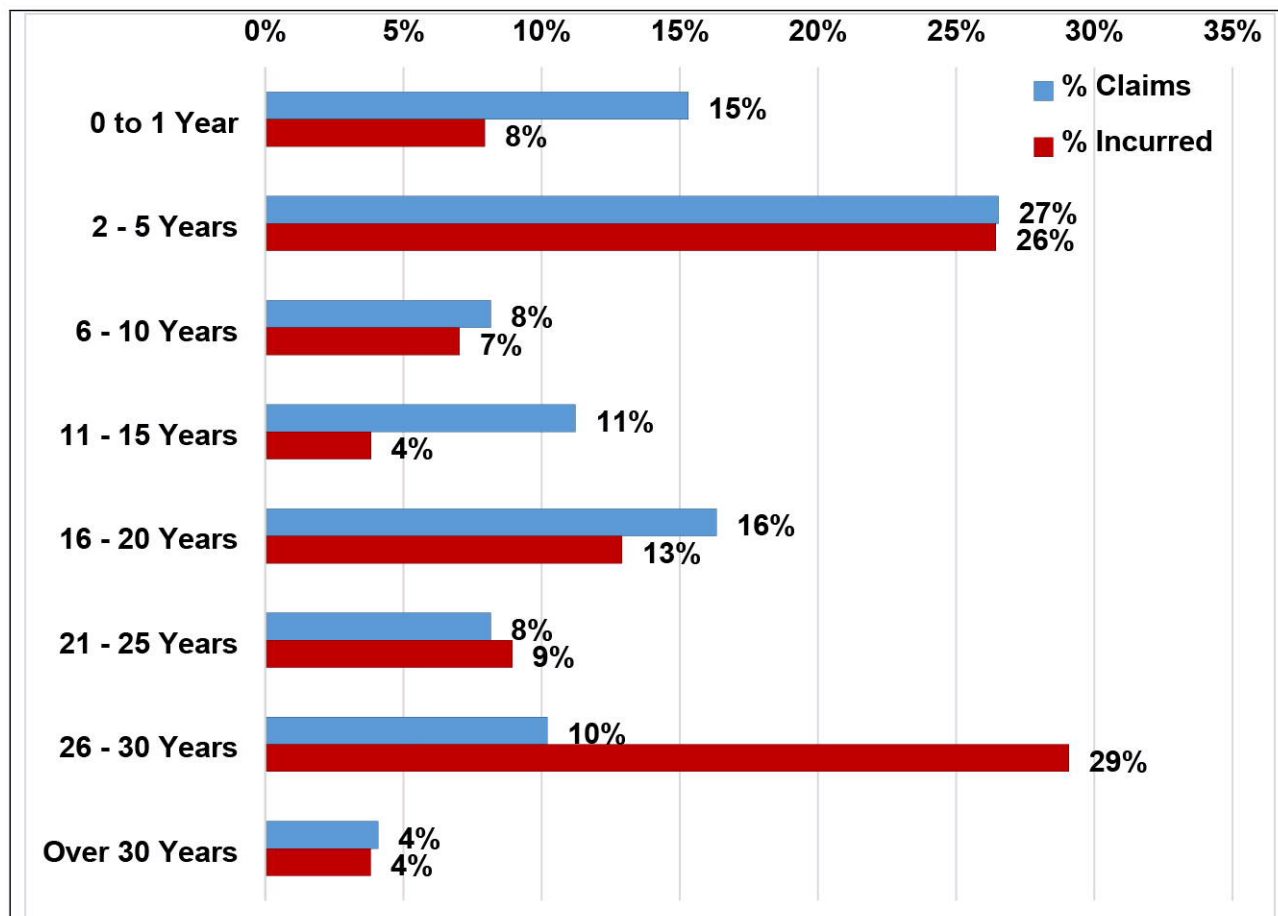
**Claim Frequency by Occupation – FY 2017 (through December 31, 2016)**

| Occupation             | Claims    | % Claims    | Incurred Total      | % Incurred  |
|------------------------|-----------|-------------|---------------------|-------------|
| CLERICAL               | 9         | 9%          | \$64,802.65         | 9%          |
| FIREFIGHTERS           | 24        | 24%         | \$334,875.16        | 49%         |
| MUNICIPAL - MANUAL     | 23        | 23%         | \$126,047.94        | 18%         |
| MUNICIPAL - NON-MANUAL | 17        | 17%         | \$17,483.20         | 3%          |
| POLICE                 | 25        | 26%         | \$147,227.32        | 21%         |
| <b>Total</b>           | <b>98</b> | <b>100%</b> | <b>\$690,436.27</b> | <b>100%</b> |



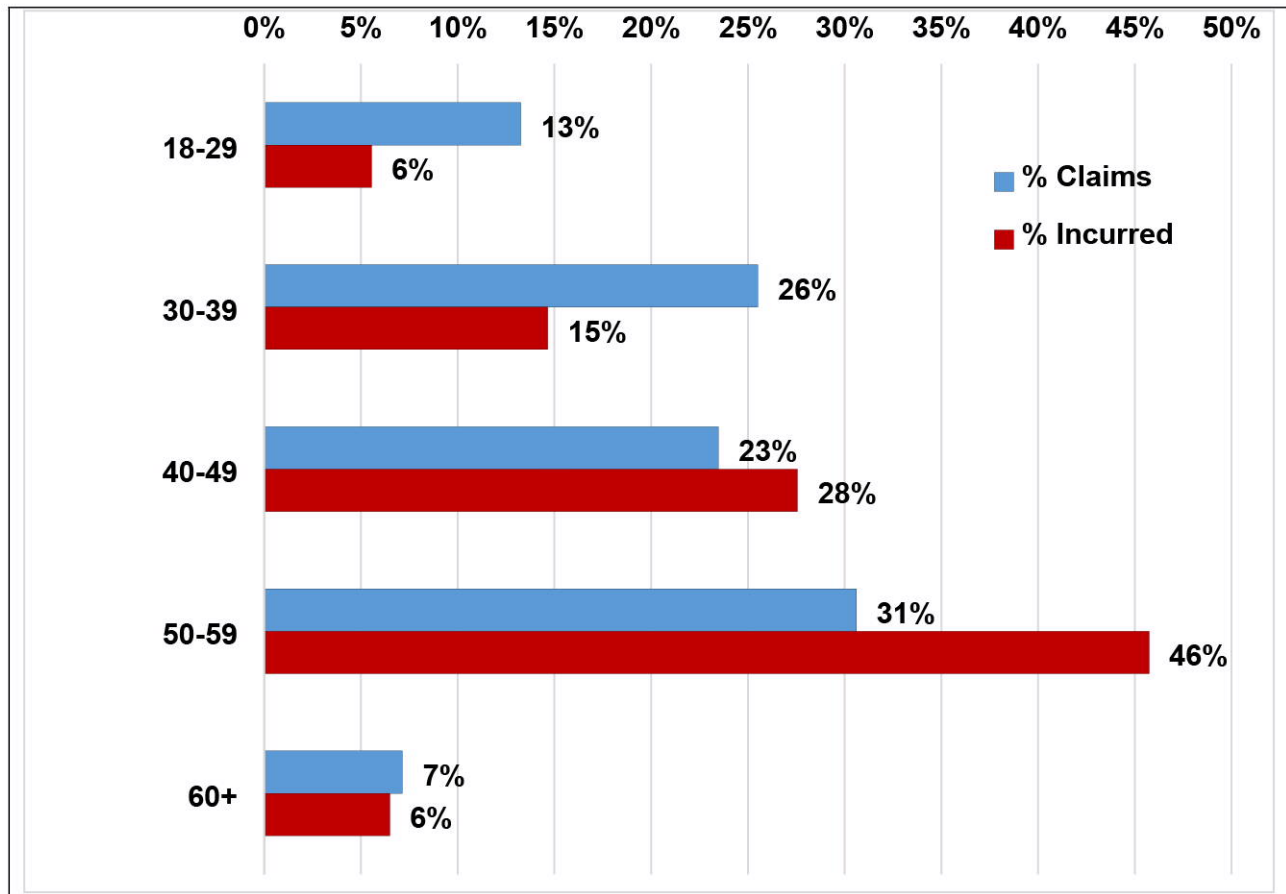
**Claim Frequency by Length of Service – FY 2017 (through December 31, 2016)**

| Length of Service | Claims    | % Claims    | Incurred            | % Incurred  |
|-------------------|-----------|-------------|---------------------|-------------|
| 0 to 1 Year       | 15        | 15%         | \$54,871.56         | 8%          |
| 2 - 5 Years       | 26        | 27%         | \$182,530.88        | 26%         |
| 6 - 10 Years      | 8         | 8%          | \$48,574.63         | 7%          |
| 11 - 15 Years     | 11        | 11%         | \$26,459.01         | 4%          |
| 16 - 20 Years     | 16        | 16%         | \$89,150.47         | 13%         |
| 21 - 25 Years     | 8         | 8%          | \$61,742.62         | 9%          |
| 26 - 30 Years     | 10        | 10%         | \$200,765.36        | 29%         |
| Over 30 Years     | 4         | 4%          | \$26,341.74         | 4%          |
| <b>Totals</b>     | <b>98</b> | <b>100%</b> | <b>\$690,436.27</b> | <b>100%</b> |



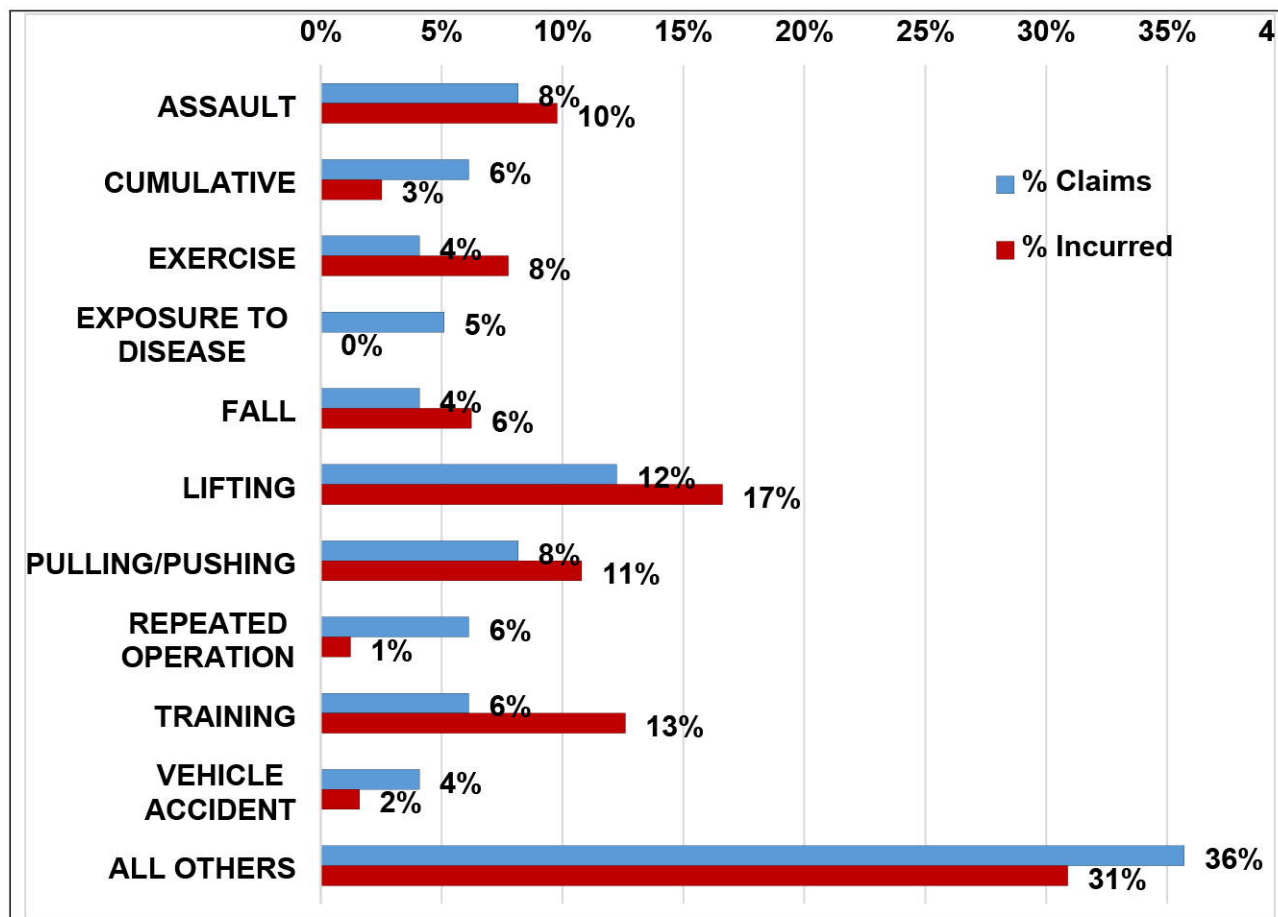
**Claim Frequency by Age of Injured Worker – FY 2017 (through December 31, 2016)**

| Age          | Claims    | % Claims    | Incurred            | % Incurred  |
|--------------|-----------|-------------|---------------------|-------------|
| 18-29        | 13        | 13%         | \$38,304.86         | 6%          |
| 30-39        | 25        | 26%         | \$101,207.82        | 15%         |
| 40-49        | 23        | 23%         | \$190,294.58        | 28%         |
| 50-59        | 30        | 31%         | \$315,826.00        | 46%         |
| 60+          | 7         | 7%          | \$44,803.01         | 6%          |
| <b>Total</b> | <b>98</b> | <b>100%</b> | <b>\$690,436.27</b> | <b>100%</b> |



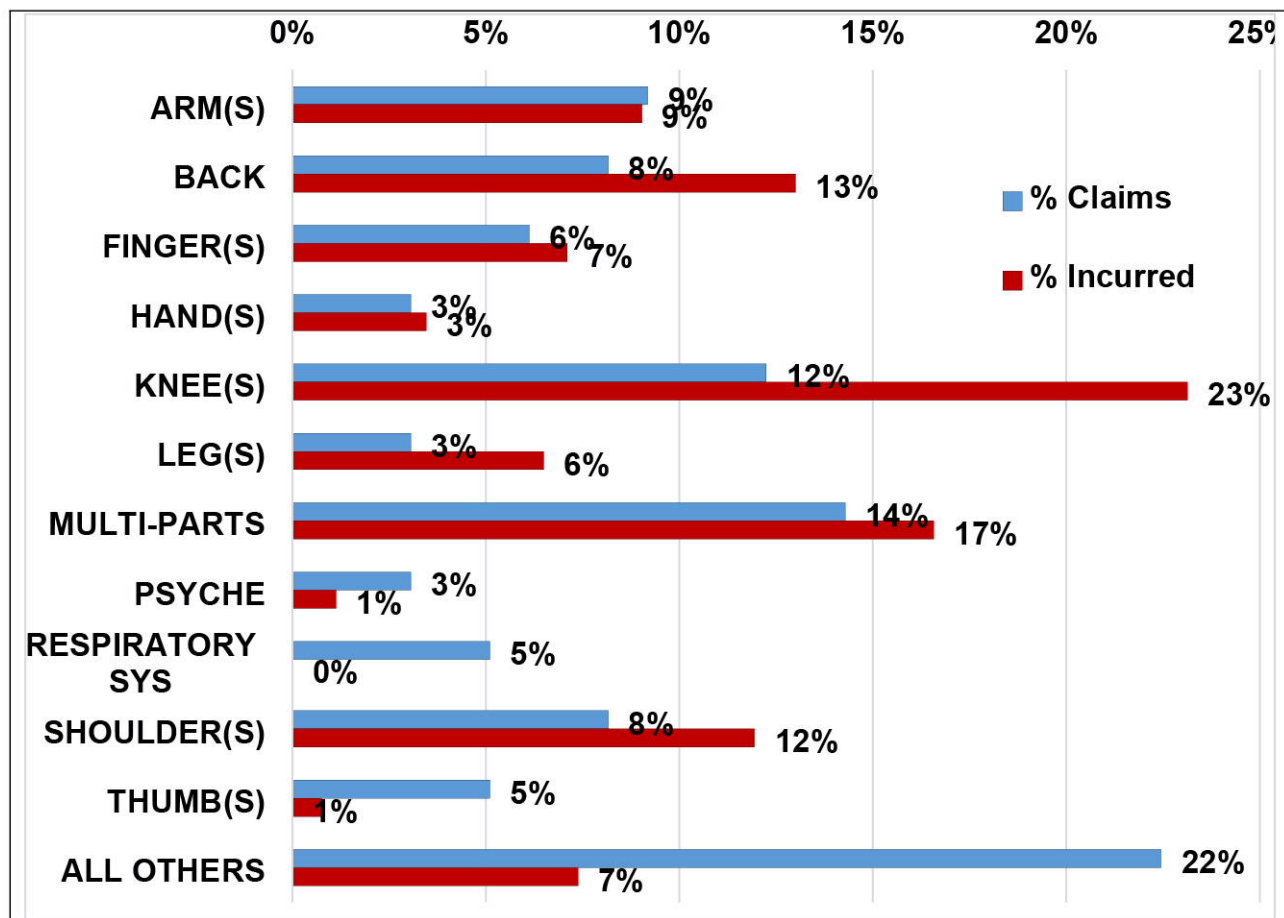
**Claim Frequency by Cause of Injury – FY 2017 (through December 31, 2016)**

| Cause               | Claims    | % Claims    | Incurred            | % Incurred  |
|---------------------|-----------|-------------|---------------------|-------------|
| ASSAULT             | 8         | 8%          | \$67,480.12         | 10%         |
| CUMULATIVE          | 6         | 6%          | \$17,394.81         | 3%          |
| EXERCISE            | 4         | 4%          | \$53,545.39         | 8%          |
| EXPOSURE TO DISEASE | 5         | 5%          | \$46.00             | 0%          |
| FALL                | 4         | 4%          | \$42,979.32         | 6%          |
| LIFTING             | 12        | 12%         | \$114,685.82        | 17%         |
| PULLING/PUSHING     | 8         | 8%          | \$74,508.08         | 11%         |
| REPEATED OPERATION  | 6         | 6%          | \$8,483.37          | 1%          |
| TRAINING            | 6         | 6%          | \$86,954.18         | 13%         |
| VEHICLE ACCIDENT    | 4         | 4%          | \$11,091.73         | 2%          |
| ALL OTHERS          | 35        | 36%         | \$213,267.45        | 31%         |
| <b>Totals</b>       | <b>98</b> | <b>100%</b> | <b>\$690,436.27</b> | <b>100%</b> |



**Claim Frequency by Part of Body – FY 2017 (through December 31, 2016)**

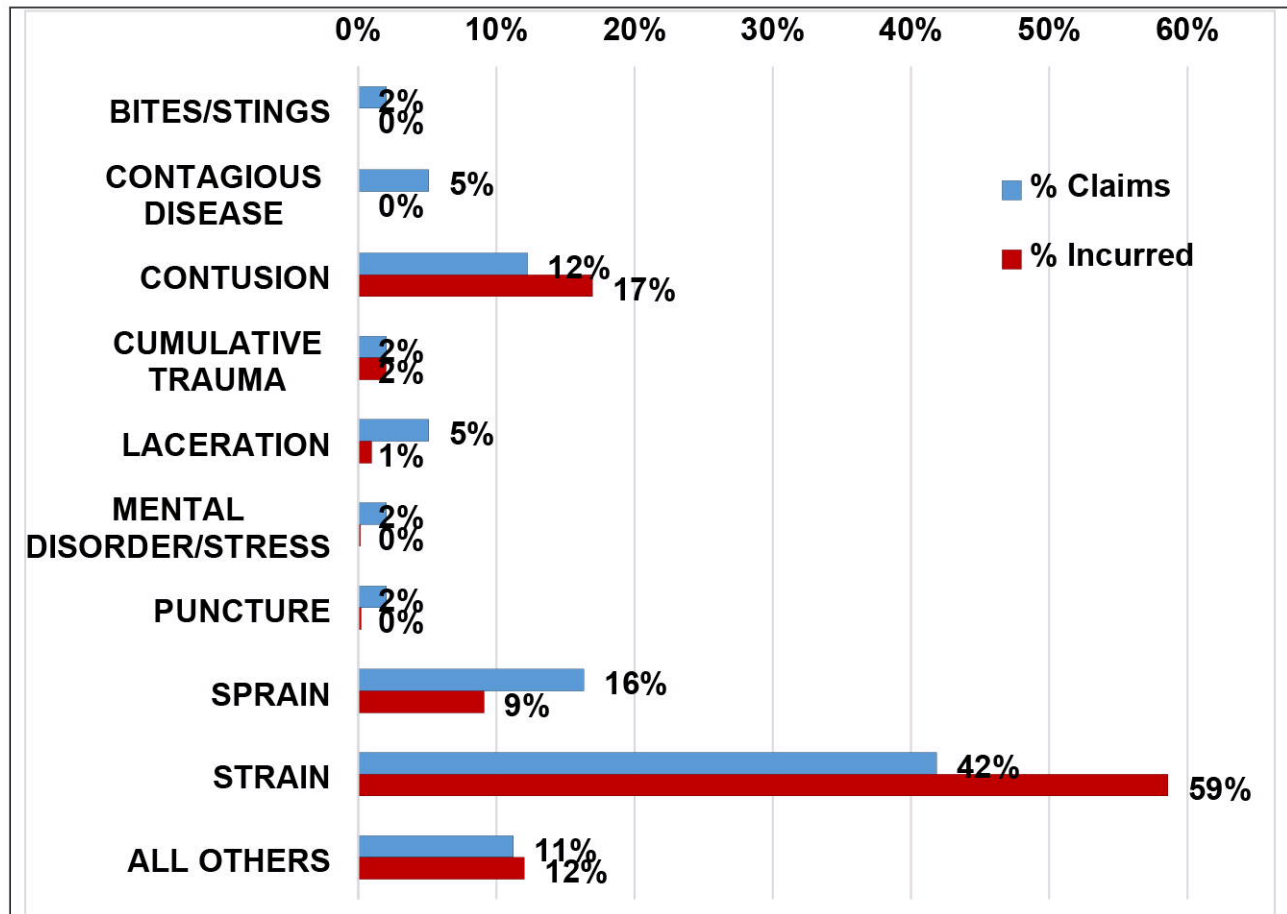
| Body part       | Claims    | % Claims    | Incurred            | % Incurred  |
|-----------------|-----------|-------------|---------------------|-------------|
| ARM(S)          | 9         | 9%          | \$62,362.50         | 9%          |
| BACK            | 8         | 8%          | \$89,763.51         | 13%         |
| FINGER(S)       | 6         | 6%          | \$49,027.40         | 7%          |
| HAND(S)         | 3         | 3%          | \$23,871.44         | 3%          |
| KNEE(S)         | 12        | 12%         | \$159,710.92        | 23%         |
| LEG(S)          | 3         | 3%          | \$44,830.43         | 6%          |
| MULTI-PARTS     | 14        | 14%         | \$114,438.77        | 17%         |
| PSYCHE          | 3         | 3%          | \$7,809.20          | 1%          |
| RESPIRATORY SYS | 5         | 5%          | \$46.00             | 0%          |
| SHOULDER(S)     | 8         | 8%          | \$82,448.75         | 12%         |
| THUMB(S)        | 5         | 5%          | \$5,171.48          | 1%          |
| ALL OTHERS      | 22        | 22%         | \$50,955.87         | 7%          |
| <b>Totals</b>   | <b>98</b> | <b>100%</b> | <b>\$690,436.27</b> | <b>100%</b> |





**Claim Frequency by Nature of Injury – FY 2017 (through December 31, 2016)**

| Nature                 | Claims    | % Claims    | Incurred            | % Incurred  |
|------------------------|-----------|-------------|---------------------|-------------|
| BITES/STINGS           | 2         | 2%          | \$176.19            | 0%          |
| CONTAGIOUS DISEASE     | 5         | 5%          | \$46.00             | 0%          |
| CONTUSION              | 12        | 12%         | \$116,971.66        | 17%         |
| CUMULATIVE TRAUMA      | 2         | 2%          | \$13,819.98         | 2%          |
| LACERATION             | 5         | 5%          | \$6,693.59          | 1%          |
| MENTAL DISORDER/STRESS | 2         | 2%          | \$1,009.20          | 0%          |
| PUNCTURE               | 2         | 2%          | \$1,344.39          | 0%          |
| SPRAIN                 | 16        | 16%         | \$62,860.87         | 9%          |
| STRAIN                 | 41        | 42%         | \$404,580.99        | 59%         |
| ALL OTHERS             | 11        | 11%         | \$82,933.40         | 12%         |
| <b>Total</b>           | <b>98</b> | <b>100%</b> | <b>\$690,436.27</b> | <b>100%</b> |







## ORDINANCE NO. 7,668-N.S.

REPEALING AND REENACTING BERKELEY MUNICIPAL CODE CHAPTER 13.104,  
WAGE THEFT PREVENTION

Section 1. That Berkeley Municipal Code Chapter 13.104 is hereby repealed and reenacted as follows:

**Chapter 13.104**  
**WAGE THEFT PREVENTION**

Sections:

- 13.104.010 Findings.
- 13.104.020 Definitions.
- 13.104.030 Pay Transparency Acknowledgments from Permit Applicant, Contractor, and Qualifying Subcontractor.
- 13.104.040 Pay Transparency Attestations Following Project Completion.
- 13.104.050 Posting of Ordinance.
- 13.104.060 Determination of Construction Pay Transparency Compliance.
- 13.104.070 Issuance of a Certificate of Occupancy.
- 13.104.080 Private Right of Action.
- 13.104.090 City Manager Regulations.
- 13.104.100 Severability.

**13.104.010 Findings.**

A. The City of Berkeley is committed to protecting the public health, safety and welfare. The construction industry involves unique labor standards compliance challenges. Construction workers who do not receive all of their wages and mandatory benefits are likely to discover that despite the best efforts of State enforcement officials, many employees continue to be victims of wage theft because they are unaware of their rights or the State lacks adequate resources to advocate on their behalf. General contractors and Developer/Owners who receive City-issued permits and licenses and who benefit from the construction workers' labor may disclaim responsibility for making underpaid workers whole.

B. Testimony presented to the State of California's "Little Hoover" Commission stated that existing studies suggest that "the underground economy" is at least a \$10 billion problem in California. Statewide, the construction industry is the industry with the second highest level of labor standards violations (as measured by State Labor Commissioner penalty assessments), surpassed only by the restaurant industry. Deputy Labor Commissioners conducted 985 inspections in the private construction industry in 2012-13, yielding 595 citations that assessed \$5.3 million in penalties. Enforcement actions, however, are dwarfed by the number of contractors and projects in California, including projects in Berkeley. Over 300,000 state-licensed contractors performed about \$48 billion worth of private construction work in the State in 2014. The mismatch between the resources of the State and the scope of the issue of fundamental wage projections through disclosure and transparency requires the involvement of local

government police powers.

C. Assembly Bill 469, also known as the Wage Theft Protection Act of 2011, went into effect on January 1, 2012, adding section 2810.5 to the Labor Code. The act requires that all employers provide each employee with a written notice containing specified information at the time of hire.

D. This Chapter will ensure compliance with the Wage Theft Protection Act of 2011 by requiring confirmation by owners, contractors and subcontractors of the rate of pay and other legally required information regarding mandatory and voluntary fringe benefits pursuant to Labor Code section 2810.5.

### **13.104.020 Definitions.**

Whenever used in this chapter, the following terms shall have the meanings set forth below.

A. "City" shall mean the City of Berkeley.

B. "Completion of the project" means that construction is complete and the project is eligible for a Certificate of Occupancy or Temporary Certificate of Occupancy.

C. "Contractor" shall mean the prime contractor for the Project.

D. "Labor Commissioner" shall mean the Office of the Labor Commissioner within the State of California's Department of Industrial Regulations.

E. "Owner" shall mean the person or persons, firm, corporation or partnership exercising ownership of the Project.

F. "Permit Applicant" shall mean Owner, developer, or Contractor who applied for the building permit for the Project.

G. "Project" shall mean a new construction project of greater than 30,000 square feet that is not subject to local, state or federal prevailing wage requirements or does not have a valid Project Labor or Community Workforce Agreement.

H. "Project construction employees" shall mean employees of the Contractor or Subcontractor.

I. "Qualifying Subcontractor" shall mean a subcontractor of any tier whose portion of the work exceeds \$100,000 or one percent (1%) of the value of the construction cost of the Project.

J. "Responsible Representative" shall mean an officer (if a corporation), general partner (if a partnership or a limited partnership), managing member (if a limited liability company) or qualifying person associated with the Owner, contractor and/or subcontractor. A qualifying person is defined in Section 7068 of the California Business and Professions Code.

### **13.104.030 Pay Transparency Acknowledgments from Permit Applicant, Contractor, and Qualifying Subcontractor.**

A. Within 30 days of issuance of a building permit, the Permit Applicant shall provide to the City a Permit Applicant Pay Transparency Acknowledgment on a form approved by the City for this purpose. The form shall include an attestation under penalty of perjury under the laws of the State of California by a Responsible Representative of the Permit Applicant that: (i) the Permit Applicant has reviewed Chapter 13.104 of the Berkeley

Municipal Code; and (ii) following Project completion, if the City cannot make a finding of compliance with the provisions of this Chapter pursuant to section 13.104.060, the Permit Applicant will be responsible for demonstrating either (a) compliance with Labor Code sections 226 and 2810.5 or (b) the existence of a Labor Payment or a Lien Release Bond(s) pursuant to 13.104.070(B).

B. Within 30 days of the issuance of a building permit if the Contractor(s) and Qualifying Subcontractors have been selected by that date, but in any event no later than the Contractor or Qualifying Subcontractor's first day of work on the Project, for each Contractor and Qualifying Subcontractor, the Permit Applicant shall provide to the City a Contractor Pay Transparency Acknowledgment on a form approved by the City for this purpose. On each Contractor Pay Transparency Acknowledgment, a Responsible Representative of the Contractor or Qualifying Subcontractor must attest under penalty of perjury under the laws of the State of California, that: (i) the Contractor or Qualifying Subcontractor has reviewed Chapter 13.104 of the Berkeley Municipal Code; and (ii) either (a) Project construction employees will receive Labor Code Section 2810.5 compliant notices and Labor Code Section 226(a) compliant itemized wage statements, or (b) Project construction employees meet one or more of the criteria of Labor Code section 2810.5(c).

**13.104.040 Pay Transparency Attestations Following Project Completion.**

Within 10 days of the completion of the Project, for each Contractor and Qualifying Subcontractor, Permit Applicant shall provide to the City a Pay Transparency Attestation on a form approved by the City for this purpose. On each Pay Transparency Attestation, a Responsible Representative of the Contractor or Qualifying Subcontractor must attest under penalty of perjury under the laws of the State of California that: (i) the Contractor or Qualifying Subcontractor complied with Chapter 13.104 of the Berkeley Municipal Code; and (ii) either (a) Project construction employees received complete and accurate information pursuant to Labor Code Sections 226 and 2810.5, or (b) Project construction employees met one or more of the criteria of Labor Code section 2810.5(c).

**13.104.050 Posting of Ordinance.**

Each day work is performed on the Project, the Permit Applicant shall post and keep posted in a conspicuous location frequented by Project construction employees, and where the notice may be easily read by Project construction employees during the hours of the workday, a notice that: (i) contains the text of Chapter 13.104 of the Berkeley Municipal Code; (ii) explains that workers can report violations of Labor Code sections 226 and 2810.5 to the Labor Commissioner of the State of California; and (iii) provides current contact information, including office address, telephone number, and email address of the Labor Commissioner of the State of California.

**13.104.060 Determination of Construction Pay Transparency Compliance.**

Prior to approval of a Certificate of Occupancy for the Project, the City shall make a finding of compliance with the provisions of this Chapter. Such finding shall be issued if: (i) the City determines after review of the information provided pursuant to

sections 13.104.030 and 13.104.040 that the Permit Applicant, Contractor and all Qualifying Subcontractor(s) have complied with the provisions of this Chapter; and (ii) the City has not received any information that a complaint is pending before the Labor Commissioner, or that the Labor Commissioner has issued a final order of enforcement, regarding violations of Labor Code Sections 226 or 2810.5 by any Contractor or Qualifying Subcontractor at the Project.

**13.104.070 Issuance of a Certificate of Occupancy.**

A. The City shall issue a Certificate of Occupancy to the Permit Applicant if it makes a finding of Construction Pay Transparency Compliance pursuant to 13.104.060 and all requirements of the building code are met.

B. If the City cannot make a finding of compliance with the provisions of this Chapter pursuant to section 13.104.060 , the City will approve a Certificate of Occupancy only if:

- (i) the Permit Applicant demonstrates that the Permit Applicant, Contractor, and all Qualifying Subcontractors have complied with Labor Code sections 226 and 2810.5; or
- (ii) the Permit Applicant demonstrates the existence of a Labor Payment or a Lien Release Bond(s) for the Project. The bond shall be in an amount equal to 20 percent of the combined value of the contract(s) of all Contractor(s) and/or Qualifying Subcontractor(s) for which the City lacks Pay Transparency Acknowledgment or Attestations, or 125 percent of the amount of any Project-related, Labor Commissioner issued Civil Wage and Penalty Assessment(s) or mechanics lien(s), whichever is greater.

**13.104.080 Private Right of Action.**

Nothing in this chapter shall be interpreted to authorize a right of action against the City.

**13.104.090 City Manager Regulations.**

The City Manager may promulgate regulations for the administration and enforcement of this Chapter.

**13.104.100 Severability.**

If any word, phrase, sentence, part, section, subsection, or other portion of this chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

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.

At a regular meeting of the Council of the City of Berkeley held on June 11, 2019, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.





ACTION CALENDAR

October 15, 2019

*(Continued from September 24, 2019)*

To: Honorable Mayor and Members of the City Council

From: Councilmembers Rigel Robinson, Lori Droste, Kate Harrison, and Mayor Jesse Arreguin

Subject: Referral: Develop a Bicycle Lane and Pedestrian Street Improvements Policy

RECOMMENDATION

Refer to the City Manager to develop a comprehensive ordinance governing a Bicycle Lane and Pedestrian Street Improvements Policy that would:

- Require simultaneous implementation of recommendations in the City's Bicycle and Pedestrian Plans when City streets are repaved, if one or more of the following conditions are met:
  - Bicycle Plan recommendations can be implemented using quick-build strategies that accommodate transit operations.
  - Pedestrian Plan recommendations can be implemented using quick-build strategies that accommodate transit operations.
  - The Bicycle Plan recommends studying protected bike lanes as part of a Complete Street Corridor Study in the Tier 1 Priority list.<sup>1</sup>
  - Improvements are necessary to comply with the Americans with Disabilities Act.
- Prioritize bikeways and Vision Zero high-fatality, high-collision streets under the five-year Paving Plan by requiring that 50 percent of the repaving budget go towards such streets until they meet a minimum surface standard established with input from the Public Works and Transportation Commissions.
- Encourage the use of quick builds by expediting quick-build projects under \$1 million.
  - "Quick-build" is defined as projects that a) require non-permanent features such as bollards/paint/bus boarding islands, b) make up less than 25 percent of the total repaving cost for that street segment, and c) can be a component of a Complete Street Corridor Study that includes evaluation after installation.
- Require staff to report progress back to Council every two years.

<sup>1</sup> [https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley-Bicycle-Plan-2017\\_AppendixE\\_Project%20Recs%20Priorities\(1\).pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017_AppendixE_Project%20Recs%20Priorities(1).pdf)

Furthermore, refer to the City Manager to draft a revised version of the City's Complete Streets Policy that would clarify that the presence of an existing or planned bikeway parallel to an arterial does not exempt projects along said arterial from bicycle and micromobility improvements under the Policy.

## BACKGROUND

Bicycle lanes decrease conflict between different modes of transportation, promoting safe streets for both motorists and bicyclists. A 2012 study found that protected bike lanes are the strongest indicator of lower fatality and injury rates. Where bike lanes were most abundant, fatal crash rates dropped by 44 percent and injury rates dropped by 50 percent.<sup>2</sup> Another study showed that bike lanes improve safety for motorists because drivers who pass bicyclists on unmarked roads tend to veer farther into the next lane of traffic. Similarly, bicyclists on unmarked roads tend to hug the curb, increasing their risk of injury.<sup>3</sup>

Recently, the Cities of Cambridge and San Francisco have implemented policies that streamline the process of adding bike lanes to their streets. Cambridge's new ordinance, passed in April 2019, requires that any streets undergoing improvement per the City's paving plan must also be upgraded per the City's bike plan.<sup>4</sup> This law ensures that new, protected bicycle lanes get built regularly, and furthers the City's goal of improving accessibility and safety for bicyclists.

In June 2019, San Francisco passed a quick-build policy allowing the City Traffic Engineer to approve reversible and/or adjustable parking and traffic modifications that previously required approval by the SFMTA Board of Directors.<sup>5</sup> This policy encompasses bike lanes, in addition to street improvements such as painted safety zones, changes to the configuration of traffic lanes, and roadway and curb paint.

In September 2019, the City of Seattle passed an ordinance mandating that when a paving project over \$1 million is slated for a street that is meant to be upgraded to a protected bike lane per the City's Bicycle Master Plan, the two projects must be done simultaneously.<sup>6</sup> This policy is a hybrid of the San Francisco and Cambridge models.<sup>7</sup>

According to the City of Berkeley's Bicycle Plan, Berkeley has the fourth highest bicycle commute mode share in America, at 8.5 percent. Nearly one in ten residents rides a

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<sup>2</sup> <https://www.citylab.com/transportation/2019/06/protected-bike-lanes-safe-street-design-bicycle-road-safety/590722/>

<sup>3</sup> <https://bicycleuniverse.com/bicycle-lanes-no-brainer/>

<sup>4</sup>

<http://cambridgema.iqm2.com/Citizens/FileOpen.aspx?Type=4&ID=5905&highlightTerms=cycling%20safety%20ordinance>

<sup>5</sup> [https://www.sfmta.com/sites/default/files/reports-and-documents/2019/06/6-4-](https://www.sfmta.com/sites/default/files/reports-and-documents/2019/06/6-4-19_item_11_quick_build_projects_-_transportation_code_amendment_resolution.docx_.pdf)

[19\\_item\\_11\\_quick\\_build\\_projects\\_-\\_transportation\\_code\\_amendment\\_resolution.docx\\_.pdf](https://www.sfmta.com/sites/default/files/reports-and-documents/2019/06/6-4-19_item_11_quick_build_projects_-_transportation_code_amendment_resolution.docx_.pdf)

<sup>6</sup> <https://www.seattletimes.com/seattle-news/transportation/seattle-city-council-approves-new-bike-lane-requirements-calls-for-more-bike-lane-funding/>

<sup>7</sup> <http://seattle.legistar.com/LegislationDetail.aspx?ID=4078670&GUID=2AE8E905-1F17-4ED2-B9C2-3207591B92F6>

bicycle to work as their primary mode of transportation. As a result of Berkeley's high bicycle mode share and the City's insufficient bike infrastructure, there were 133 bicycle collisions in 2018.<sup>8</sup> Fear of injury is a significant deterrent to bicycling. A record 90 percent of Berkeley residents would consider bicycling under the right roadway conditions, demonstrating how important bikeway improvements are for increasing Berkeley's bicycle mode share.<sup>9</sup>

Additionally, as the City prepares for the introduction of shared electric scooters, it is appropriate and necessary to prioritize bike lane and pedestrian upgrades. Micromobility plays an important role in the future of transportation. Our approach to street improvements should reflect the growing population that uses alternative methods of transportation to get around our city.

Improving Berkeley's bike and pedestrian infrastructure is also an effective way to combat climate change. The City's Climate Action Plan calls for sustainable mobility modes, such as cycling, to become the primary means of transportation for Berkeley residents and visitors.<sup>10</sup> Adding new cycling facilities gives residents a safe alternative to driving, which reduces car usage and greenhouse gas emissions.<sup>11</sup>

This ordinance would prioritize bikeways and Vision Zero streets in the Paving Plan. Analysis of Berkeley's draft 2020-2024 Paving Plan shows that 23 percent of the repaving budget and 36 percent of street miles currently go towards streets that include bikeways. Upgrading high-fatality, high-collision streets, as defined in the forthcoming Vision Zero Action Plan, is consistent with the City's goal of eliminating traffic deaths in Berkeley. In July 2019, Council adopted Resolution No. 68,371 "In Support of Vision Zero," which created a City policy to prioritize high-collision streets as the City develops work plans and carries out infrastructure improvements. Adopting a quick-build policy and requiring simultaneous street upgrades would reduce delays, ensuring the timely implementation of the Bicycle and Pedestrian Plans.

This item also directs the City Manager to draft a revised version of the City's Complete Streets Policy, which currently provides an exemption from the Policy for when a "reasonable and equivalent project along the same corridor is already programmed to provide facilities exempted from the project at hand."<sup>12</sup> This language serves as a potential obstacle to adding bike infrastructure along arterials that run parallel to existing bikeways.

## ACTIONS/ALTERNATIVES CONSIDERED

<sup>8</sup> <https://tims.berkeley.edu/login.php?next=/tools/query/summary.php>

<sup>9</sup> [https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf)

<sup>10</sup> [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Energy\\_and\\_Sustainable\\_Development/BCAP%20Exec%20Summary4.9.09.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/BCAP%20Exec%20Summary4.9.09.pdf)

<sup>11</sup> <https://www.sciencedirect.com/science/article/pii/S136192091630270X>

<sup>12</sup> [https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley%20Complete%20Street%20Resolution%2012%2011%2012.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley%20Complete%20Street%20Resolution%2012%2011%2012.pdf)

The Council could choose to maintain the current structure for repaving streets which takes bikeways into consideration, but does not prioritize such streets. Berkeley's current bike plan recommends "complete street corridor studies" to determine how to add protected bike lanes on major streets.

The Council could also choose to follow Seattle's model, which would require that when repaving is done on streets that are slated for full protected bike lanes (as opposed to *any* upgrades per the Bicycle Plan), the two improvements happen together.

#### FINANCIAL IMPLICATIONS

Staff time.

#### ENVIRONMENTAL SUSTAINABILITY

Transportation accounts for 60 percent of Berkeley's community-wide GHG emissions. Improved bicycle and pedestrian infrastructure promotes sustainable, zero-emission methods of transportation, which is key to reaching the City's target of reducing GHG emissions by 80 percent below 2000 levels by 2050. The actions outlined in the referral are in line with the City's Climate Action Plan, which envisions "public transit, walking, cycling, and other sustainability modes" as the "primary means of transportation for Berkeley residents and visitors."<sup>13</sup>

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

#### Attachments:

1: City of Cambridge Ordinance Language

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<sup>13</sup> <https://www.cityofberkeley.info/climate/>

In the Year Two Thousand and Nineteen

AN ORDINANCE In amendment to the Ordinance entitled “Cambridge Municipal Code.”

That the Municipal Code of the City of Cambridge be amended by adding in Title Twelve entitled “Streets, Sidewalks and Public Places” a new Chapter 12.22 entitled “Cycling Safety Ordinance,” which reads as follows:

#### Chapter 12.22 Cycling Safety Ordinance

##### Section 12.22.010 Short Title

This Chapter may be cited as the "Cycling Safety Ordinance" of the City of Cambridge.

##### Section 12.22.020 Purpose

This Chapter seeks to eliminate fatalities and injuries on City streets in accordance with the City's Vision Zero goals through safety improvements and the construction of a connected network of permanent separated bicycle lanes across the City.

##### Section 12.22.030 Definitions

- A. “Adequate Directionality” shall mean (1) a two-way street with a separated bicycle lane or lanes that allow bicycle travel in both directions, or (2) a one-way street with a separated bicycle lane or lanes that allow bicycle travel either in the direction of the flow of vehicular traffic or in both directions.
- B. “Connectivity” shall mean the provision of a Permanent Separated Bicycle Lane system that reflects desired routes between all major origins and destinations in the city.
- C. “Cambridge Bicycle Plan” shall mean the plan adopted by the City of Cambridge in October 2015 to create a framework for developing a network of complete streets, and which is entitled “Cambridge Bicycle Plan: Toward a Bikeable Future”.
- D. “Five-Year Sidewalk and Street Reconstruction Plan” shall mean the City of Cambridge Department of Public Works’ five-year work plan of May 1, 2018, as it may be amended from time to time.
- E. “Improvements” shall mean the construction of new City-owned streets, or the reconstruction of an existing City-owned street, including but not limited to full depth reconstruction, expansion, and/or alteration of a roadway or intersection. Improvements shall not include routine maintenance, repairs, restriping of the road surface, or emergency repairs to the surface of a roadway (collectively “Maintenance”), provided that existing bicycle lanes will be restored to existing conditions or better.
- F. “Permanent Separated Bicycle Lane” shall mean a bicycle lane separated from motor vehicle traffic by a permanent vertical barrier that shall remain in place year-round,

including but not limited to granite or concrete barriers and raised curbs, provided, however, that the bicycle lane need not be separated from motor vehicle traffic by a permanent vertical barrier for short stretches to accommodate crosswalks, curb cuts, accessible parking, intersections, and public transportation, and provided further, that existing bicycle lanes may be temporarily removed during construction of Improvements or Maintenance, so long as they are restored to existing conditions or better.

G. "Separated Network" shall mean the proposed set of bicycle facilities identified in the Cambridge Bicycle Plan (Figure 5.14), or any plan superseding it, provided, however, that any such plan shall maintain Connectivity.

#### Section 12.22.040 Requirements

A. Whenever Improvements are made to a City-owned street under the City's Five-Year Sidewalk and Street Reconstruction Plan, the City Manager shall cause such Improvements to comply with the Cambridge Bicycle Plan, or any plan superseding it; provided, that if Improvements are made to a segment of the Separated Network, a Permanent Separated Bicycle Lane with Adequate Directionality shall be installed along that segment.

B. Full compliance with the provisions of Subsection A above is not required where the City Manager can demonstrate through a written alternatives analysis, to be made public, why it is impractical to comply with the provisions of Subsection A above, and where there will be a loss of Connectivity if the provisions of Subsection A are not complied with, how Connectivity could be otherwise advanced, if possible. Full compliance with the provisions of Subsection A above will be considered impracticable only in those rare circumstances where the City Manager determines that the characteristics of the physical features or usage of a street, or financial constraints of full compliance prevent the incorporation of a Permanent Separated Bicycle Lane with Adequate Directionality.



Office of the City Manager

INFORMATION CALENDAR

October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance Department  
 Subject: FY 2019 Third Quarter Investment Report: Ended March 31, 2019

SUMMARY

The City's investment policy requires that a quarterly investment report be submitted to the City Council on the status of the investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the types, values (par, book, and market), term, and yield of each security.

- The return on pooled investments for the quarter ended March 31, 2019 was 2.195% or .200% less than the 2.394% earned by the State Local Agency Investment Fund (State LAIF), which is the benchmark for investment performance used by the City. The return on pooled investments of 2.195% for the quarter ended March 31, 2019 was 19 basis points more than the rate of 2.005% earned in the quarter ended December 31, 2018.
- The average return on all Retiree Medical Trust Fund investments was 3.97% for the quarter ended March 31, 2019.

CURRENT SITUATION AND ITS EFFECTS

Attached is a summary of quarterly reports for fiscal year 2019 third quarter ending March 31, 2019 representing the status of the City's investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the values (par, book, and market), term, and yield of each security.

Summary information by type of security and detailed information on each security is provided on Exhibit 2-A. An evaluation of portfolio performance for this accounting period compared to the previous three accounting periods is also included in Attachment 1.



**A. Portfolio Results**

As a result of differences in investment policies of different cities and municipalities, including responsible investing policies, maturity restrictions, investment restrictions, etc., it was difficult for the City of Berkeley to come up with a reasonable performance measure for pooled cash investments. In order to provide some measure of the relative performance of the City's investment returns, many years ago the City established the State Local Agency Investment Fund (LAIF) as the performance measure to be reported in the quarterly investment reports, since many local governments invested significant portions of their investment portfolios in LAIF.

LAIF was intended to be a reference point to compare the City's investment performance against, rather than a true performance measure, since most cities typically earn a yield higher than LAIF during normal interest rate environments, and because LAIF's average maturity of its investments is generally shorter than most cities. As a result, past City Councilmembers requested that information about the rates earned by other California cities be included in the quarterly investment reports for comparison purposes, despite the differences in the investment policies of the various cities.

At the present time, the interest rate environment is far from being normal. On September 9, 2019, the Federal Funds rate, which is the most important measure of short-term interest rates, was at 2.25%, which is significantly higher than the 2-year Treasury (1.589%), the 5-year Treasury (1.496%), the 10-year Treasury (1.628%), and even higher than the 30-year Treasury (2.107%). This environment is highly unusual, and currently results in portfolios with shorter average maturities outperforming portfolios with long-term maturities, which is the opposite of performances in a normal interest rate environment.

1. Liquidity of Portfolio:

The average investment in the pooled portfolio matured in 713 days as of March 31, 2019. This is 3 days less than the 716 maturity days of as of December 31, 2018.

2. Comparison of Results to Performance Measures – Pooled investments:  
Quarter Ended March 31, 2019

The City's yield on investments for the quarter ended March 31, 2019 was 2.195%, an increase of 20 basis points (.20%) from the 2.005% earned during the quarter ended December 31, 2018. The average yield on a 90-day Treasury bill at the end of the quarter ended March 31, 2019 was 2.381%, an increase of 2.6 basis points (.026%) from the 2.355% at the end of the previous quarter.

As summarized in Table 1, staff's overall results fell short of the performance measure for the quarter by 20 basis points (.20%). Staff's performance was under the performance measure in January by 21.1 basis points (-.211%); under the performance measure in February by 8.1 basis points (-.081%); and, was

under the performance measure in March by 30.7 basis points (-.307%). The performance measure for the return on investments is compared to the rate of return of the State LAIF.

**Table 1**

| <b>For Quarter Ending March 31, 2019</b> |             |                   |                   |
|------------------------------------------|-------------|-------------------|-------------------|
| <b>Period</b>                            | <b>City</b> | <b>State LAIF</b> | <b>Difference</b> |
| Jan-19                                   | 2.144%      | 2.355%            | -0.211%           |
| Feb-19                                   | 2.311%      | 2.392%            | -0.081%           |
| Mar-19                                   | 2.129%      | 2.436%            | -0.307%           |
| Jan-Mar 19                               | 2.195%      | 2.394%            | -0.200%           |

Investment Results-Retiree Health Insurance Funds:

Average interest rates earned on the retiree health insurance trust funds for the quarter ended March 31, 2019 compared to the quarter ended December 31, 2018, were as follows:

**Table 2**

| <b>EARNED INTEREST RATES</b>                              |                             |                             |
|-----------------------------------------------------------|-----------------------------|-----------------------------|
| <b>For Quarter Ended 3/31/2019 Compared To 12/31/2018</b> |                             |                             |
| <b>Trust Fund</b>                                         | <b>3rd Qtr<br/>03/31/19</b> | <b>2nd Qtr<br/>12/31/18</b> |
| Retiree Medical Trust Fund (Misc Employees)               | 4.267%                      | 4.384%                      |
| Fire Retiree Medical Trust Fund                           | 3.566%                      | 3.566%                      |
| Police Retiree Medical Trust Fund                         | 3.443%                      | 3.365%                      |

The rates earned on these plans will continue to drop slightly over the next few quarters as staff reinvests the proceeds of maturing securities at lower rates.

Details related to retiree health trust fund investments are in Attachment 3, Exhibits 3-A, 3-B, and 3-C of this report.

**B. Discussion of Interest Rate Environment and Outlook**

On May 1, 2019 the Federal Open Market Committee issued its latest statement on the economy and interest rates:

Information received since the Federal Open Market Committee met in March indicates that the labor market remains strong and that economic activity rose at a solid rate. Job gains have been solid, on average, in recent months, and the unemployment rate has remained low. Growth of household spending and business fixed investment slowed in the first quarter. On a 12-month basis, overall inflation and inflation for items other than food and energy have declined and are running below 2 percent. On balance, market-based measures of inflation compensation have remained low in recent months, and survey-based measures of longer-term inflation expectations are little changed.

Consistent with its statutory mandate, the Committee seeks to foster maximum employment and price stability.

The Committee continues to view sustained expansion of economic activity, strong labor market conditions, and inflation near the Committee's symmetric 2 percent objective as the most likely outcomes. In light of global economic and financial developments and muted inflation pressures, the Committee will be patient as it determines what future adjustments to the target range for the federal funds rate may be appropriate to support these outcomes.

**Yield Trend**

In support of the above goals, the Committee decided to maintain the target range for the federal funds rate at 2-1/4 to 2-1/2 percent.

In determining the timing and size of future adjustments to the target range for the federal funds rate, the Committee will assess realized and expected economic conditions relative to its maximum employment objective and its symmetric 2 percent inflation objective. This assessment will take into account a wide range of information, including measures of labor market conditions, indicators of inflation pressures and inflation expectations, and readings on financial and international developments.

In the current interest rate environment, staff expects returns in FY 2020 to be about the same as those returns earned in FY 2019. Also, the City's rate earned is expected to be about the same as the City's benchmark (State LAIF) and the City's return to be comparable to rates earned by most other cities in California. A sample of rates earned by Northern and Southern California cities (previously only Northern California cities was included) is reflected in table 3 below:

Table 3

| Other California Cities<br>Earned Interest Rates |              |
|--------------------------------------------------|--------------|
| For the Quarter Ending March 31, 2019            |              |
| City                                             | Rates Earned |
| Sacramento                                       | 2.53%        |
| San Francisco                                    | 2.44%        |
| Oakland                                          | 2.41%        |
| San Diego                                        | 2.38%        |
| Palo Alto                                        | 2.36%        |
| San Jose                                         | 2.29%        |
| <b>Berkeley</b>                                  | <b>2.20%</b> |
| Los Angeles                                      | 2.12%        |
| Riverside                                        | 2.11%        |
| Santa Monica                                     | 1.99%        |

The City's investment strategy will continue to focus on (1) locking in reasonable rates on long-term investments, when opportunities for attractive rates present themselves and (2) matching of investment maturities to cash flow.

#### BACKGROUND

- Pooled Investments

Short-term cash is invested primarily in government sponsored enterprises (referred to as Federal Agency) notes and medium-term corporate notes for periods of one to five years. Additional cash is invested in a money market fund or overnight securities to meet the liquidity needs of the City.

In some cases, the City may have investments with a current market value that is greater or less than the recorded cost. These changes in market value are due to fluctuations in the market and have no effect on yield, as the City does not intend to sell securities prior to maturity.

- Retiree Health Trust Fund Investments

The City agreed to provide retiree Health insurance coverage for fire, police and miscellaneous employees under certain terms and conditions. An actuarial study commissioned by the City many years ago determined that, in addition to City Contributions, an average rate of return of 7% on miscellaneous employees trust fund assets invested must be achieved to fund the retiree health benefit at the desired 70% level. Primarily as a result of the Federal Reserve Board's decision to keep short-term rates near zero for the last 12 years, the average rate currently earned is significantly below that 7% level. City Finance Department staff manages these investment portfolios.

ENVIRONMENTAL SUSTAINABILITY

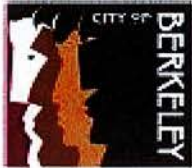
There are no identifiable environmental effects or opportunities associated with the subject of this report.

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7300

ATTACHMENTS

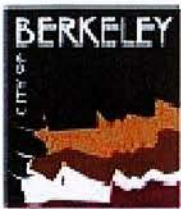
1. Portfolio Evaluation FY 2019
2. Investment Report Analysis FY 2019
  - a. Exhibit 2-A: Pooled Cash and Investments
  - b. Exhibit 2-B.1 through 2-B.3: Interest Earnings Jan 2019 – Mar 2019
  - c. Exhibit 2-C: Book Value By Investment Type
  - d. Exhibit 2-D: Current Holdings vs. Policy Limits
  - e. Exhibit 2-E: Investment Portfolio Trend
3. Summary of Pooled and Cash Investments FY 2019 –Trust Funds
  - a. Exhibit 3-A: Retiree Medical Trust Funds –Misc.
  - b. Exhibit 3-B: Retiree Medical Trust Funds –Fire
  - c. Exhibit 3-C: Retiree Medical Trust Funds –Police



**Portfolio Evaluation**  
**Quarter Ended March 31, 2019**

Attachment 1

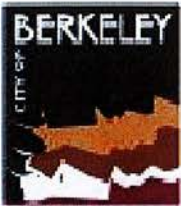
|                                             | Quarter Ending        |                       |                       |                       |                       |                |                       |                |
|---------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------|-----------------------|----------------|
|                                             | March 2019            | December 2018         | September 2018        | June 2018             |                       |                |                       |                |
| <b>Total Portfolio</b>                      |                       |                       |                       |                       |                       |                |                       |                |
| Pooled Cash and Investments (COB)           | \$ 421,335,434        | \$ 401,582,141        | \$ 318,612,235        | \$ 402,661,365        |                       |                |                       |                |
| Pooled Cash and Investments (Trust)         | <u>46,484,598</u>     | <u>44,766,863</u>     | <u>44,222,899</u>     | <u>43,451,692</u>     |                       |                |                       |                |
| Total Cash and Investments                  | <u>\$ 467,820,032</u> | <u>\$ 446,349,004</u> | <u>\$ 362,835,134</u> | <u>\$ 446,113,057</u> |                       |                |                       |                |
| <b>Average Life of Investment Portfolio</b> |                       |                       |                       |                       |                       |                |                       |                |
| Pooled Investments (CoB)                    | 713 days              | 716 days              | 656 days              | 546 days              |                       |                |                       |                |
| Trust Investments                           | 5.809 years           | 5.878 years           | 6.133 years           | 6.388 years           |                       |                |                       |                |
| <b>Weighted Yield</b>                       |                       |                       |                       |                       |                       |                |                       |                |
| Pooled Investments (CoB)                    | 2.195%                | 2.005%                | 1.870%                | 1.606%                |                       |                |                       |                |
| Trust Investments                           | 3.970%                | 3.772%                | 3.772%                | 3.807%                |                       |                |                       |                |
| Prime Rate                                  | 5.500%                | 5.500%                | 5.250%                | 5.000%                |                       |                |                       |                |
| 91-day Treasury Bill Rate                   | 2.381%                | 2.355%                | 2.196%                | 1.913%                |                       |                |                       |                |
| 2-year Treasury Note Rate                   | 2.260%                | 2.488%                | 2.819%                | 2.528%                |                       |                |                       |                |
| <b>Cash and Investments Maturity</b>        |                       |                       |                       |                       |                       |                |                       |                |
| Within one year                             | \$ 273,797,880        | 61.34%                | \$ 210,359,453        | 47.13%                | \$ 110,849,998        | 30.55%         | \$ 223,310,573        | 50.06%         |
| Between 1 to 3 years                        | 86,143,761            | 19.30%                | 140,177,122           | 31.41%                | 180,564,620           | 49.76%         | 184,410,289           | 41.34%         |
| Between 3 to 5 years                        | 76,234,240            | 17.08%                | 54,854,262            | 12.29%                | 35,945,816            | 9.91%          | 12,637,510            | 2.83%          |
| Between 5 to 10 years                       | 31,644,151            | 7.09%                 | 40,958,167            | 9.18%                 | 35,474,699            | 9.78%          | 25,754,685            | 5.77%          |
| Over 10 years                               | -                     | 0.00%                 | -                     | 0.00%                 | -                     | 0.00%          | -                     | 0.00%          |
| Total                                       | <u>\$ 467,820,032</u> | <u>104.81%</u>        | <u>\$ 446,349,004</u> | <u>100.00%</u>        | <u>\$ 362,835,134</u> | <u>100.00%</u> | <u>\$ 446,113,057</u> | <u>100.00%</u> |



**City of Berkeley**  
**Pooled Cash and Investments**  
**As of March 31, 2019**

| CUSIP                                      | Investment # | Issuer                       | Book Value           | Market Value         | Current Rate | YTM/C 365    | Maturity Date | Days To Maturity | Credit Rating |
|--------------------------------------------|--------------|------------------------------|----------------------|----------------------|--------------|--------------|---------------|------------------|---------------|
| <b>Certificates of Deposit - S &amp; L</b> |              |                              |                      |                      |              |              |               |                  |               |
| 254673RD0                                  | 14539        | Discover Bank                | 250,000.00           | 253,995.00           | 3.300        | 3.300        | 07/05/2023    | 1,556            | N/A           |
| 795450T47                                  | 14540        | Sallie Mae Bank              | 250,000.00           | 253,995.00           | 3.300        | 3.300        | 07/03/2023    | 1,554            | N/A           |
|                                            |              | <b>Subtotal and Average</b>  | <b>500,000.00</b>    | <b>507,990.00</b>    |              | <b>3.300</b> |               | <b>1,555</b>     |               |
| <b>Medium Term Notes</b>                   |              |                              |                      |                      |              |              |               |                  |               |
| 037833AK6                                  | 14536        | Apple Inc                    | 4,844,998.79         | 4,951,750.00         | 2.400        | 3.225        | 05/03/2023    | 1,493            | AA1           |
| 084670BJ6                                  | 14542        | Berkshire Hathaway           | 4,973,159.20         | 5,085,650.00         | 3.000        | 3.150        | 02/11/2023    | 1,412            | AA2           |
| 24422EUM9                                  | 14554        | John Deere Cap               | 5,072,645.46         | 5,186,000.00         | 3.650        | 3.300        | 10/12/2023    | 1,655            | A2            |
| 49327M2X1                                  | 14560        | Key Bank NA                  | 5,026,857.63         | 5,082,450.00         | 3.300        | 3.100        | 02/01/2022    | 1,037            | A3            |
| 540424AQ1                                  | 14555        | Loews Corporation            | 4,861,850.81         | 4,958,250.00         | 2.625        | 3.350        | 05/15/2023    | 1,505            | A3            |
| 589331AT4                                  | 14545        | Merck & Co Inc               | 4,898,288.55         | 4,976,800.00         | 2.400        | 3.030        | 09/15/2022    | 1,263            | A1            |
| 68389XAS4                                  | 14548        | Oracle Corp                  | 5,044,241.04         | 5,187,650.00         | 3.625        | 3.388        | 07/15/2023    | 1,566            | A1            |
|                                            |              | <b>Subtotal and Average</b>  | <b>34,722,041.48</b> | <b>35,428,550.00</b> |              | <b>3.221</b> |               | <b>1,418</b>     |               |
| <b>Medium Term Notes - Callable</b>        |              |                              |                      |                      |              |              |               |                  |               |
| 05531FBF9                                  | 14561        | BB&T Corporation             | 5,159,787.95         | 5,188,250.00         | 3.750        | 3.012        | 12/06/2023    | 1,710            | A2            |
| 06406HBY4                                  | 14538        | Bank of New York Mellon Corp | 3,581,609.26         | 3,619,038.50         | 3.550        | 3.150        | 09/23/2021    | 906              | A1            |
| 06406FAB9                                  | 14541        | Bank of New York Mellon Corp | 1,428,726.14         | 1,439,104.32         | 2.050        | 3.060        | 05/03/2021    | 763              | A1            |
| 693475AV7                                  | 14557        | PNC Financial Services       | 5,028,190.59         | 5,119,150.00         | 3.500        | 3.425        | 01/23/2024    | 1,758            | A3            |
|                                            |              | <b>Subtotal and Average</b>  | <b>15,198,313.94</b> | <b>15,365,542.82</b> |              | <b>3.185</b> |               | <b>1,447</b>     |               |

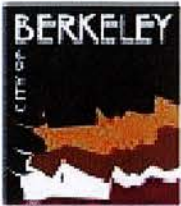




**City of Berkeley**  
**Pooled Cash and Investments**  
**As of March 31, 2019**

| CUSIP                                   | Investment # | Issuer                         | Book Value            | Market Value          | Current Rate | YTM/C 365    | Maturity Date | Days To Maturity | Credit Rating |
|-----------------------------------------|--------------|--------------------------------|-----------------------|-----------------------|--------------|--------------|---------------|------------------|---------------|
| <b>Federal Agency Coupon Securities</b> |              |                                |                       |                       |              |              |               |                  |               |
| 3133EJAD1                               | 14528        | Fed. Farm Credit Banks Funding | 10,000,000.00         | 9,969,800.00          | 2.150        | 2.150        | 12/23/2020    | 632              | AAA           |
| 3130ADKF8                               | 14529        | Federal Home Loan Banks        | 15,000,000.00         | 14,957,550.00         | 2.100        | 2.100        | 01/30/2020    | 304              | AAA           |
| 3130ADUB6                               | 14533 T1     | Federal Home Loan Banks        | 21,000,000.00         | 20,986,140.00         | 2.320        | 2.320        | 12/19/2019    | 262              | AAA           |
| 3133EG7F6                               | 14517        | Fed. Farm Credit Banks Funding | 5,000,000.00          | 4,946,100.00          | 1.750        | 1.750        | 02/16/2021    | 687              | AAA           |
| 3133EHBA0                               | 14520        | Fed. Farm Credit Banks Funding | 6,500,000.00          | 6,448,455.00          | 1.520        | 1.519        | 03/02/2020    | 336              | AAA           |
| 3133EHQB2                               | 14527        | Fed. Farm Credit Banks Funding | 9,001,000.00          | 8,911,530.06          | 1.550        | 1.549        | 07/06/2020    | 462              | AAA           |
| 3130AAS82                               | 14519        | Federal Home Loan Banks        | 9,999,420.70          | 9,925,100.00          | 1.550        | 1.556        | 02/06/2020    | 311              | AAA           |
| 3130ABTD8                               | 14526        | Federal Home Loan Banks        | 15,000,000.00         | 14,918,400.00         | 1.450        | 1.450        | 10/18/2019    | 200              | AAA           |
| 3137EAAA5                               | 14516        | Federal Home Loan Mortgage Co  | 4,999,864.33          | 4,962,450.00          | 1.500        | 1.503        | 01/17/2020    | 291              | AAA           |
| 3135G0T29                               | 14521        | Federal National Mortgage Assn | 3,500,000.00          | 3,470,915.00          | 1.500        | 1.499        | 02/28/2020    | 333              | AAA           |
| 3135G0T29                               | 14522        | Federal National Mortgage Assn | 9,987,546.18          | 9,916,900.00          | 1.500        | 1.641        | 02/28/2020    | 333              | AAA           |
| <b>Subtotal and Average</b>             |              |                                | <b>109,987,831.21</b> | <b>109,413,340.06</b> |              | <b>1.826</b> |               | <b>347</b>       |               |
| <b>Federal Agency Callable</b>          |              |                                |                       |                       |              |              |               |                  |               |
| 3130AFKR7                               | 14550        | Federal Home Loan Banks        | 5,000,000.00          | 5,040,250.00          | 3.100        | 3.100        | 12/28/2023    | 1,732            | AAA           |
| <b>Subtotal and Average</b>             |              |                                | <b>5,000,000.00</b>   | <b>5,040,250.00</b>   |              | <b>3.100</b> |               | <b>1,732</b>     |               |

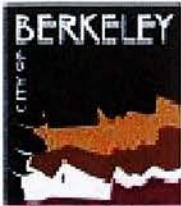
**City of Berkeley**  
**Pooled Cash and Investments**  
**As of March 31, 2019**



| CUSIP                                       | Investment # | Issuer                         | Book Value            | Market Value          | Current Rate | YTM/C 365    | Maturity Date | Days To Maturity | Credit Rating |
|---------------------------------------------|--------------|--------------------------------|-----------------------|-----------------------|--------------|--------------|---------------|------------------|---------------|
| <b>Federal Agency Continuously Callable</b> |              |                                |                       |                       |              |              |               |                  |               |
| 3132X02G5                                   | 14537        | Farmer Mac                     | 5,000,000.00          | 5,005,750.00          | 3.270        | 3.270        | 06/21/2023    | 1,542            | N/A           |
| 3132X04Z1                                   | 14544        | Farmer Mac                     | 5,000,000.00          | 5,008,950.00          | 3.250        | 3.250        | 08/15/2023    | 1,597            | N/A           |
| 31422BAR1                                   | 14553        | Farmer Mac                     | 5,000,000.00          | 5,008,400.00          | 3.230        | 3.230        | 12/27/2023    | 1,731            | N/A           |
| 3133EF4C8                                   | 14503        | Fed. Farm Credit Banks Funding | 5,000,000.00          | 4,996,100.00          | 1.190        | 1.190        | 04/25/2019    | 24               | AAA           |
| 3133EGAW5                                   | 14504        | Fed. Farm Credit Banks Funding | 5,000,000.00          | 4,978,950.00          | 1.250        | 1.247        | 08/19/2019    | 140              | AAA           |
| 3133EGD77                                   | 14507        | Fed. Farm Credit Banks Funding | 10,000,000.00         | 9,989,000.00          | 1.120        | 1.120        | 05/03/2019    | 32               | AAA           |
| 3133EGD77                                   | 14509        | Fed. Farm Credit Banks Funding | 10,000,000.00         | 9,989,000.00          | 1.120        | 1.120        | 05/03/2019    | 32               | AAA           |
| 3133EJKC2                                   | 14535        | Fed. Farm Credit Banks Funding | 20,000,000.00         | 20,000,200.00         | 2.670        | 2.670        | 04/09/2021    | 739              | AAA           |
| 3130A7GZ2                                   | 14500        | Federal Home Loan Banks        | 5,000,000.00          | 4,967,050.00          | 1.250        | 1.250        | 03/30/2021    | 729              | AAA           |
| 3130A9YW5                                   | 14512        | Federal Home Loan Banks        | 4,999,786.11          | 4,961,600.00          | 1.190        | 1.197        | 11/22/2019    | 235              | AAA           |
| 3130AAJZ2                                   | 14513        | Federal Home Loan Banks        | 3,742,500.00          | 3,714,730.65          | 1.750        | 1.750        | 04/27/2020    | 392              | AAA           |
| 3134G7S77                                   | 14358        | Federal Home Loan Mortgage Co  | 5,000,000.00          | 4,986,650.00          | 1.500        | 1.125        | 10/29/2020    | 577              | AAA           |
| 3134G9MA2                                   | 14505        | Federal Home Loan Mortgage Co  | 5,000,000.00          | 4,990,450.00          | 1.125        | 1.125        | 05/24/2019    | 53               | AAA           |
| 3134GSVB8                                   | 14547        | Federal Home Loan Mortgage Co  | 5,000,000.00          | 5,007,400.00          | 3.250        | 3.250        | 09/13/2023    | 1,626            | N/A           |
| 3134GSV36                                   | 14556        | Federal Home Loan Mortgage Co  | 5,000,000.00          | 5,001,300.00          | 3.190        | 3.190        | 01/29/2024    | 1,764            | AAA           |
| 3134GSP90                                   | 14558        | Federal Home Loan Mortgage Co  | 5,000,000.00          | 5,000,700.00          | 3.000        | 3.000        | 07/29/2022    | 1,215            | AAA           |
| 3136G2YR2                                   | 14365        | Federal National Mortgage Assn | 5,000,000.00          | 4,980,800.00          | 2.500        | 1.675        | 02/26/2021    | 697              | AAA           |
| 3135G0S46                                   | 14514        | Federal National Mortgage Assn | 5,000,000.00          | 4,967,750.00          | 1.650        | 1.650        | 01/27/2020    | 301              | AAA           |
| 3135G0S46                                   | 14515        | Federal National Mortgage Assn | 5,000,000.00          | 4,967,750.00          | 1.650        | 1.650        | 01/27/2020    | 301              | AAA           |
| 3136G4LP6                                   | 14518        | Federal National Mortgage Assn | 5,000,000.00          | 4,951,850.00          | 1.800        | 1.800        | 08/28/2020    | 515              | AAA           |
| <b>Subtotal and Average</b>                 |              |                                | <b>123,742,286.11</b> | <b>123,474,380.65</b> |              | <b>2.003</b> |               | <b>663</b>       |               |
| <b>Municipal Bonds</b>                      |              |                                |                       |                       |              |              |               |                  |               |
| 13063DGB8                                   | 14559        | General Obligation Unlimited   | 5,088,080.97          | 5,213,800.00          | 3.375        | 3.087        | 04/01/2025    | 2,192            | AA3           |
| 672319CA6                                   | 14282        | Oakland CA Pension Obligation  | 5,000,000.00          | 5,019,350.00          | 3.267        | 3.267        | 12/15/2019    | 258              | AA3           |
| <b>Subtotal and Average</b>                 |              |                                | <b>10,088,080.97</b>  | <b>10,233,150.00</b>  |              | <b>3.177</b> |               | <b>1,233</b>     |               |

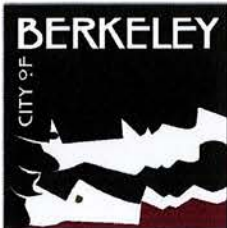
Exhibit 2-A

City of Berkeley  
Pooled Cash and Investments  
As of March 31, 2019



| CUSIP                                                      | Investment # | Issuer                          | Book Value            | Market Value          | Current Rate | YTM/C 365    | Maturity Date | Days To Maturity | Credit Rating |
|------------------------------------------------------------|--------------|---------------------------------|-----------------------|-----------------------|--------------|--------------|---------------|------------------|---------------|
| <b>Fidelity Money Market</b>                               |              |                                 |                       |                       |              |              |               |                  |               |
| SYS14265                                                   | 14265        | Fidelity Money Market - Regular | 70,016,355.36         | 70,016,355.36         | 0.003        | 0.003        |               | 1                |               |
| SYS14190                                                   | 14190        | Fidelity Money Market - Trans   | 14,385,364.38         | 14,385,364.38         | 0.002        | 0.002        |               | 1                |               |
|                                                            |              | <b>Subtotal and Average</b>     | <b>84,401,719.74</b>  | <b>84,401,719.74</b>  |              | <b>0.003</b> |               | <b>1</b>         |               |
| <b>Total Investments</b>                                   |              |                                 | <b>383,640,273.45</b> | <b>383,864,923.27</b> |              |              |               |                  |               |
| <b>Total Investments (Book Value)</b>                      |              |                                 |                       |                       |              |              |               |                  |               |
|                                                            |              |                                 | <b>383,640,273.45</b> |                       |              |              |               |                  |               |
|                                                            |              |                                 | <b>37,470,511.00</b>  |                       |              |              |               |                  |               |
| <b>Total Investments (Book Value) and Cash</b>             |              |                                 | <b>421,110,784.45</b> |                       |              |              |               |                  |               |
| <b>Increase / (Decrease) in Market Value of Securities</b> |              |                                 | <b>224,649.82</b>     |                       |              |              |               |                  |               |
| <b>Total Investments (Market Value) and Cash</b>           |              |                                 | <b>421,335,434.27</b> |                       |              |              |               |                  |               |





**Pooled Investments Selected Funds  
Interest Earnings  
Sorted by Fund - Fund  
January 1, 2019 - January 31, 2019  
Yield on Average Book Value**

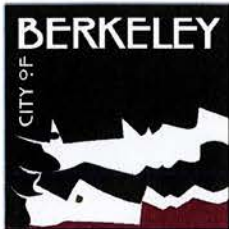
| CUSIP                                      | Investment # | Fund | Security Type | Ending Par Value | Beginning Book Value | Average Book Value | Maturity Date | Current Annualized Rate | Yield | Interest Earned | Adjusted Interest Earnings |                            |
|--------------------------------------------|--------------|------|---------------|------------------|----------------------|--------------------|---------------|-------------------------|-------|-----------------|----------------------------|----------------------------|
|                                            |              |      |               |                  |                      |                    |               |                         |       |                 | Amortization/ Accretion    | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |               |                  |                      |                    |               |                         |       |                 |                            |                            |
| 3130A9YW5                                  | 14512        | 010  | MC5           | 5,000,000.00     | 4,999,702.78         | 4,999,717.56       | 11/22/2019    | 1.190                   | 1.174 | 4,958.34        | 27.78                      | 4,986.12                   |
| 3130A7GZ2                                  | 14500        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 03/30/2021    | 1.250                   | 1.226 | 5,208.33        | 0.00                       | 5,208.33                   |
| 3130AAJZ2                                  | 14513        | 010  | MC5           | 3,742,500.00     | 3,742,500.00         | 3,742,500.00       | 04/27/2020    | 1.750                   | 1.717 | 5,457.81        | 0.00                       | 5,457.81                   |
| 3130AAS82                                  | 14519        | 010  | FAC           | 10,000,000.00    | 9,999,249.76         | 9,999,280.09       | 02/06/2020    | 1.550                   | 1.528 | 12,916.66       | 56.98                      | 12,973.64                  |
| 3130ABTD8                                  | 14526        | 010  | FAC           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 10/18/2019    | 1.450                   | 1.423 | 18,125.00       | 0.00                       | 18,125.00                  |
| 3130ADVE9                                  | 14534 T1     | 010  | FAC           | 11,000,000.00    | 11,000,000.00        | 11,000,000.00      | 03/21/2019    | 2.125                   | 2.085 | 19,479.16       | 0.00                       | 19,479.16                  |
| 3130AFKR7                                  | 14550        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 12/28/2023    | 3.100                   | 3.042 | 12,916.66       | 0.00                       | 12,916.66                  |
| 3130ADUB6                                  | 14533 T1     | 010  | FAC           | 21,000,000.00    | 21,000,000.00        | 21,000,000.00      | 12/19/2019    | 2.320                   | 2.276 | 40,600.00       | 0.00                       | 40,600.00                  |
| 3130ADKF8                                  | 14529        | 010  | FAC           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 01/30/2020    | 2.100                   | 2.060 | 26,250.00       | 0.00                       | 26,250.00                  |
| 3133EGD77                                  | 14509        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/03/2019    | 1.120                   | 1.099 | 9,333.34        | 0.00                       | 9,333.34                   |
| 3133EGD77                                  | 14507        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/03/2019    | 1.120                   | 1.099 | 9,333.34        | 0.00                       | 9,333.34                   |
| 3133EJKC2                                  | 14535        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00      | 04/09/2021    | 2.670                   | 2.620 | 44,500.00       | 0.00                       | 44,500.00                  |
| 3133EG7F6                                  | 14517        | 010  | FAC           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 02/16/2021    | 1.750                   | 1.717 | 7,291.67        | 0.00                       | 7,291.67                   |
| 3133EJAD1                                  | 14528        | 010  | FAC           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 12/23/2020    | 2.150                   | 2.110 | 17,916.67       | 0.00                       | 17,916.67                  |
| 3133EGAW5                                  | 14504        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 08/19/2019    | 1.250                   | 1.226 | 5,208.33        | 0.00                       | 5,208.33                   |
| 3133EHQB2                                  | 14527        | 010  | FAC           | 9,001,000.00     | 9,001,000.00         | 9,001,000.00       | 07/06/2020    | 1.550                   | 1.521 | 11,626.30       | 0.00                       | 11,626.30                  |
| 3133EHBA0                                  | 14520        | 010  | FAC           | 6,500,000.00     | 6,500,000.00         | 6,500,000.00       | 03/02/2020    | 1.520                   | 1.491 | 8,233.33        | 0.00                       | 8,233.33                   |
| 3133EF4C8                                  | 14503        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 04/25/2019    | 1.190                   | 1.168 | 4,958.34        | 0.00                       | 4,958.34                   |
| 3134GSV36                                  | 14556        | 010  | MC5           | 5,000,000.00     | 0.00                 | 483,870.97         | 01/29/2024    | 3.190                   |       | 0.00            | 0.00                       | 0.00                       |
| 3134GSP90                                  | 14558        | 010  | MC5           | 5,000,000.00     | 0.00                 | 483,870.97         | 07/29/2022    | 3.000                   |       | 0.00            | 0.00                       | 0.00                       |
| 3134GSM77                                  | 14551        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 06/28/2023    | 3.300                   | 3.238 | 13,750.00       | 0.00                       | 13,750.00                  |
| 3134GSVB8                                  | 14547        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 09/13/2023    | 3.250                   | 3.189 | 13,541.67       | 0.00                       | 13,541.67                  |
| 3134GSQU2                                  | 14543        | 010  | MC5           | 0.00             | 4,560,000.00         | 2,511,612.90       | 07/18/2023    | 3.000                   | 3.042 | 6,488.33        | 0.00                       | 6,488.33                   |
| 3134GSM28                                  | 14549        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 12/28/2023    | 3.400                   | 3.336 | 14,166.66       | 0.00                       | 14,166.66                  |
| 3134GSN84                                  | 14552        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 12/28/2022    | 3.300                   | 3.238 | 13,750.00       | 0.00                       | 13,750.00                  |
| 3134GSUV5                                  | 14546        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 09/14/2023    | 3.300                   | 3.238 | 13,750.00       | 0.00                       | 13,750.00                  |
| 3134GSM42                                  | 14505        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/24/2019    | 1.125                   | 1.104 | 4,687.54        | 0.00                       | 4,687.54                   |
| 3134G7S77                                  | 14358        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 10/29/2020    | 1.500                   | 1.472 | 6,250.00        | 0.00                       | 6,250.00                   |
| 3137EAE55                                  | 14516        | 010  | FAC           | 5,000,000.00     | 4,999,829.21         | 4,999,829.21       | 01/17/2020    | 1.500                   | 1.475 | 6,250.00        | 14.23                      | 6,264.23                   |
| 3135G0T29                                  | 14521        | 010  | FAC           | 3,500,000.00     | 3,500,000.00         | 3,500,000.00       | 02/28/2020    | 1.500                   | 1.472 | 4,375.00        | 0.00                       | 4,375.00                   |

Exhibit 2-B.1

Pooled Investments Selected Funds  
Interest Earnings  
January 1, 2019 - January 31, 2019

| CUSIP                                      | Investment # | Fund | Security Type   | Ending Par Value      | Beginning Book Value  | Average Book Value    | Maturity Date | Current Annualized Rate | Yield        | Interest Earned   | Adjusted Interest Earnings |                            |
|--------------------------------------------|--------------|------|-----------------|-----------------------|-----------------------|-----------------------|---------------|-------------------------|--------------|-------------------|----------------------------|----------------------------|
|                                            |              |      |                 |                       |                       |                       |               |                         |              |                   | Amortization/ Accretion    | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |                 |                       |                       |                       |               |                         |              |                   |                            |                            |
| 3136G3PA7                                  | 14506        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 06/07/2019    | 1.500                   |              | 0.00              | 0.00                       | 0.00                       |
| 3136G2YR2                                  | 14365        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 02/26/2021    | 1.750                   | 1.717        | 7,291.67          | 0.00                       | 7,291.67                   |
| 3135G0S46                                  | 14514        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 01/27/2020    | 1.650                   | 1.619        | 6,875.00          | 0.00                       | 6,875.00                   |
| 3136G4LP6                                  | 14518        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 08/28/2020    | 1.800                   | 1.766        | 7,500.00          | 0.00                       | 7,500.00                   |
| 3135G0T29                                  | 14522        | 010  | FAC             | 9,984,118.52          | 9,984,118.52          | 9,984,118.52          | 02/28/2020    | 1.500                   | 1.609        | 12,500.00         | 1,142.56                   | 13,642.56                  |
| 3135G0S46                                  | 14515        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 01/27/2020    | 1.650                   | 1.619        | 6,875.00          | 0.00                       | 6,875.00                   |
| 672319CA6                                  | 14282        | 010  | MUN             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 12/15/2019    | 3.267                   | 3.206        | 13,612.50         | 0.00                       | 13,612.50                  |
| 037833AK6                                  | 14536        | 010  | MTN             | 5,000,000.00          | 4,835,521.82          | 4,837,203.22          | 05/03/2023    | 2.400                   | 3.203        | 10,000.00         | 3,158.99                   | 13,158.99                  |
| 254673RD0                                  | 14539        | 010  | SCD             | 250,000.00            | 250,000.00            | 250,000.00            | 07/05/2023    | 3.300                   | 3.300        | 700.69            | 0.00                       | 700.69                     |
| 06406HBY4                                  | 14538        | 010  | MC3             | 3,542,000.00          | 3,585,605.71          | 3,584,896.66          | 09/23/2021    | 3.550                   | 3.004        | 10,478.42         | -1,332.15                  | 9,146.27                   |
| 06406FAB9                                  | 14541        | 010  | MC3             | 1,458,000.00          | 1,425,222.62          | 1,425,844.21          | 05/03/2021    | 2.050                   | 3.021        | 2,490.75          | 1,167.84                   | 3,658.59                   |
| 795450T47                                  | 14540        | 010  | SCD             | 250,000.00            | 250,000.00            | 250,000.00            | 07/03/2023    | 3.300                   | 3.300        | 700.68            | 0.00                       | 700.68                     |
| 084670BJ6                                  | 14542        | 010  | MTN             | 5,000,000.00          | 4,971,421.31          | 4,971,729.65          | 02/11/2023    | 3.000                   | 3.097        | 12,500.00         | 579.30                     | 13,079.30                  |
| 3132X04Z1                                  | 14544        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 08/15/2023    | 3.250                   | 3.189        | 13,541.67         | 0.00                       | 13,541.67                  |
| 3132X02G5                                  | 14537        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 06/21/2023    | 3.270                   | 3.208        | 13,625.00         | 0.00                       | 13,625.00                  |
| 31422BAR1                                  | 14553        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 12/27/2023    | 3.230                   | 3.169        | 13,458.34         | 0.00                       | 13,458.34                  |
| 589331AT4                                  | 14545        | 010  | MTN             | 5,000,000.00          | 4,890,930.00          | 4,892,235.55          | 09/15/2022    | 2.400                   | 2.997        | 10,000.00         | 2,452.85                   | 12,452.85                  |
| 68389XAS4                                  | 14548        | 010  | MTN             | 5,000,000.00          | 5,046,819.86          | 5,046,362.33          | 07/15/2023    | 3.625                   | 3.324        | 15,104.17         | -859.81                    | 14,244.36                  |
| 24422EUM9                                  | 14554        | 010  | MTN             | 5,000,000.00          | 0.00                  | 3,602,140.23          | 10/12/2023    | 3.650                   | 3.174        | 10,645.83         | -935.35                    | 9,710.48                   |
| 540424AQ1                                  | 14555        | 010  | MTN             | 5,000,000.00          | 0.00                  | 2,349,532.50          | 05/15/2023    | 2.625                   | 3.211        | 5,104.16          | 1,303.29                   | 6,407.45                   |
| 693475AV7                                  | 14557        | 010  | MC3             | 5,000,000.00          | 0.00                  | 648,926.37            | 01/23/2024    | 3.500                   | 2.557        | 1,458.33          | -48.83                     | 1,409.50                   |
| 13063DGB8                                  | 14559        | 010  | MUN             | 5,000,000.00          | 0.00                  | 656,846.23            | 04/01/2025    | 3.375                   | 2.301        | 1,406.25          | -122.33                    | 1,283.92                   |
|                                            |              |      | <b>Subtotal</b> | <b>325,243,500.00</b> | <b>299,561,914.01</b> | <b>305,722,125.30</b> |               |                         | <b>2.094</b> | <b>537,190.94</b> | <b>6,605.55</b>            | <b>543,796.49</b>          |
| <b>Fund: Fidelity MM - Trans</b>           |              |      |                 |                       |                       |                       |               |                         |              |                   |                            |                            |
| SYS14190                                   | 14190        | 030  | RRP             | 14,330,547.94         | 14,302,966.60         | 14,303,856.32         |               | 0.002                   | 2.270        | 27,581.34         | 0.00                       | 27,581.34                  |
|                                            |              |      | <b>Subtotal</b> | <b>14,330,547.94</b>  | <b>14,302,966.60</b>  | <b>14,303,856.32</b>  |               |                         | <b>2.270</b> | <b>27,581.34</b>  | <b>0.00</b>                | <b>27,581.34</b>           |
| <b>Fund: Fidelity MM - Regular</b>         |              |      |                 |                       |                       |                       |               |                         |              |                   |                            |                            |
| SYS14265                                   | 14265        | 040  | RRP             | 52,221,546.22         | 82,575,699.43         | 73,893,307.39         |               | 0.003                   | 2.324        | 145,846.79        | 0.00                       | 145,846.79                 |
|                                            |              |      | <b>Subtotal</b> | <b>52,221,546.22</b>  | <b>82,575,699.43</b>  | <b>73,893,307.39</b>  |               |                         | <b>2.324</b> | <b>145,846.79</b> | <b>0.00</b>                | <b>145,846.79</b>          |
|                                            |              |      | <b>Total</b>    | <b>391,795,594.16</b> | <b>396,440,580.04</b> | <b>393,919,289.01</b> |               |                         | <b>2.144</b> | <b>710,619.07</b> | <b>6,605.55</b>            | <b>717,224.62</b>          |





**Pooled Investments Selected Funds  
Interest Earnings  
Sorted by Fund - Fund  
February 1, 2019 - February 28, 2019  
Yield on Average Book Value**

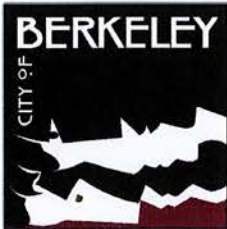
| CUSIP                                      | Investment # | Fund | Security Type | Ending Par Value | Beginning Book Value | Average Book Value | Maturity Date | Current Annualized Rate | Yield | Interest Earned | Adjusted Interest Earnings |                            |
|--------------------------------------------|--------------|------|---------------|------------------|----------------------|--------------------|---------------|-------------------------|-------|-----------------|----------------------------|----------------------------|
|                                            |              |      |               |                  |                      |                    |               |                         |       |                 | Amortization/ Accretion    | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |               |                  |                      |                    |               |                         |       |                 |                            |                            |
| 3130A9YW5                                  | 14512        | 010  | MC5           | 5,000,000.00     | 4,999,730.56         | 4,999,744.05       | 11/22/2019    | 1.190                   | 1.300 | 4,958.33        | 27.77                      | 4,986.10                   |
| 3130A7GZ2                                  | 14500        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 03/30/2021    | 1.250                   | 1.358 | 5,208.34        | 0.00                       | 5,208.34                   |
| 3130AAJZ2                                  | 14513        | 010  | MC5           | 3,742,500.00     | 3,742,500.00         | 3,742,500.00       | 04/27/2020    | 1.750                   | 1.901 | 5,457.81        | 0.00                       | 5,457.81                   |
| 3130AAS82                                  | 14519        | 010  | FAC           | 10,000,000.00    | 9,999,306.74         | 9,999,334.42       | 02/06/2020    | 1.550                   | 1.691 | 12,916.67       | 56.98                      | 12,973.65                  |
| 3130ABTD8                                  | 14526        | 010  | FAC           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 10/18/2019    | 1.450                   | 1.575 | 18,125.00       | 0.00                       | 18,125.00                  |
| 3130ADVE9                                  | 14534 T1     | 010  | FAC           | 11,000,000.00    | 11,000,000.00        | 11,000,000.00      | 03/21/2019    | 2.125                   | 2.308 | 19,479.17       | 0.00                       | 19,479.17                  |
| 3130AFKR7                                  | 14550        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 12/28/2023    | 3.100                   | 3.368 | 12,916.67       | 0.00                       | 12,916.67                  |
| 3130ADUB6                                  | 14533 T1     | 010  | FAC           | 21,000,000.00    | 21,000,000.00        | 21,000,000.00      | 12/19/2019    | 2.320                   | 2.520 | 40,600.00       | 0.00                       | 40,600.00                  |
| 3130ADKF8                                  | 14529        | 010  | FAC           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 01/30/2020    | 2.100                   | 2.281 | 26,250.00       | 0.00                       | 26,250.00                  |
| 3133EGD77                                  | 14509        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/03/2019    | 1.120                   | 1.217 | 9,333.33        | 0.00                       | 9,333.33                   |
| 3133EGD77                                  | 14507        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/03/2019    | 1.120                   | 1.217 | 9,333.33        | 0.00                       | 9,333.33                   |
| 3133EJKC2                                  | 14535        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00      | 04/09/2021    | 2.670                   | 2.900 | 44,500.00       | 0.00                       | 44,500.00                  |
| 3133EG7F6                                  | 14517        | 010  | FAC           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 02/16/2021    | 1.750                   | 1.901 | 7,291.66        | 0.00                       | 7,291.66                   |
| 3133EJAD1                                  | 14528        | 010  | FAC           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 12/23/2020    | 2.150                   | 2.336 | 17,916.66       | 0.00                       | 17,916.66                  |
| 3133EGAW5                                  | 14504        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 08/19/2019    | 1.250                   | 1.358 | 5,208.33        | 0.00                       | 5,208.33                   |
| 3133EHQB2                                  | 14527        | 010  | FAC           | 9,001,000.00     | 9,001,000.00         | 9,001,000.00       | 07/06/2020    | 1.550                   | 1.684 | 11,626.29       | 0.00                       | 11,626.29                  |
| 3133EHBA0                                  | 14520        | 010  | FAC           | 6,500,000.00     | 6,500,000.00         | 6,500,000.00       | 03/02/2020    | 1.520                   | 1.651 | 8,233.34        | 0.00                       | 8,233.34                   |
| 3133EF4C8                                  | 14503        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 04/25/2019    | 1.190                   | 1.293 | 4,958.33        | 0.00                       | 4,958.33                   |
| 3134GSV36                                  | 14556        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 01/29/2024    | 3.190                   |       | 0.00            | 0.00                       | 0.00                       |
| 3134GSP90                                  | 14558        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 07/29/2022    | 3.000                   |       | 0.00            | 0.00                       | 0.00                       |
| 3134GSM77                                  | 14551        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 06/28/2023    | 3.300                   | 3.585 | 13,750.00       | 0.00                       | 13,750.00                  |
| 3134GSVB8                                  | 14547        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 09/13/2023    | 3.250                   | 3.531 | 13,541.66       | 0.00                       | 13,541.66                  |
| 3134GSM28                                  | 14549        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 12/28/2023    | 3.400                   | 3.693 | 14,166.67       | 0.00                       | 14,166.67                  |
| 3134GSN84                                  | 14552        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 12/28/2022    | 3.300                   | 3.585 | 13,750.00       | 0.00                       | 13,750.00                  |
| 3134GSUV5                                  | 14546        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 09/14/2023    | 3.300                   | 3.585 | 13,750.00       | 0.00                       | 13,750.00                  |
| 3134G9MA2                                  | 14505        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/24/2019    | 1.125                   | 1.222 | 4,687.54        | 0.00                       | 4,687.54                   |
| 3134G7S77                                  | 14358        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 10/29/2020    | 1.500                   | 1.629 | 6,250.00        | 0.00                       | 6,250.00                   |
| 3137EAE55                                  | 14516        | 010  | FAC           | 5,000,000.00     | 4,999,842.78         | 4,999,842.78       | 01/17/2020    | 1.500                   | 1.633 | 6,250.00        | 14.23                      | 6,264.23                   |
| 3135G0T29                                  | 14521        | 010  | FAC           | 3,500,000.00     | 3,500,000.00         | 3,500,000.00       | 02/28/2020    | 1.500                   | 1.629 | 4,375.00        | 0.00                       | 4,375.00                   |
| 3136G3PAT                                  | 14506        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 06/07/2019    | 1.500                   |       | 0.00            | 0.00                       | 0.00                       |

Exhibit 2-B.2

Pooled Investments Selected Funds  
Interest Earnings  
February 1, 2019 - February 28, 2019

| CUSIP                                      | Investment # | Fund | Security Type | Ending Par Value      | Beginning Book Value  | Average Book Value    | Maturity Date | Current/Annualized Rate | Yield        | Interest Earned   | Adjusted Interest Earnings |                            |
|--------------------------------------------|--------------|------|---------------|-----------------------|-----------------------|-----------------------|---------------|-------------------------|--------------|-------------------|----------------------------|----------------------------|
|                                            |              |      |               |                       |                       |                       |               |                         |              |                   | Amortization/ Accretion    | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |               |                       |                       |                       |               |                         |              |                   |                            |                            |
| 3136G2YR2                                  | 14365        | 010  | MC5           | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 02/26/2021    | 2.500                   | 1.584        | 6,076.39          | 0.00                       | 6,076.39                   |
| 3135G0S46                                  | 14514        | 010  | MC5           | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 01/27/2020    | 1.650                   | 1.792        | 6,875.00          | 0.00                       | 6,875.00                   |
| 3136G4LP6                                  | 14518        | 010  | MC5           | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 08/28/2020    | 1.800                   | 1.955        | 7,500.00          | 0.00                       | 7,500.00                   |
| 3135G0T29                                  | 14522        | 010  | FAC           | 10,000,000.00         | 9,985,261.08          | 9,985,816.03          | 02/28/2020    | 1.500                   | 1.781        | 12,500.00         | 1,142.55                   | 13,642.55                  |
| 3135G0S46                                  | 14515        | 010  | MC5           | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 01/27/2020    | 1.650                   | 1.792        | 6,875.00          | 0.00                       | 6,875.00                   |
| 672319CA6                                  | 14282        | 010  | MUN           | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 12/15/2019    | 3.267                   | 3.549        | 13,612.50         | 0.00                       | 13,612.50                  |
| 037833AK6                                  | 14536        | 010  | MTN           | 4,838,680.81          | 4,838,680.81          | 4,840,215.18          | 05/03/2023    | 2.400                   | 3.544        | 10,000.00         | 3,158.99                   | 13,158.99                  |
| 254673RD0                                  | 14539        | 010  | SCD           | 250,000.00            | 250,000.00            | 250,000.00            | 07/05/2023    | 3.300                   | 3.300        | 632.87            | 0.00                       | 632.87                     |
| 06406HBY4                                  | 14538        | 010  | MC3           | 3,542,000.00          | 3,584,273.56          | 3,583,626.51          | 09/23/2021    | 3.550                   | 3.327        | 10,478.42         | -1,332.15                  | 9,146.27                   |
| 06406FAB9                                  | 14541        | 010  | MC3           | 1,458,000.00          | 1,426,390.46          | 1,426,957.70          | 05/03/2021    | 2.050                   | 3.342        | 2,490.75          | 1,167.84                   | 3,658.59                   |
| 795450T47                                  | 14540        | 010  | SCD           | 250,000.00            | 250,000.00            | 250,000.00            | 07/03/2023    | 3.300                   | 3.300        | 632.88            | 0.00                       | 632.88                     |
| 084670BJ6                                  | 14542        | 010  | MTN           | 5,000,000.00          | 4,972,000.61          | 4,972,281.98          | 02/11/2023    | 3.000                   | 3.429        | 12,500.00         | 579.29                     | 13,079.29                  |
| 3132X04Z1                                  | 14544        | 010  | MC5           | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 08/15/2023    | 3.250                   | 3.531        | 13,541.66         | 0.00                       | 13,541.66                  |
| 3132X02G5                                  | 14537        | 010  | MC5           | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 06/21/2023    | 3.270                   | 3.552        | 13,625.00         | 0.00                       | 13,625.00                  |
| 31422BAR1                                  | 14553        | 010  | MC5           | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 12/27/2023    | 3.230                   | 3.509        | 13,458.33         | 0.00                       | 13,458.33                  |
| 589331AT4                                  | 14545        | 010  | MTN           | 4,893,382.85          | 4,893,382.85          | 4,894,574.23          | 09/15/2022    | 2.400                   | 3.317        | 10,000.00         | 2,452.85                   | 12,452.85                  |
| 68389XAS4                                  | 14548        | 010  | MTN           | 5,045,960.25          | 5,045,960.25          | 5,045,542.73          | 07/15/2023    | 3.625                   | 3.680        | 15,104.16         | -859.60                    | 14,244.56                  |
| 24422EUM9                                  | 14554        | 010  | MTN           | 5,075,317.89          | 5,075,317.89          | 5,074,668.87          | 10/12/2023    | 3.650                   | 3.563        | 15,208.34         | -1,336.21                  | 13,872.13                  |
| 540424AQ1                                  | 14555        | 010  | MTN           | 4,856,265.26          | 4,856,265.26          | 4,857,621.75          | 05/15/2023    | 2.625                   | 3.685        | 10,937.50         | 2,792.78                   | 13,730.28                  |
| 693475AV7                                  | 14557        | 010  | MC3           | 5,028,167.17          | 5,028,167.17          | 5,028,930.00          | 01/23/2024    | 3.500                   | 3.654        | 14,583.33         | -488.29                    | 14,095.04                  |
| 13063DGB8                                  | 14559        | 010  | MUN           | 5,090,527.67          | 5,090,527.67          | 5,089,933.47          | 04/01/2025    | 3.375                   | 3.288        | 14,062.50         | -1,223.35                  | 12,839.15                  |
| 49327M2X1                                  | 14560        | 010  | MTN           | 5,000,000.00          | 0.00                  | 5,028,053.81          | 02/01/2022    | 3.300                   | 3.360        | 13,750.00         | -789.93                    | 12,960.07                  |
| <b>Subtotal</b>                            |              |      |               | <b>330,243,500.00</b> | <b>325,039,600.77</b> | <b>330,070,643.51</b> |               |                         | <b>2.309</b> | <b>579,278.76</b> | <b>5,363.75</b>            | <b>584,642.51</b>          |
| <b>Fund: Fidelity MM - Trans</b>           |              |      |               |                       |                       |                       |               |                         |              |                   |                            |                            |
| SYS14190                                   | 14190        | 030  | RRP           | 14,355,963.86         | 14,330,547.94         | 14,331,455.65         |               | 0.002                   | 2.312        | 25,415.92         | 0.00                       | 25,415.92                  |
| <b>Subtotal</b>                            |              |      |               | <b>14,355,963.86</b>  | <b>14,330,547.94</b>  | <b>14,331,455.65</b>  |               |                         | <b>2.312</b> | <b>25,415.92</b>  | <b>0.00</b>                | <b>25,415.92</b>           |
| <b>Fund: Fidelity MM - Regular</b>         |              |      |               |                       |                       |                       |               |                         |              |                   |                            |                            |
| SYS14265                                   | 14265        | 040  | RRP           | 44,002,724.27         | 52,221,546.22         | 45,478,016.86         |               | 0.003                   | 2.327        | 81,178.05         | 0.00                       | 81,178.05                  |
| <b>Subtotal</b>                            |              |      |               | <b>44,002,724.27</b>  | <b>52,221,546.22</b>  | <b>45,478,016.86</b>  |               |                         | <b>2.327</b> | <b>81,178.05</b>  | <b>0.00</b>                | <b>81,178.05</b>           |
| <b>Total</b>                               |              |      |               | <b>388,602,188.13</b> | <b>391,591,694.93</b> | <b>389,680,116.03</b> |               |                         | <b>2.311</b> | <b>685,872.73</b> | <b>5,363.75</b>            | <b>691,236.48</b>          |





**Pooled Investments Selected Funds**  
**Interest Earnings**  
**Sorted by Fund - Fund**  
**March 1, 2019 - March 31, 2019**  
**Yield on Average Book Value**

| CUSIP                                      | Investment # | Fund | Security Type | Ending Par Value | Beginning Book Value | Average Book Value | Maturity Date | Current/Annualized Rate | Yield | Interest Earned | Adjusted Interest Earnings |                            |
|--------------------------------------------|--------------|------|---------------|------------------|----------------------|--------------------|---------------|-------------------------|-------|-----------------|----------------------------|----------------------------|
|                                            |              |      |               |                  |                      |                    |               |                         |       |                 | Amortization/ Accretion    | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |               |                  |                      |                    |               |                         |       |                 |                            |                            |
| 3130A9YW5                                  | 14512        | 010  | MC5           | 5,000,000.00     | 4,999,758.33         | 4,999,773.12       | 11/22/2019    | 1.190                   | 1.174 | 4,958.33        | 27.78                      | 4,986.11                   |
| 3130A7GZ2                                  | 14500        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 03/30/2021    | 1.250                   | 1.226 | 5,208.33        | 0.00                       | 5,208.33                   |
| 3130AAJZ2                                  | 14513        | 010  | MC5           | 3,742,500.00     | 3,742,500.00         | 3,742,500.00       | 04/27/2020    | 1.750                   | 1.717 | 5,457.82        | 0.00                       | 5,457.82                   |
| 3130AAS82                                  | 14519        | 010  | FAC           | 10,000,000.00    | 9,999,363.72         | 9,999,394.05       | 02/06/2020    | 1.550                   | 1.528 | 12,916.67       | 56.98                      | 12,973.65                  |
| 3130ABTD8                                  | 14526        | 010  | FAC           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 10/18/2019    | 1.450                   | 1.423 | 18,125.00       | 0.00                       | 18,125.00                  |
| 3130ADVE9                                  | 14534 T1     | 010  | FAC           | 0.00             | 11,000,000.00        | 7,096,774.19       | 03/21/2019    | 2.125                   | 2.155 | 12,986.11       | 0.00                       | 12,986.11                  |
| 3130AFKR7                                  | 14550        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 12/28/2023    | 3.100                   | 3.042 | 12,916.67       | 0.00                       | 12,916.67                  |
| 3130ADUB6                                  | 14533 T1     | 010  | FAC           | 21,000,000.00    | 21,000,000.00        | 21,000,000.00      | 12/19/2019    | 2.320                   | 2.276 | 40,600.00       | 0.00                       | 40,600.00                  |
| 3130ADKF8                                  | 14529        | 010  | FAC           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 01/30/2020    | 2.100                   | 2.060 | 26,250.00       | 0.00                       | 26,250.00                  |
| 3133EGD77                                  | 14509        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/03/2019    | 1.120                   | 1.099 | 9,333.33        | 0.00                       | 9,333.33                   |
| 3133EGD77                                  | 14507        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/03/2019    | 1.120                   | 1.099 | 9,333.33        | 0.00                       | 9,333.33                   |
| 3133EJKC2                                  | 14535        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00      | 04/09/2021    | 2.670                   | 2.620 | 44,500.00       | 0.00                       | 44,500.00                  |
| 3133EG7F6                                  | 14517        | 010  | FAC           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 02/16/2021    | 1.750                   | 1.717 | 7,291.67        | 0.00                       | 7,291.67                   |
| 3133EJAD1                                  | 14528        | 010  | FAC           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 12/23/2020    | 2.150                   | 2.110 | 17,916.67       | 0.00                       | 17,916.67                  |
| 3133EGAW5                                  | 14504        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 08/19/2019    | 1.250                   | 1.226 | 5,208.34        | 0.00                       | 5,208.34                   |
| 3133EHQB2                                  | 14527        | 010  | FAC           | 9,001,000.00     | 9,001,000.00         | 9,001,000.00       | 07/06/2020    | 1.550                   | 1.521 | 11,626.29       | 0.00                       | 11,626.29                  |
| 3133EHBA0                                  | 14520        | 010  | FAC           | 6,500,000.00     | 6,500,000.00         | 6,500,000.00       | 03/02/2020    | 1.520                   | 1.491 | 8,233.33        | 0.00                       | 8,233.33                   |
| 3133EF4C8                                  | 14503        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 04/25/2019    | 1.190                   | 1.168 | 4,958.33        | 0.00                       | 4,958.33                   |
| 3134GSV36                                  | 14556        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 01/29/2024    | 3.190                   | 0.00  | 0.00            | 0.00                       | 0.00                       |
| 3134GSP90                                  | 14558        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 07/29/2022    | 3.000                   | 0.00  | 0.00            | 0.00                       | 0.00                       |
| 3134GSM77                                  | 14551        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 4,354,838.71       | 06/28/2023    | 3.300                   | 3.346 | 12,375.00       | 0.00                       | 12,375.00                  |
| 3134GSVB8                                  | 14547        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 09/13/2023    | 3.250                   | 3.189 | 13,541.67       | 0.00                       | 13,541.67                  |
| 3134GSM28                                  | 14549        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 4,354,838.71       | 12/28/2023    | 3.400                   | 3.447 | 12,750.00       | 0.00                       | 12,750.00                  |
| 3134GSN84                                  | 14552        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 4,354,838.71       | 12/28/2022    | 3.300                   | 3.346 | 12,375.00       | 0.00                       | 12,375.00                  |
| 3134GSUV5                                  | 14546        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 2,096,774.19       | 09/14/2023    | 3.300                   | 3.346 | 5,958.33        | 0.00                       | 5,958.33                   |
| 3134G9MA2                                  | 14505        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/24/2019    | 1.125                   | 1.104 | 4,687.53        | 0.00                       | 4,687.53                   |
| 3134G7S77                                  | 14358        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 10/29/2020    | 1.500                   | 1.472 | 6,250.00        | 0.00                       | 6,250.00                   |
| 3137EAE55                                  | 14516        | 010  | FAC           | 5,000,000.00     | 4,999,857.67         | 4,999,857.67       | 01/17/2020    | 1.500                   | 1.475 | 6,250.00        | 14.24                      | 6,264.24                   |
| 3135G0T29                                  | 14521        | 010  | FAC           | 3,500,000.00     | 3,500,000.00         | 3,500,000.00       | 02/28/2020    | 1.500                   | 1.472 | 4,375.00        | 0.00                       | 4,375.00                   |
| 3136G3PA7                                  | 14506        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 967,741.94         | 06/07/2019    | 1.500                   | 0.00  | 0.00            | 0.00                       | 0.00                       |

Exhibit 2-B.3

Pooled Investments Selected Funds  
Interest Earnings  
March 1, 2019 - March 31, 2019

| CUSIP                                      | Investment # | Fund | Security Type   | Ending Par Value      | Beginning Book Value  | Average Book Value    | Maturity Date | Current/Annualized Rate | Yield        | Interest Earned   | Adjusted Interest Earnings |                            |
|--------------------------------------------|--------------|------|-----------------|-----------------------|-----------------------|-----------------------|---------------|-------------------------|--------------|-------------------|----------------------------|----------------------------|
|                                            |              |      |                 |                       |                       |                       |               |                         |              |                   | Amortization/ Accretion    | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |                 |                       |                       |                       |               |                         |              |                   |                            |                            |
| 3136G2YR2                                  | 14365        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 02/26/2021    | 2.500                   |              | 0.00              | 0.00                       | 0.00                       |
| 3135G0S46                                  | 14514        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 01/27/2020    | 1.650                   | 1.619        | 6,875.00          | 0.00                       | 6,875.00                   |
| 3136G4LP6                                  | 14518        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 08/28/2020    | 1.800                   | 1.766        | 7,500.00          | 0.00                       | 7,500.00                   |
| 3135G0T29                                  | 14522        | 010  | FAC             | 10,000,000.00         | 9,986,403.63          | 9,987,010.53          | 02/28/2020    | 1.500                   | 1.608        | 12,500.00         | 1,142.55                   | 13,642.55                  |
| 3135G0S46                                  | 14515        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 01/27/2020    | 1.650                   | 1.619        | 6,875.00          | 0.00                       | 6,875.00                   |
| 672319CA6                                  | 14282        | 010  | MUN             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 12/15/2019    | 3.267                   | 3.206        | 13,612.50         | 0.00                       | 13,612.50                  |
| 037833AK6                                  | 14536        | 010  | MTN             | 5,000,000.00          | 4,841,839.80          | 4,843,521.20          | 05/03/2023    | 2.400                   | 3.199        | 10,000.00         | 3,158.99                   | 13,158.99                  |
| 254673RD0                                  | 14539        | 010  | SCD             | 250,000.00            | 250,000.00            | 250,000.00            | 07/05/2023    | 3.300                   | 3.300        | 700.69            | 0.00                       | 700.69                     |
| 06406HBY4                                  | 14538        | 010  | MC3             | 3,542,000.00          | 3,582,941.41          | 3,582,232.36          | 09/23/2021    | 3.550                   | 3.006        | 10,478.41         | -1,332.15                  | 9,146.26                   |
| 06406FAB9                                  | 14541        | 010  | MC3             | 1,458,000.00          | 1,427,558.30          | 1,428,179.89          | 05/03/2021    | 2.050                   | 3.016        | 2,490.75          | 1,167.84                   | 3,658.59                   |
| 795450T47                                  | 14540        | 010  | SCD             | 250,000.00            | 250,000.00            | 250,000.00            | 07/03/2023    | 3.300                   | 3.300        | 700.69            | 0.00                       | 700.69                     |
| 084670BJ6                                  | 14542        | 010  | MTN             | 5,000,000.00          | 4,972,579.90          | 4,972,888.24          | 02/11/2023    | 3.000                   | 3.097        | 12,500.00         | 579.30                     | 13,079.30                  |
| 3132X04Z1                                  | 14544        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 08/15/2023    | 3.250                   | 3.189        | 13,541.67         | 0.00                       | 13,541.67                  |
| 3132X02G5                                  | 14537        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 06/21/2023    | 3.270                   | 3.208        | 13,625.00         | 0.00                       | 13,625.00                  |
| 31422BAR1                                  | 14553        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 12/27/2023    | 3.230                   | 3.189        | 13,458.33         | 0.00                       | 13,458.33                  |
| 589331AT4                                  | 14545        | 010  | MTN             | 5,000,000.00          | 4,895,835.70          | 4,897,141.25          | 09/15/2022    | 2.400                   | 2.994        | 10,000.00         | 2,452.85                   | 12,452.85                  |
| 68389XAS4                                  | 14548        | 010  | MTN             | 5,000,000.00          | 5,045,100.65          | 5,044,643.12          | 07/15/2023    | 3.625                   | 3.325        | 15,104.17         | -859.61                    | 14,244.56                  |
| 24422EUM9                                  | 14554        | 010  | MTN             | 5,000,000.00          | 5,073,981.68          | 5,073,270.47          | 10/12/2023    | 3.650                   | 3.219        | 15,208.33         | -1,336.22                  | 13,872.11                  |
| 540424AQ1                                  | 14555        | 010  | MTN             | 5,000,000.00          | 4,859,058.04          | 4,860,544.51          | 05/15/2023    | 2.625                   | 3.326        | 10,937.50         | 2,792.77                   | 13,730.27                  |
| 693475AV7                                  | 14557        | 010  | MC3             | 5,000,000.00          | 5,028,678.88          | 5,028,418.99          | 01/23/2024    | 3.500                   | 3.300        | 14,583.34         | -488.29                    | 14,095.05                  |
| 13063DGB8                                  | 14559        | 010  | MUN             | 5,000,000.00          | 5,089,304.32          | 5,088,653.18          | 04/01/2025    | 3.375                   | 2.971        | 14,062.50         | -1,223.35                  | 12,839.15                  |
| 49327M2X1                                  | 14560        | 010  | MTN             | 5,000,000.00          | 5,027,647.56          | 5,027,227.11          | 02/01/2022    | 3.300                   | 3.035        | 13,750.00         | -789.93                    | 12,960.07                  |
| 05531FBF9                                  | 14561        | 010  | MC3             | 5,000,000.00          | 0.00                  | 1,831,030.15          | 12/06/2023    | 3.750                   | 2.739        | 5,208.33          | -948.30                    | 4,260.03                   |
|                                            |              |      | <b>Subtotal</b> | <b>299,243,500.00</b> | <b>330,073,402.01</b> | <b>319,133,092.30</b> |               |                         | <b>2.083</b> | <b>560,094.96</b> | <b>4,415.45</b>            | <b>564,510.41</b>          |
| <b>Fund: Fidelity MM - Trans</b>           |              |      |                 |                       |                       |                       |               |                         |              |                   |                            |                            |
| SYS14190                                   | 14190        | 030  | RRP             | 14,385,364.38         | 14,355,963.86         | 14,356,912.26         |               | 0.002                   | 2.411        | 29,400.52         | 0.00                       | 29,400.52                  |
|                                            |              |      | <b>Subtotal</b> | <b>14,385,364.38</b>  | <b>14,355,963.86</b>  | <b>14,356,912.26</b>  |               |                         | <b>2.411</b> | <b>29,400.52</b>  | <b>0.00</b>                | <b>29,400.52</b>           |
| <b>Fund: Fidelity MM - Regular</b>         |              |      |                 |                       |                       |                       |               |                         |              |                   |                            |                            |
| SYS14265                                   | 14265        | 040  | RRP             | 70,016,355.36         | 44,002,724.27         | 57,719,293.01         |               | 0.003                   | 2.318        | 113,631.09        | 0.00                       | 113,631.09                 |
|                                            |              |      | <b>Subtotal</b> | <b>70,016,355.36</b>  | <b>44,002,724.27</b>  | <b>57,719,293.01</b>  |               |                         | <b>2.318</b> | <b>113,631.09</b> | <b>0.00</b>                | <b>113,631.09</b>          |
|                                            |              |      | <b>Total</b>    | <b>383,645,219.74</b> | <b>388,432,090.14</b> | <b>391,209,297.57</b> |               |                         | <b>2.129</b> | <b>703,126.57</b> | <b>4,415.45</b>            | <b>707,542.02</b>          |

Exhibit 2-C

Pooled Cash and Investments  
(Market Value)  
as of March 31, 2019

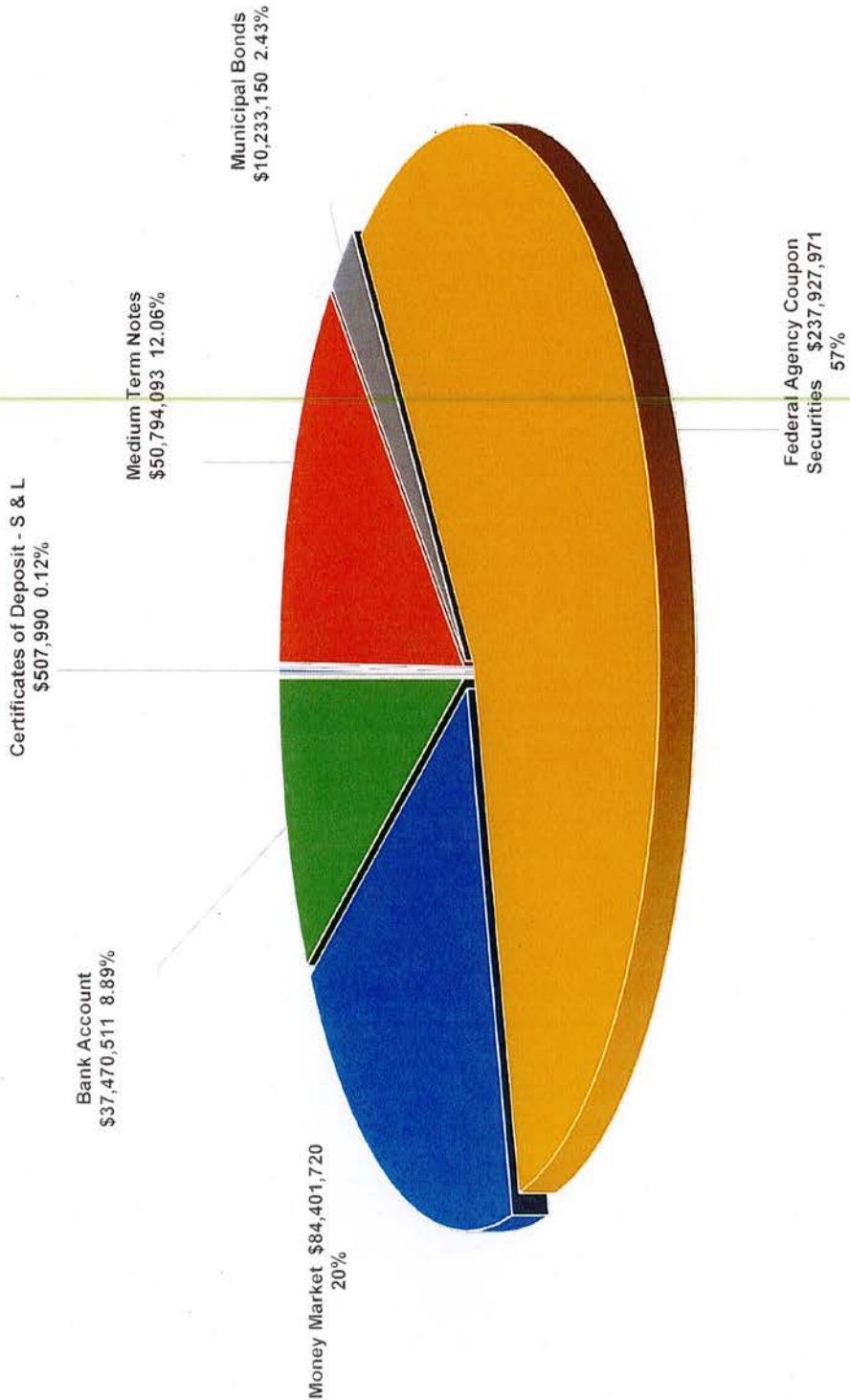




Exhibit 2-D

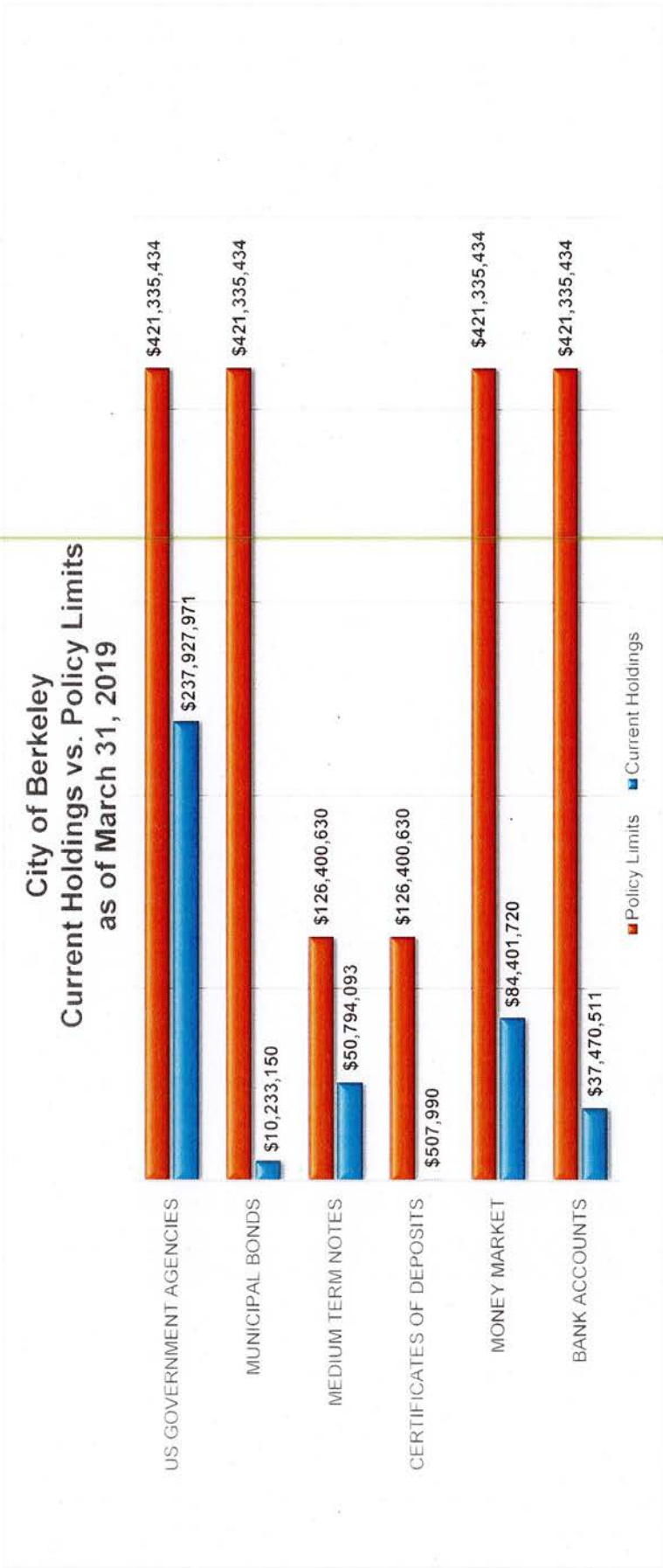
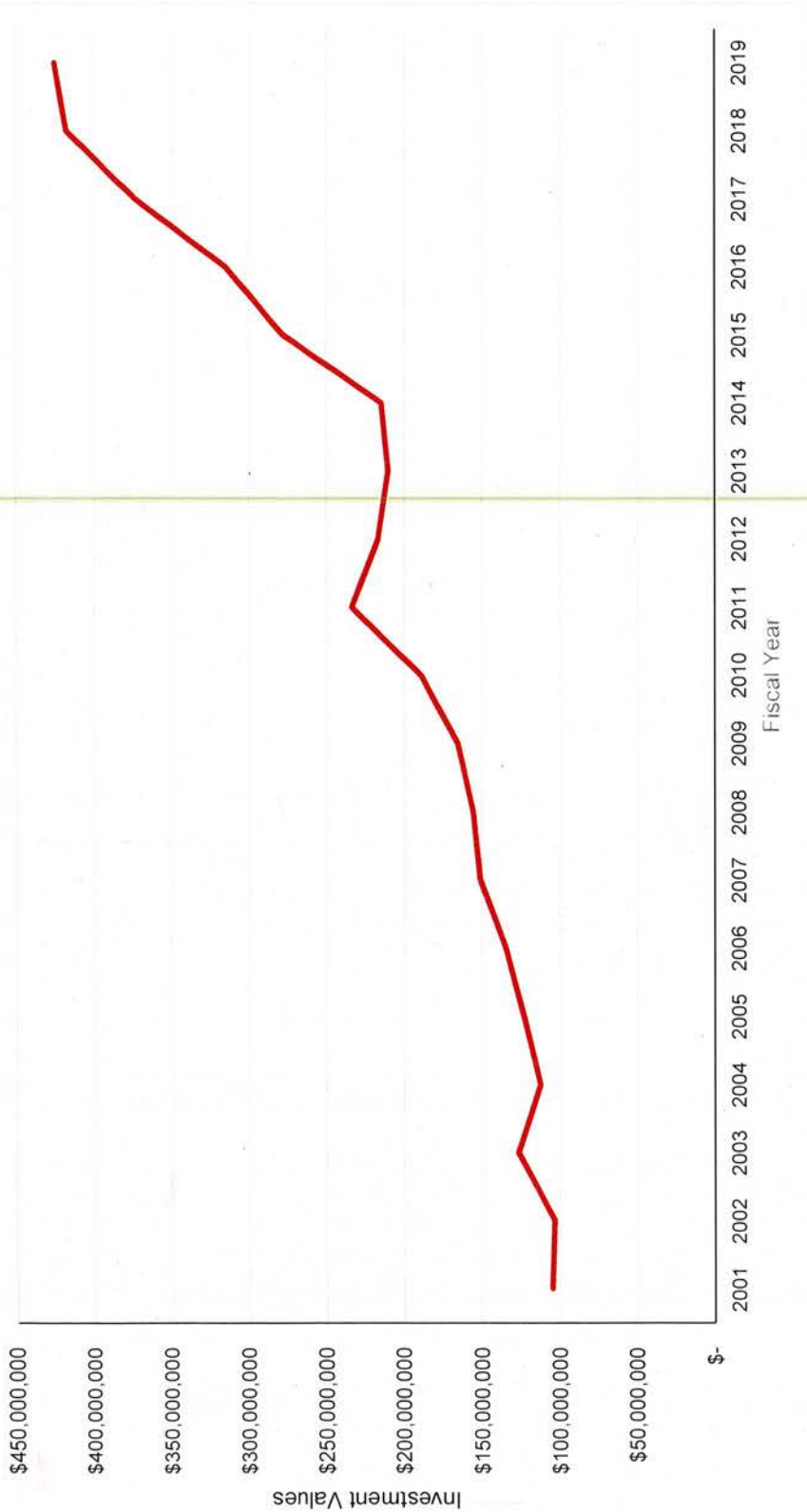
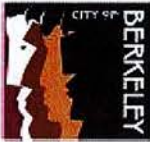


Exhibit 2-E

**Pooled and Trust  
Cash and Investment Portfolio Trend  
as of March 31, 2019**





**Summary of Pooled Cash and Investments - Trust Funds**  
**(Market Value)**  
**As of March 31, 2019**

|                                         |                                       | Pooled Cash         | Investments<br>(Book Value) | Gain/Loss on<br>Investments | Pooled Cash<br>& Investments<br>(Market Value) |
|-----------------------------------------|---------------------------------------|---------------------|-----------------------------|-----------------------------|------------------------------------------------|
| <b>Retiree Medical Trust Fund</b>       |                                       |                     |                             |                             |                                                |
| <b>Fund No.</b>                         |                                       |                     |                             |                             |                                                |
| 941                                     | BHA                                   | \$ 79,085           | \$ 275,121                  | \$ 6,907                    | \$ 361,113                                     |
| 942                                     | M1=IBEW                               | 20,610              | 168,926                     | 6,569                       | 196,104                                        |
| 943                                     | M2=Local 1                            | 1,823,000           | 6,158,887                   | 276,088                     | 8,257,975                                      |
| 944                                     | MUI=Z1                                | 445,295             | 1,413,601                   | 78,634                      | 1,937,530                                      |
| 945                                     | MUI=Z2 to Z6                          | 592,549             | 1,918,255                   | 94,930                      | 2,605,733                                      |
| 946                                     | M535= Local 535                       | 2,068,796           | 5,954,681                   | 326,263                     | 8,349,740                                      |
| 947                                     | M3=Local 790                          | 1,323,257           | 4,321,877                   | 164,574                     | 5,809,709                                      |
| <b>Total Retiree Medical Trust Fund</b> |                                       | <b>6,352,591</b>    | <b>20,211,349</b>           | <b>953,965</b>              | <b>27,517,905</b>                              |
| <b>Fire Medical Trust Fund</b>          |                                       |                     |                             |                             |                                                |
| 949                                     | Fire Medical Trust Fund               | 2,230,151           | 8,847,994                   | (133,152)                   | 10,944,994                                     |
| <b>Total Fire Medical Trust Fund</b>    |                                       | <b>2,230,151</b>    | <b>8,847,994</b>            | <b>(133,152)</b>            | <b>10,944,994</b>                              |
| <b>Police Medical Trust Fund</b>        |                                       |                     |                             |                             |                                                |
| 903                                     | Police EE Retiree HLT Assistance Plan | 342,735             | 1,693,753                   | 5,942.36                    | 2,036,488                                      |
| 950                                     | Police Medical Trust Fund             | 569,762             | 5,314,338                   | 95,168.66                   | 5,884,100                                      |
| <b>Total Police Medical Trust Fund</b>  |                                       | <b>912,497</b>      | <b>7,008,091</b>            | <b>101,111</b>              | <b>8,021,699</b>                               |
| <b>Total Trust Funds</b>                |                                       | <b>\$ 9,495,239</b> | <b>\$ 36,067,435</b>        | <b>\$ 921,924</b>           | <b>\$ 46,484,598</b>                           |

Exhibit 3-A

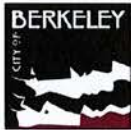


Retiree Medical Trust Fund  
Fund 941 - 947  
Interest Earnings  
January 1 to March 31, 2019

| CUSIP                                       | Investment # | Issuer                      | Par Value    | Beginning Book Value | Ending Book Value | Market Value | Maturity Date | Moody's Rating | Current Rate | Annualized Yield | Interest Earnings |                         |                            |                      |
|---------------------------------------------|--------------|-----------------------------|--------------|----------------------|-------------------|--------------|---------------|----------------|--------------|------------------|-------------------|-------------------------|----------------------------|----------------------|
|                                             |              |                             |              |                      |                   |              |               |                |              |                  | Interest Earned   | Amortization/ Accretion | Adjusted Interest Earnings |                      |
| <b>Medium Term Notes</b>                    |              |                             |              |                      |                   |              |               |                |              |                  |                   |                         |                            |                      |
| 06744CUS8                                   | 14530        | Barclays Bank PLC           | 6,000,000.00 | 6,000,000.00         | 6,004,020.00      | 02/08/2028   | A2            | 3.125          | 3.168        | 46,875.00        | -                 | 46,875.00               |                            |                      |
| 38141EA25                                   | 14110        | Goldman Sacs                | 3,000,000.00 | 3,000,459.48         | 1,750,283.34      | 02/15/2019   | A3            | 7.500          | 7.310        | 27,500.00        | (459.48)          | 27,040.52               |                            |                      |
| 61747WAF6                                   | 14224        | Morgan Stanley              | 1,666,666.67 | 1,687,048.53         | 1,750,283.34      | 01/25/2021   | A3            | 5.750          | 5.171        | 23,958.34        | (2,465.55)        | 21,492.79               |                            |                      |
| <b>Federal Agency Coupon Securities</b>     |              |                             |              |                      |                   |              |               |                |              |                  |                   |                         |                            |                      |
| 3133EFO77                                   | 14361        | Fed Farm Credit Bank        | 2,600,000.00 | 2,612,551.63         | 2,628,808.00      | 11/25/2025   | AAA           | 2.700          | 2.654        | 17,550.00        | (454.77)          | 17,095.23               |                            |                      |
| <b>Federal Agency Continuously Callable</b> |              |                             |              |                      |                   |              |               |                |              |                  |                   |                         |                            |                      |
| 3134GAWD2                                   | 14510        | Fed Home Loan Mortgage Corp | 1,500,000.00 | 1,500,000.00         | 1,488,390.00      | 11/27/2019   | AAA           | 1.300          | 1.318        | 4,875.00         | -                 | 4,875.00                |                            |                      |
| <b>Municipal Bonds</b>                      |              |                             |              |                      |                   |              |               |                |              |                  |                   |                         |                            |                      |
| 672319CC2                                   | 14283        | OAKGEN                      | 2,750,000.00 | 2,735,192.27         | 2,796,444.81      | 12/15/2021   | AA3           | 3.800          | 4.058        | 26,125.00        | 1,252.54          | 27,377.54               |                            |                      |
| 786091AG3                                   | 14316        | SACGEN                      | 5,000,000.00 | 5,365,733.27         | 6,128,200.00      | 08/01/2025   | A3            | 7.250          | 5.847        | 90,625.00        | (13,508.86)       | 77,116.14               |                            |                      |
| <b>Savo Island Loan</b>                     |              |                             |              |                      |                   |              |               |                |              |                  |                   |                         |                            |                      |
| SYS10988                                    | 10988        | EMPMED                      | 336,000.00   | 336,000.00           | 336,000.00        | 09/01/2025   |               | 8.000          | 8.000        | 6,627.95         | -                 | 6,627.95                |                            |                      |
| <b>Total</b>                                |              |                             |              |                      |                   |              |               |                |              |                  | <b>4.267</b>      | <b>\$ 244,136.29</b>    | <b>\$ (15,636.12)</b>      | <b>\$ 228,500.17</b> |

|                                                     |                         |
|-----------------------------------------------------|-------------------------|
| Total Investments (Book Value)                      | \$ 20,211,349.06        |
| Gain/Loss on Investments                            | 953,964.78              |
| <b>Total Investments (Market Value)</b>             | <b>21,165,313.84</b>    |
| Temporarily Invested with Pooled Cash & Investments | 6,352,590.53            |
| <b>Total Pooled Cash and Investments</b>            | <b>\$ 27,517,904.37</b> |





**Fire Retiree Medical  
Fund 949  
Interest Earnings  
January 1 to March 31, 2019**

| CUSIP                                       | Investment # | Issuer                     | Ending Par Value       | Beginning Book Value   | Ending Book Value      | Market Value           | Maturity Date | Credit Rating | Current Rate | Annualized Yield | Interest Earnings |                         |                            |                     |
|---------------------------------------------|--------------|----------------------------|------------------------|------------------------|------------------------|------------------------|---------------|---------------|--------------|------------------|-------------------|-------------------------|----------------------------|---------------------|
|                                             |              |                            |                        |                        |                        |                        |               |               |              |                  | Interest Earned   | Amortization/ Accretion | Adjusted Interest Earnings |                     |
| <b>Medium Term Notes</b>                    |              |                            |                        |                        |                        |                        |               |               |              |                  |                   |                         |                            |                     |
| 06744CUS8                                   | 14531        | Barclays Bank PLC          | 2,000,000.00           | 2,000,000.00           | 2,000,000.00           | 2,001,340.00           | 02/18/2028    | A2            | 3.125        | 3.168            | 15,625.00         | -                       | 15,625.00                  |                     |
| 6174467X1                                   | 14318        | Morgan Stanley DW DTC#0015 | 2,000,000.00           | 2,053,244.57           | 2,051,314.64           | 2,143,740.00           | 11/24/2025    | BAA2          | 5.000        | 4.559            | 25,000.00         | (1,929.93)              | 23,070.07                  |                     |
| 61747WAF6                                   | 14225        | Morgan Stanley             | 1,666,666.67           | 1,687,048.53           | 1,684,582.98           | 1,750,283.34           | 01/25/2021    | A3            | 5.750        | 5.171            | 23,958.34         | (2,465.55)              | 21,492.79                  |                     |
| <b>Federal Agency Coupon Securities</b>     |              |                            |                        |                        |                        |                        |               |               |              |                  |                   |                         |                            |                     |
| 31335EFT7                                   | 14362        | Fed Farm Credit Bank       | 2,300,000.00           | 2,311,103.37           | 2,612,086.86           | 2,325,484.00           | 11/25/2025    | AAA           | 2.700        | 2.654            | 15,525.00         | (402.30)                | 15,122.70                  |                     |
| <b>Federal Agency Continuously Callable</b> |              |                            |                        |                        |                        |                        |               |               |              |                  |                   |                         |                            |                     |
| 3130A9WA5                                   | 14508        | FHLB                       | 500,000.00             | 500,000.00             | 500,000.00             | 493,995.00             | 04/27/2020    | AAA           | 1.300        | 1.318            | 1,625.00          | -                       | 1,625.00                   |                     |
| <b>Total</b>                                |              |                            | <b>\$ 8,466,666.67</b> | <b>\$ 8,551,396.47</b> | <b>\$ 8,847,994.48</b> | <b>\$ 8,714,842.34</b> |               |               |              |                  | <b>3,566</b>      | <b>\$ 81,733.34</b>     | <b>\$ (4,797.78)</b>       | <b>\$ 76,935.56</b> |

|                                                     |                         |
|-----------------------------------------------------|-------------------------|
| Total Investments (Book Value)                      | \$ 8,847,994.48         |
| Gain/Loss on Investments                            | (133,152.14)            |
| <b>Total Investments (Market Value)</b>             | <b>8,714,842.34</b>     |
| Temporarily Invested with Pooled Cash & Investments | 2,230,151.33            |
| <b>Total Pooled Cash and Investments</b>            | <b>\$ 10,944,993.67</b> |





Office of the City Manager

INFORMATION CALENDAR

October 15, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Timothy Burroughs, Director, Planning and Development Department

Subject: Audit Update: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service

INTRODUCTION

On March 25, 2014, the City Auditor submitted a Construction Permits audit report<sup>1</sup> to the City Council with recommendations to improve customer service and equity, reduce the risk of theft, improve efficiency, and increase fee revenues to the Planning Department. In the most recent status update, dated March 12, 2019, solutions to 16 of the 19 original findings had been deemed implemented.

The purpose of this information item is to update City Council on work done by Planning and several other City departments to close the three remaining findings, and to deem the full set of original 2014 audit recommendations resolved.

CURRENT SITUATION AND ITS EFFECTS

As of the writing of the March 2019 status update report, the three recommendations still open were tracked as “Partially Implemented”. In each of the three cases, full implementation relied on significant technological solutions in collaboration with the City’s Information Technology (IT) Department. In the intervening months, in conjunction with the IT and Finance departments, Planning made several major decisions to implement alternative solutions to fully resolve the remaining findings.

Finding 1.2 from the original audit regarded customer wait times in the Permit Service Center (PSC). Since early 2018, the finding has been tracked as “Partially Implemented.” Planning has taken significant steps to revise policies and procedures, address staff training needs, and add staff capacity to reduce customer wait times. The finding was not deemed “Fully Implemented,” however, because no new customer wait time tracking system had been installed to allow verification and monitoring of wait times. In July 2019, the Planning Department completed a request-for-bid process and the City is now in contract negotiations with a vendor that provides a state-of-the-art

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<sup>1</sup> Audit: Construction Permits – Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service:

[http://www.cityofberkeley.info/Clerk/City\\_Council/2014/03\\_Mar/Documents/2014-03-25\\_Item\\_27\\_Audit\\_Construction\\_Permits.aspx](http://www.cityofberkeley.info/Clerk/City_Council/2014/03_Mar/Documents/2014-03-25_Item_27_Audit_Construction_Permits.aspx)

customer queue management and appointment system, which will solve this remaining issue. The product allows customers to make appointments and check wait times remotely, via smartphone, or within the PSC using City-furnished iPads. The product provides real time wait and queue data, as well as analytics of longer periods. The adoption of the technology is designed to both reduce PSC wait times and provide Planning with the data tools necessary to monitor the customer waiting periods and publicize that information for accountability and performance improvement. Planning expects to be under contract with the new vendor by the end of September 2019. Software implementation and staff training will take four to eight weeks.

Findings 1.4 and 1.5 from the 2014 audit regarded the usefulness and reliability of reports generated from the City's digital permitting system. At the time of the 2014 audit, Planning had entered into contract with Accela, Inc. for a new system to replace the antiquated HTE (FUND\$) system which served that purpose. As Council has been advised in several other reports, Accela is not meeting the needs of the City for reporting, permit issuance, financial system compatibility, and a number of other essential parts of the permitting system. On July 2, 2019, following comprehensive preparation by Planning, IT, Finance, and a wide range of other City stakeholders, the City issued a Request for Proposals (RFP) for a new digital permitting system. The RFP is designed to enable the City to procure a new off-the-shelf system that requires minimal customization (the extensive customization and IT resources required by the Accela system have been a significant, ongoing challenge). The new system will be cloud-based and not require extensive City-side server resources. It will integrate the functions of multiple City departments and divisions involved in the permitting processes, will be required to have full functionality on day one of implementation (and not be phased), and will come with out-of-the-box reporting capacities which will fully address the goals identified in the City Auditor's original 2014 report.

With these two changes, to install a new state-of-the-art queueing solution for the Permit Service Center and to procure a new digital permitting system, Planning and its City partners have taken the steps necessary to reach Alternative Implementation status for the three remaining findings from 2014, thus allowing the audit to be deemed resolved. Please see Attachment 1 for a detailed table of audit report recommendations, corrective action plans, and implementation progress.

More broadly, and as discussed separately with Council on several occasions, the Planning Department is more than two years into a Customer Service Improvement initiative, with major goals affecting not only the Permit Service Center, but also the Building and Safety Division, the Land Use Planning Division, and the office of the Planning Director. This initiative is making ongoing major improvements to ensure excellent and equitable customer service, the main goal of the Auditor's 2014 report. In addition to the investments in customer-serving technology described in this report, the Planning Department has taken numerous other steps to advance customer service. As

reported in detail at a City Council Worksession October 9, 2018<sup>2</sup>, some of the steps taken and underway include:

- Updated submittal guidelines and checklists, to help clients know rules and application requirements before they visit the PSC.
- How-To Permit Guide<sup>3</sup>, providing applicants with clear instructions on how to check the status of their permits applications, or any past City permits, how to upload building plans and resubmittals, and to schedule inspections, among other online tools
- PSC Open House, first held on December 6, 2017, with another planned for October 16, 2019, introducing Berkeley residents and businesses to the PSC and staff from all Planning divisions.
- Better defined roles, clarifying the exact duties of each staff person within the PSC, and setting performance benchmarks from which the PSC's success will be evaluated.
- The Zoning Ordinance Revision Project, underway for over a year, will deliver a revamped Zoning Ordinance written for clarity and ease of use for the benefit of all Berkeley homeowners and builders.

The Planning Department will keep City Council and the community informed regarding progress on customer service improvement efforts, including the technological aspects discussed in this audit status report.

## BACKGROUND

Construction permits are primarily handled by the Planning Department's Permit Service Center (PSC), within the department's Building and Safety Division. The PSC provides permit application intake and payment and plan check coordination services for a variety of permit applicants. The PSC also hosts staff from other divisions and departments who are often called to the counter to assist customers with particular questions or needs. The Building and Safety Division also includes Building Inspection, Housing Inspection, and Plan Check, and works closely with representatives from the Fire and Public Works Departments.

## ENVIRONMENTAL SUSTAINABILITY

Operations of the Permit Service Center include integration with the City's Office of Energy and Sustainability and provide a variety of resources to encourage green building materials and techniques.

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<sup>2</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/10\\_Oct/Documents/2018-10-09\\_WS\\_Item\\_02\\_Planning\\_Department\\_Service.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/10_Oct/Documents/2018-10-09_WS_Item_02_Planning_Department_Service.aspx)

<sup>3</sup> [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Building\\_and\\_Safety/OnlineBuildingPermitsGuide.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Building_and_Safety/OnlineBuildingPermitsGuide.pdf)

POSSIBLE FUTURE ACTION

The Planning Department expects to enter a contract within the City Manager's spending authority for new customer queue management software in September of this year. Planning also expects to bring a contract authorization request to the City Council by early 2020 to enter into agreement to implement the next digital permitting system.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Funding for the new customer queue management and digital permitting systems is available in the Permit Service Center fund, comprising fees paid by permittees, including a specific technology fee set aside for such needs.

CONTACT PERSON

Timothy Burroughs, Director, Planning and Development, 510-981-7437

Attachments:

1: Audit Findings, Recommendations, and Management Response Summary table

| <b>Audit Title: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service</b>                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Recommendations</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Planning Department Response and Recommendation Status</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Finding 1: Management lacks information needed to effectively monitor performance and ensure excellent and equitable customer service.</b>                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>1.2 Develop policies and procedures that identify not-to-exceed goals for customer wait times and methods to reduce high wait times when they occur. Methods should avoid using supervisors to perform staff work (see related Finding 2 and Recommendation 2.1). When wait times exceed the established goal, PSC management should investigate the reasons to understand why and adjust the policies and procedures as necessary to ensure they are designed to minimize customer wait times as described.</p> | <p><b>Status:</b> Implemented, September 2019.</p> <p><b>Corrective Actions Taken:</b></p> <p><b>1. From previous Audit Status Updates:</b></p> <p><b>Initial Status, 4/7/15:</b> Partially Implemented: Wait time goals are established.</p> <p><b>Status Update 9/15/15:</b> Partially Implemented: no change in status.</p> <p><b>Status Update 2/28/17:</b> Partially Implemented. A wait time goal of 30 minutes has been set. However additional measures need to be taken before we can achieve this goal. In conjunction with City Information technology staff, PSC management are creating a process map of the permit intake workflow, to culminate with a Business Needs document. This will prioritize changes to PSC customer queueing software, Accela software, and business processes which will ultimately optimize the intake process and reduce wait times. PSC staff expect that these improvements will reach a level which will allow this finding to be deemed "Implemented" within six to 12 months.</p> |



| <b>Audit Title: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <b>Recommendations</b>                                                                                                               | <b>Planning Department Response and Recommendation Status</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                      | <p> <b>Status Update 3/13/18:</b> Partially Implemented. A wait time goal of 30 minutes has been set. PSC staffing practices have been revised to more quickly expedite customer visits (see Findings 1.3C and 2.1). Electronic plan submittal has sharply reduced the time spent on over-the-counter plan review and the number of plans rejected for resubmittal (Finding 1.3D). Anecdotally, staff believe PSC wait times have been meaningfully improved. However, the PSC currently lacks a system to automatically track actual customer time spent. With City IT support, staff are reviewing software options to govern queueing and measure wait times. Once installed, and in conjunction with improvements to Accela configuration and PSC business practices, staff expect that this finding will be able to be deemed "Implemented" by Fall 2018. In the meantime, a manual customer routing and tracking system has been implemented.                 </p> <p> <b>Status Update, 3/12/19:</b> Partially Implemented (no change). At this writing the City concluded protracted contract negotiations with Nemo-Q, the selected vendor to install its latest customer queueing and wait time tracking equipment. The Nemo-Q system is expected to be installed in the PSC by the end of March, 2019 and will subsequently allow the setting of baseline data to demonstrate continuous improvement in reducing customer wait times in the PSC.                 </p> |

| <b>Audit Title: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <b>Recommendations</b>                                                                                                               | <b>Planning Department Response and Recommendation Status</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                                                                                                                                      | <p data-bbox="1062 428 1598 456"><b>2. New since last Audit Status Update:</b></p> <ul data-bbox="1157 467 1885 1349" style="list-style-type: none"> <li data-bbox="1157 467 1885 613">• The City is in negotiations for a contract with a leading appointment and queue management solutions company, to guide and monitor PSC wait times.</li> <li data-bbox="1157 621 1885 691">• The new system is projected to go live in the PSC later in the fall of 2019.</li> <li data-bbox="1157 699 1885 846">• Customers will be able to make PSC appointments and check in remotely, reschedule as needed, and resume their place in line if they need to leave and return.</li> <li data-bbox="1157 854 1885 963">• Technology will allow customers to use their own smartphones for access, or make use of City-furnished iPads within the PSC.</li> <li data-bbox="1157 971 1885 1079">• Customers will get real time updates on current PSC wait times, to plan whether to drop in for quick business.</li> <li data-bbox="1157 1088 1885 1234">• The system will support periodic reports on customer wait times, times which tend to be more or less busy, and help identify any bottlenecks the City can work to correct.</li> <li data-bbox="1157 1242 1885 1349">• Real-time waiting periods and monthly/periodic wait time analytics can be published on the City website for customers to evaluate.</li> </ul> <p data-bbox="1062 1393 1268 1421"><b>3. Challenges:</b></p> |

| <b>Audit Title: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <b>Recommendations</b>                                                                                                               | <b>Planning Department Response and Recommendation Status</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                                                                      | <ul style="list-style-type: none"> <li>• It took much longer than expected to identify good solutions for queue management within the constraints of City contracting and IT capacity, and in a rapidly evolving technological field.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>1.4</p>                                                                                                                           | <p>Routinely verify the reliability of reports generated by the building permit module (and Accela, after implementation) to ensure the information is accurate and reliable to use to monitor performance and improve customer service.</p> <p><b>Status:</b> Alternative Implemented, July 2, 2019</p> <p><b>Corrective Actions Taken:</b></p> <p><b>1. From previous Audit Status Updates:</b></p> <p><b>Initial Status, 4/7/15:</b> Not Implemented. Business practice analysis and initial configuration of Accela are completed and a number of reports are included as part of the configuration of the program. Programming is ongoing with an expected implementation of the new system by December 2015.</p> <p><b>Status Update 9/15/15:</b> Not Implemented; no change in status expected until after Accela roll-out Dec. 2015.</p> <p><b>Status Update 2/28/17:</b> Partially implemented. Most basic reports have been implemented in Accela, however development of reports to meet staff needs is an ongoing process. Validation of such reports is a necessary part of the development process.</p> |

| <b>Audit Title: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <b>Recommendations</b>                                                                                                               | <b>Planning Department Response and Recommendation Status</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                                                                                                      | <p> <b>Status Update 3/13/18:</b> Partially implemented; no change from last update. Significant IT resources will be required to develop and validate required reports. Those resources are currently dedicated to more immediate priority Accela configuration needs.                 </p> <p> <b>Status Update 3/12/19:</b> Partially implemented (no change). Development and validation of reports to meet business needs has been a lower priority for limited IT resources than the more fundamental daily operational Accela challenges. The process for fixing and/or replacing Accela system is underway.                 </p> <p> <b>2. New since last Audit Status Update:</b> </p> <p>                     The audit recommendations assumed the new-at-the-time software, Accela, would resolve various concerns. However, Accela ultimately never met the City's needs.                 </p> <ul style="list-style-type: none"> <li>• On July 2, 2019 the City issued a Request for Proposals (RFP) for a new Digital Permitting System to replace the Accela system.</li> <li>• The specifications for the new system were written to avoid some of the issues which handicapped Accela.                         <ul style="list-style-type: none"> <li>○ The new program will not be highly customized, as Accela was, and thus will not require so many ongoing IT and external support resources to keep it operating.</li> <li>○ The new program will be cloud-based not hosted on City servers</li> </ul> </li> </ul> |

| <b>Audit Title: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <b>Recommendations</b>                                                                                                               | <b>Planning Department Response and Recommendation Status</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                                                                                                                      | <ul style="list-style-type: none"> <li>○ All product features, especially those which integrate multiple City departments, will be available from program onset, rather than being phased in over time.</li> <li>○ Implementation will be a deliverable required of the vendor, together with the City, so that successful staff training and support are built in from the outset.</li> <li>○ The new program will provide intuitive systems that are easy to navigate for both customers and city staff</li> <li>○ Data and information will be more easily accessible to both internal and external consumers</li> <li>○ Technical support will be provided by the vendor for both customers and city staff</li> <li>○ Implementation will include a review of the departments current practices as they compare to industry best practices</li> <li>● Numerous quality proposals were received by the City on the RFP due date of Aug. 20. At this writing, a high-level committee of City staff are reviewing the submittals, and are putting test versions of the software through rigorous user testing.</li> <li>● Planning intends to bring a recommendation for a contract award to the City Council before the end of 2019, followed by a thorough staff training and</li> </ul> |

| <b>Audit Title: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <b>Recommendations</b>                                                                                                               | <b>Planning Department Response and Recommendation Status</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                      | <p>implementation process, with a goal of going live with the new product in the summer of 2020.</p> <p><b>3. Challenges:</b></p> <ul style="list-style-type: none"> <li>• Accela is designed to be an enterprise-wide software program, with full integration across multiple City operations, including Finance, Public Works, Fire, and others. Berkeley’s implementation of Accela never reached that point. Instead, plans for phasing in new functions took a back seat to daily challenges of keeping the highly customized basic configurations running to meet the City’s daily needs.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>1.5</p>                                                                                                                           | <p>Work with Information Technology to ensure that the Accela software is configured to require staff to input the information listed below and that it is incorporated into system reports. Require Planning management to regularly review the reports and use the information to monitor both individual and overall department performance, and to develop and implement changes in practices to improve service delivery through increased efficiency and timeliness. Recorded and monitored information should include:</p> <p><b>Status:</b> Alternative Implemented, July 2, 2019</p> <p><b>Corrective Actions Taken:</b></p> <p><b>1. From previous Audit Status Updates:</b></p> <p><b>Initial Status, 4/7/15:</b> Partially Implemented. Business practice analysis and initial configuration of Accela are completed and these items have been built-in to the architecture and basic functionality of the program. Several items are automated in the configuration, including: the amount of time spent performing each plan review, the number of times a set of plans was resubmitted, and the reasons for resubmittal of plans. Programming is ongoing with</p> |

| <b>Audit Title: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service</b>                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <b>Recommendations</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Planning Department Response and Recommendation Status</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <ul style="list-style-type: none"> <li>• Start and end dates and times for each phase of the plan check process, and the specific reason(s) for each missed turnaround goal. Management should identify a list of reasons that will allow them to determine changes needed to improve performance.</li> <li>• Amount of time spent performing each plan check review.</li> <li>• Number of times plans were required to be resubmitted before Planning had sufficient information to review them, and the reason for each resubmission.</li> </ul> | <p>an expected implementation of the new system by December 2015.</p> <p><b>Status Update 9/15/15:</b> Partially Implemented; no change in status expected until after Accela roll-out Dec. 2015.</p> <p><b>Status Update 2/28/17:</b> Partially Implemented. The 'BP Plan Check Turn Around' report was developed to indicate the number of plan checks completed and those completed within the estimated completion date. This report is currently used to monitor overall plan check performance. Full implementation of all three sub-findings listed here will depend upon full use of Accela's Ad Hoc reporting capacity, which is pending further IT department work.</p> <p><b>Status Update 3/13/18:</b> Partially implemented; no change from last update. Significant IT resources will be required to develop and validate required reports. Those resources are currently dedicated to more immediate priority Accela configuration needs.</p> <p><b>Status Update 3/12/19:</b> Partially implemented (no change). Process for fixing and/or replacing Accela system is underway, in conjunction with City IT Department.</p> <p><b>2. New since last Audit Status Update:</b></p> <ul style="list-style-type: none"> <li>• On July 2, 2019 the City issued a Request for Proposals (RFP) for a new Digital Permitting System</li> </ul> |



| <b>Audit Title: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <b>Recommendations</b>                                                                                                               | <b>Planning Department Response and Recommendation Status</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                                                                                                                                      | <p>to replace the Accela system, which ultimately never met the City's needs.</p> <ul style="list-style-type: none"> <li>• The specifications for the new system were written to avoid some of the issues which handicapped Accela.                             <ul style="list-style-type: none"> <li>○ Reports on time spent in Plan Check, along with all parts of the building permit process, will be included as out-of-the-box functionality in the selected new system</li> <li>○ Plan check functionality will be supported by Blue Beam software, a tool used industry-wide. This will provide consistency for both customers and city staff.</li> </ul> </li> </ul> |





Homeless Commission

## INFORMATION CALENDAR

October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Homeless Commission  
 Submitted by: Carole Marasovic, Chair, Homeless Commission  
 Subject: Adoption of Homeless Commission's Fiscal Year 2020 Workplan

### INTRODUCTION

Each year, the City of Berkeley's Commissions are expected to submit an annual workplan to Council. The Homeless Commission adopted its Fiscal Year 2020 Workplan (Attachment 1) at its regular meeting on July 10, 2019.

### CURRENT SITUATION AND ITS EFFECTS

In 2016, Council adopted direction to Commissions to submit a work plan annually. This report advises Council of the Homeless Commission's recent adoption of a Fiscal Year 2020 workplan, included as Attachment 1 to this report.

### BACKGROUND

At its regular meeting on July 10, 2019, the Homeless Commission adopted its Fiscal Year 2020 Workplan with the following action:

**Action:** M/S/C Mulligan/ Hirpara to approve the FY 2020 Homeless Commission Work Plan as written.

**Vote:** Ayes: Hill, Mulligan, Marasovic, Hirpara, Kealoha-Blake.  
**Noes:** None. **Abstain:** None. **Absent:** Behm-Steinberg.

### ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with the subject of this report.

### POSSIBLE FUTURE ACTION

None.

### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

None.

CONTACT PERSON

Brittany Carnegie, Community Services Specialist II, (510) 981-5415.

Attachments:

1. Homeless Commission Fiscal Year 2020 Workplan.

FY20 WORK PLAN & TIMELINE to GUIDE the HOMELESS COMMISSION

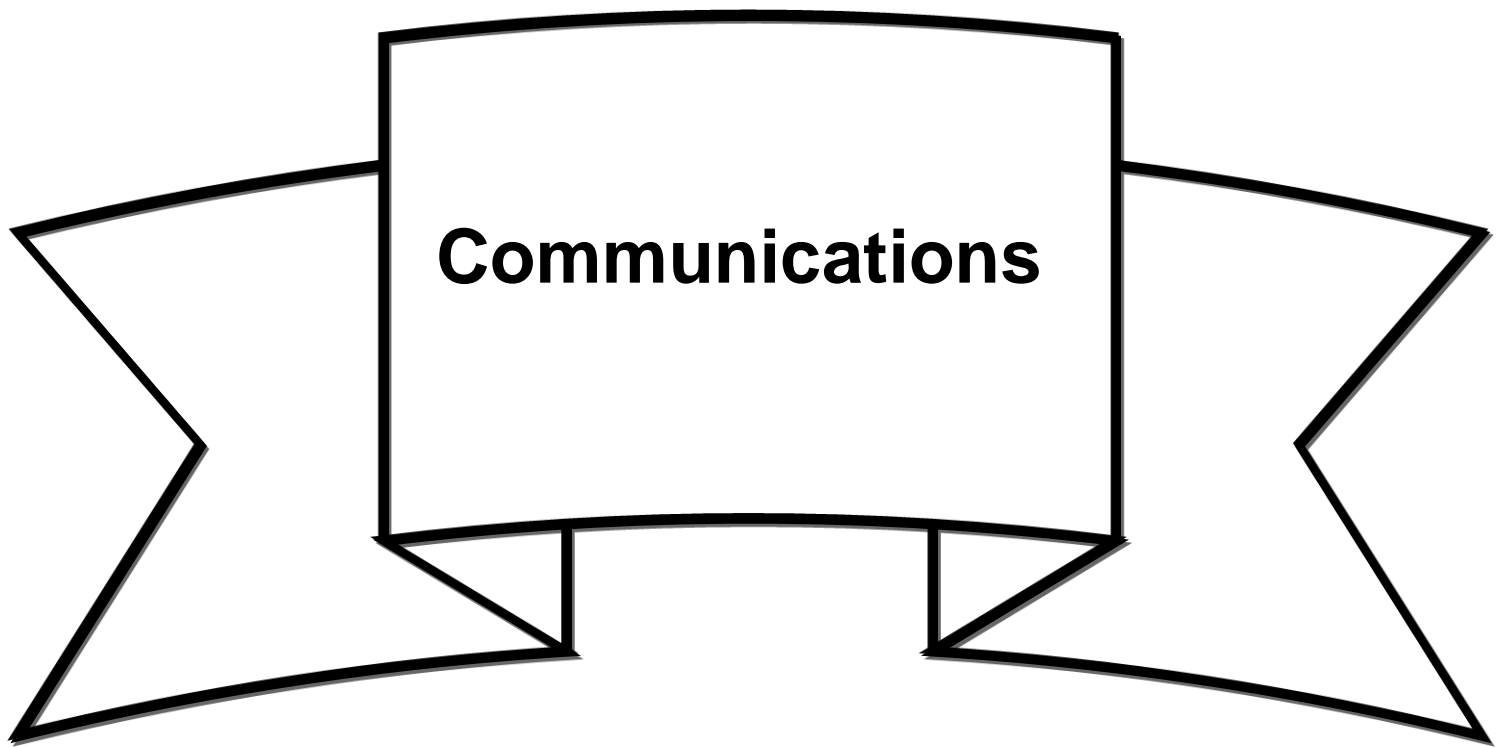
Approved by the Commission on: 7/10/2019

| Activity                                                                                                    | Responsible Contact           | June 2019 | July 2019 | Aug 2019 | Sept 2019 | Oct. 2019 | Nov 2019 | Dec 2019 | Jan 2020 | Feb 2020 | Mar 2020 | Apr 2020 | May 2020 | Jun 2020 |
|-------------------------------------------------------------------------------------------------------------|-------------------------------|-----------|-----------|----------|-----------|-----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Regular Meetings.                                                                                           | Commission                    | 12        | 10        |          | 11        | 9         | 13       |          | 8        | 12       | 11       | 8        | 13       | 10       |
| 1. Adopt Final Work Plan for FY20.                                                                          | Chair; Full Commission        |           | x         |          |           |           |          |          |          |          |          |          |          |          |
| 2. Continue to discuss implementation of, and make possible recommendations on, 1000 Person Plan.           | Full Commission               |           | x         |          | x         | x         | x        |          | x        | x        | x        | x        | x        | x        |
| 3. Coordinate with other relevant commissions as needed and requested including Measure P panel.            | Full Commission               |           | x         |          | x         | x         | x        |          | x        | x        | x        | x        | x        | x        |
| 4. Discussion/make recommendations on affordable housing as related to persons who are homeless.            | Full Commission               |           | x         |          | x         | x         | x        |          | x        | x        | x        | x        | x        | x        |
| 5. Discussion/monitoring of sanitation facilities and trash pick-up for encampments.                        | Subcommittee; Full Commission |           | x         |          | x         | x         | x        |          | x        |          |          |          |          |          |
| 6. Discussion/possible recommendations on 2019 Berkeley-specific Homeless Count.                            | Full Commission               |           |           |          | x         | x         |          |          |          |          |          |          |          |          |
| 7. Continued input to Council on inclusionary housing and expanding other housing options for the homeless. | Full Commission               |           | x         |          | x         | x         | x        |          | x        | x        | x        | x        | x        | x        |
| 8. Continued input to Council on identifying locations for RV dwellers.                                     | Full Commission               |           | x         |          | x         | x         | x        |          | x        | x        | x        | x        | x        | x        |
| 9. Respond to Council referral on homeless youth policy.                                                    | Subcommittee; Full Commission |           | x         |          | x         | x         | x        |          |          |          |          |          |          |          |
| 10. Respond to Council referral on encampment models.                                                       | Subcommittee; Full Commission |           | x         |          | x         | x         | x        |          |          |          |          |          |          |          |

FY20 WORK PLAN & TIMELINE to GUIDE the HOMELESS COMMISSION

Approved by the Commission on: 7/10/2019

|                                                                                                                  |                 |  |   |  |   |   |   |  |   |   |   |   |   |   |
|------------------------------------------------------------------------------------------------------------------|-----------------|--|---|--|---|---|---|--|---|---|---|---|---|---|
| 11. Discussion/possible recommendations on employment strategies for the homeless.                               | Full Commission |  | x |  | x | x | x |  |   |   |   |   |   |   |
| 12. Discussion/make recommendations on implementation of City ordinances/policies impacting on homeless persons. | Full Commission |  | x |  | x | x | x |  | x | x | x | x | x | x |



All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

**City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**Records Online**

<http://www.cityofberkeley.info/recordsonline>

To search for communications associated with a particular City Council meeting using Records Online:



1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF